

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

TWENTY-FOURTH 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

Friday, May 2, 1997

The House of Representatives was called to order at 10:30 A.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	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	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	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	Mitchell	Willard-Lewis
Fontenot	Montgomery	Windhorst
Forster	Morrell	Winston
Frith	Murray	Wright
Total—102		

ABSENT

Morrish	Riddle	Stelly
Total—3		

The Speaker announced that there were 102 members present and a quorum.

Prayer

Prayer was offered by Rev. William Lambert.

Pledge of Allegiance

Rep. Glover 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. Dimos, the reading of the Journal was dispensed with.

On motion of Rep. Thompson, the Journal of May 1, 1997, was corrected to reflect him as voting yea on final passage of House Bill No. 1270.

On motion of Rep. Dimos, the Journal of May 1, 1997, was adopted.

Privileged Report of the Legislative Bureau

May 1, 1997

To the Speaker and Members of the House of Representatives:

I am directed by your Legislative Bureau to submit the following report:

Senate Bill No. 50
 Reported without amendments.

Senate Bill No. 254
 Reported without amendments.

Senate Bill No. 263
 Reported with amendments.

Senate Bill No. 489
 Reported without amendments.

Senate Bill No. 609
 Reported with amendments.

Senate Bill No. 963
 Reported without amendments.

Senate Bill No. 1442
 Reported without amendments.

Respectfully submitted,

JIMMY N. DIMOS
 Chairman

**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. 37—
BY REPRESENTATIVE WILLARD-LEWIS
A RESOLUTION

To commend the Velocity Foundation, Incorporated of New Orleans for its effective programs of drug prevention, education, and intervention.

Read by title.

On motion of Rep. Willard-Lewis, and under a suspension of the rules, the resolution was adopted.

House and House Concurrent Resolutions

The following House and House Concurrent Resolutions lying over were taken up and acted upon as follows:

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.

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

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.

Under the rules, the above resolution was referred to the Committee on Commerce.

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.

Under the rules, the above resolution was referred to the Committee on Commerce.

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.

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

Ordered to the Senate.

Senate Concurrent Resolutions

The following Senate Concurrent Resolutions lying over were taken up and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 32—
BY SENATOR CAIN
A CONCURRENT RESOLUTION

To recognize the Four Winds Tribe, Louisiana Cherokee Confederacy as an Indian tribe.

Read by title.

Motion

On motion of Rep. John Smith, the resolution was returned to the calendar subject to call.

SENATE CONCURRENT RESOLUTION NO. 80—
BY SENATOR JONES
A CONCURRENT RESOLUTION

To authorize the governor, on behalf of the state, to enter into one or more cooperative endeavor agreements with the states of Arkansas and Mississippi for the purpose of enhancing or maintaining the economic well-being of the tri-state delta region.

Read by title.

Under the rules, the above resolution was referred to the Committee on Commerce.

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. 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.

Under the rules, the above bill was referred to the Committee on Labor and Industrial Relations.

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.

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

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.

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

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.

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

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.

Under the rules, the above bill was referred to the Committee on Ways and Means.

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.

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

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.

Under the rules, the above bill was referred to the Committee on Ways and Means.

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.

Under the rules, the above bill was referred to the Committee on Labor and Industrial Relations.

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.

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

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.

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

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.

Under the rules, the above bill was referred to the Committee on Health and Welfare.

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.

Under the rules, the above bill was referred to the Committee on Civil Law and Procedure.

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.

Under the rules, the above bill was referred to the Committee on Civil Law and Procedure.

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.

Under the rules, the above bill was referred to the Committee on Health and Welfare.

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.

Under the rules, the above bill was referred to the Committee on Health and Welfare.

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.

Under the rules, the above bill was referred to the Committee on Health and Welfare.

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.

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

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.

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

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.

Under the rules, the above bill was referred to the Committee on Civil Law and Procedure.

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.

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

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.

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

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.

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

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.

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

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.

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

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.

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

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.

Under the rules, the above bill was referred to the Committee on Ways and Means.

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.

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

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.

Motion

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

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.

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

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.

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

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.

Under the rules, the above bill was referred to the Committee on Labor and Industrial Relations.

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.

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

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.

Under the rules, the above bill was referred to the Committee on Health and Welfare.

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.

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

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.

Under the rules, the above bill was referred to the Committee on Labor and Industrial Relations.

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.

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

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.

Under the rules, the above bill was referred to the Committee on Health and Welfare.

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.

Under the rules, the above bill was referred to the Committee on Ways and Means.

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.

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

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.

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

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.

Called from the calendar.

Read by title.

On motion of Rep. Diez, the above bill was referred to the Committee on Insurance.

**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. 34—
BY REPRESENTATIVES DOWNER, BRUNEAU, AND LANCASTER
A RESOLUTION

To amend and readopt House Rules 6.11, 8.8, and 8.14 and to adopt House Rules 6.13(A)(5), 7.18, 7.19, and 7.20 of the Rules of Order of the House of Representatives to provide for the procedure for passage of duplicate bills.

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 Resolution No. 34 by Representatives Downer, Bruneau, and Lancaster

AMENDMENT NO. 1

On page 2, line 2, after "Senate bills" and before "on the" insert "for hearing"

AMENDMENT NO. 2

On page 2, line 13, delete "7.19." insert "7.18."

AMENDMENT NO. 3

On page 2, line 19, delete "House"

AMENDMENT NO. 4

On page 2, line 20, delete "of a Senate bill"

AMENDMENT NO. 5

On page 3, line 24, after "introduction" delete the semicolon ";" and "nor" and insert a comma "," and "or"

AMENDMENT NO. 6

On page 3, line 25, delete "withstanding"

AMENDMENT NO. 7

On page 3, line 26, after "form" delete the comma "," and delete the remainder of the line and delete line 27 and insert a period "."

AMENDMENT NO. 8

On page 4, line 16, after "Bureau" delete the remainder of the line and delete lines 17 and 18 and insert a period "." and "Upon the"

AMENDMENT NO. 9

On page 6, line 9, delete "accord" and insert "accordance"

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

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

**Senate Concurrent Resolutions
Reported by Committees**

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

SENATE CONCURRENT RESOLUTION NO. 20—

BY SENATOR LAMBERT

A CONCURRENT RESOLUTION

To urge and request the Board of Regents to study the need for and feasibility of establishing a two-year community college in Ascension Parish to be named the River Parishes Community College, as an institution of higher education under the management of the Board of Trustees for State Colleges and Universities.

Read by title.

Reported favorably by the Committee on Education.

On motion of Rep. Brun, 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. 98—

BY REPRESENTATIVE DOERGE

A JOINT RESOLUTION

Proposing to amend Article X, Section 10(A)(1) of the Constitution of Louisiana, relative to rulemaking by the State Civil Service Commission; to provide that the legislature may provide by law for legislative and gubernatorial oversight of all rules and fees, and emergency rules and fees, proposed or adopted by the State Civil Service Commission; to provide for such oversight and by whom it may be exercised; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Read by title.

Reported favorably by the Committee on House and Governmental Affairs.

Under the rules, the above bill was ordered engrossed and recommitted to the Committee on Civil Law and Procedure.

HOUSE BILL NO. 274—

BY REPRESENTATIVES HOLDEN AND JETSON

A JOINT RESOLUTION

Proposing to amend Article XI, Section 5 of the Constitution of Louisiana, to provide that the office of registrar of voters of East Baton Rouge Parish shall be an elective office; to provide for terms of office; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Read by title.

Reported favorably by the Committee on House and Governmental Affairs.

Under the rules, the above bill was ordered engrossed and recommitted to the Committee on Civil Law and Procedure.

HOUSE BILL NO. 303—

BY REPRESENTATIVES DOWNER, BRUCE, DUPRE, KENNARD, AND ROMERO

AN ACT

To enact R.S. 14:222.2, relative to the counterfeiting of cellular telephones; to create the crime of cellular telephone counterfeiting; to provide for definitions; to provide for penalties; 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. 470—

BY REPRESENTATIVE GREEN

A JOINT RESOLUTION

Proposing to amend Article XIII, Section 1(C) of the Constitution of Louisiana, to provide for the number of electors approving a constitutional amendment required for adoption of the constitutional amendment; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Read by title.

Reported favorably by the Committee on House and Governmental Affairs.

Under the rules, the above bill was ordered engrossed and recommitted to the Committee on Civil Law and Procedure.

HOUSE BILL NO. 577—

BY REPRESENTATIVE WILKERSON

AN ACT

To enact R.S. 46:460.4, relative to the Temporary Assistance for Needy Families Block Grant; to permit teen parents to live outside an adult-supervised living arrangement in cases of abuse; to authorize the secretary of the Department of Social Services to temporarily exempt from the work participation requirements a female recipient when sufficient evidence of domestic violence is presented; to authorize the secretary of the Department of Social Services to apply for waivers and promulgate necessary rules and regulations; 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. 577 by Representative Wilkerson

AMENDMENT NO. 1

On page 1, line 4, after "abuse;" delete the remainder of the line, delete line 5, and at the beginning of line 6, delete "working for work participation purposes" and insert in lieu thereof the following:

"to authorize the secretary of the Department of Social Services to temporarily exempt from the work participation requirements a female recipient"

AMENDMENT NO. 2

On page 2, at the end of line 16, change "shall" to "may"

AMENDMENT NO. 3

On page 2, at the beginning of line 17, delete "consider as working for work participation purposes" and insert in lieu thereof "temporarily exempt from the work participation requirements"

AMENDMENT NO. 4

On page 2, line 22, after the period "." delete the remainder of the line and delete line 23 through 26 in their entirety

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. 616—

BY REPRESENTATIVES ANSARDI, MARTINY, AND THORNHILL
AN ACT

To amend and reenact R.S. 22:253(B) and 1212(C), to enact R.S. 22:253(D), and to repeal R.S. 22:1220(E), relative to funeral policies and burial insurers; to provide for required benefits under a funeral policy; to provide relative to burial insurers and unfair trade practices; to provide relative to burial insurers and the requirements of good faith claims settlement practices; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Insurance.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Insurance to Original House Bill No. 616 by Representative Ansardi

AMENDMENT NO. 1

On page 1, line 2, after "22:253" delete "(A)," and insert in lieu thereof "(B) and" and after "(C)," delete "and 1220(E) and"

AMENDMENT NO. 2

On page 1, line 3, after "(D)," insert "and to repeal R.S. 22:1220(E),"

AMENDMENT NO. 3

On page 1, line 9, after "22:253" delete "(A)," and insert in lieu thereof "(B) and" and after "(C)" delete the comma "," and delete "and 1220(E)"

AMENDMENT NO. 4

On page 1, delete lines 12 through 17 in their entirety and on page 2, delete lines 1 through 13 in their entirety and insert in lieu thereof the following:

"§253. Funeral described; benefits payable

* * *

B.(1) If for any reason the beneficiary does not avail himself of the contractual services as set forth in the funeral policy, in lieu thereof, the policy shall provide for a stated cash payment, which shall not be less than one hundred percent of the face amount of the policy on policies written after the effective date of this Section.

(2) If the casket offered is not the casket described in the policy, the beneficiary may choose to not accept the offered casket and the funeral provider shall agree to substitute a casket other than the one offered by the funeral provider. The beneficiary shall be entitled to select and purchase the substitute casket at retail without forfeiting the remaining contractual funeral services specifically enumerated in the policy.

(3) If for any other reason the beneficiary and the funeral provider agree to substitute a casket other than the one described in the policy, the beneficiary shall be entitled to select and purchase the substitute casket at retail without forfeiting the remaining contractual funeral services specifically enumerated in the policy.

* * *

D. No funeral service policies as described in R.S. 22:252, R.S. 22:253, R.S. 22:291(1), R.S. 22:332, and R.S. 22:337, shall be sold after twelve o'clock midnight December 31, 1997.

* * *

AMENDMENT NO. 5

On page 2, line 18, after "society," delete "burial insurer," and insert in lieu thereof the following:

"industrial and burial insurer, or to any insurer that markets under the Home Service Marketing distribution method and issues a majority of its policies on a weekly or monthly basis,"

AMENDMENT NO. 6

On page 3, delete lines 1 through 12 in their entirety and insert in lieu thereof the following:

"Section 2. R.S. 22:1220(E) is hereby repealed in its entirety."

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 681—
BY REPRESENTATIVE MCCAIN
A JOINT RESOLUTION

Proposing to amend Article X, Section 6(C) of the Constitution of Louisiana, to provide that the legislature may provide for additional qualifications of the director of state civil service; to provide for submission of the proposed amendment to the electors; 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. 681 by Representative McCain

AMENDMENT NO. 1

On page 1, line 3 after "provide" and before "qualifications" delete "for the" and insert "that the legislature may provide for additional"

AMENDMENT NO. 2

On page 2, delete lines 3 through 5 in their entirety and insert the following:

"(2) The legislature may provide by law for the qualifications of the director of the State Civil Service system, in addition to those provided by the State Civil Service Commission."

AMENDMENT NO. 3

On page 2, delete lines 13 through 15 in their entirety and insert the following:

"To provide that the legislature may provide by law for the qualifications of the director of the State Civil Service system, in addition to those provided by the State Civil Service Commission. (Amends Article X, Section 6(C))"

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

Under the rules, the above bill, as amended, was ordered engrossed and recommitted to the Committee on Civil Law and Procedure.

HOUSE BILL NO. 757—
BY REPRESENTATIVE RIDDLE
AN ACT

To amend and reenact R.S. 37:2802(A) and (C), relative to the Louisiana Board of Chiropractic Examiners; to provide for the appointment of board members; to provide for the qualifications of board members; to provide for the procedure for the filling of vacancies on the board; 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. 763—
BY REPRESENTATIVES THOMPSON AND DUPRE
AN ACT

To amend and reenact R.S. 14:95(G), relative to the crime of illegal carrying of weapons; to provide with respect to the carrying of concealed weapons by certain active and retired federal law enforcement officers; 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. 774—
BY REPRESENTATIVE WILKERSON
AN ACT

To enact R.S. 46:460.4, relative to the Incentive Award Program; to require the Department of Social Services in consultation with the Department of Education to develop and implement the award program; to require the department in developing the program to define the standards to be used to measure progress; to develop the procedure to be used to collect relevant data; to require the compilation of relevant data into an annual progress report which ranks the parishes according to progress made in the past year; to provide for the delivery of such report; and to provide for at least ten parishes that will be eligible for the award; to provide for distribution of the financial award; to provide for allowable uses of the award; to condition the award upon the receipt of federal bonus award funds by the state provided for in federal welfare reform legislation; 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. 781—
BY REPRESENTATIVES DOWNER, R. ALEXANDER, DEVILLE, DIMOS, DUPRE, FORSTER, LEBLANC, MCDONALD, MCMAINS, JOHN SMITH, STELLY, AND STRAIN
A JOINT RESOLUTION

Proposing a revision of Article IV of the Constitution of Louisiana, to be comprised of Sections 1 through 22 thereof, relative to the executive branch of state government; to provide for the organization and management of the executive branch of state government; for the appointment in lieu of election of certain state officials when provided by law enacted by a two-thirds vote of each house of the legislature; for succession to the office of governor; to provide for the inability of the governor to serve; to provide for submission of the proposed amendment to the electors; 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. 781 by Representative Downer, et al.

AMENDMENT NO. 1

On page 1, line 2, after "Proposing" delete the remainder of the line and delete lines 3 through 12, and insert in lieu thereof:

"a revision of Article IV of the Constitution of Louisiana, to be comprised of Sections 1 through 22 thereof, relative to the executive branch of state government; to provide for the organization and management of the executive branch of state government; for the appointment in lieu of election of certain state officials when provided by law enacted by a two-thirds vote of each house of the legislature; for succession to the office of governor; to provide for the inability of the governor to serve; to provide for submission of the"

AMENDMENT NO. 2

On page 2, delete lines 5 through 27, delete pages 3 through 18, and insert in lieu thereof:

"ARTICLE IV. EXECUTIVE BRANCH

§1. Composition; Number of Departments; Reorganization

Section 1.(A) Composition. The executive branch shall consist of the governor, ~~the lieutenant governor, secretary of state, attorney general, treasurer, commissioner of agriculture, commissioner of insurance, superintendent of education, commissioner of elections,~~ and all other executive offices, agencies, and instrumentalities of the state.

(B) Number of Departments. Except for the offices of governor and lieutenant governor, all offices, agencies, and other instrumentalities of the executive branch and their functions, powers, duties, and responsibilities shall be allocated according to function within not more than twenty departments. The powers, functions, and duties allocated by this constitution to any executive office or commission shall not be affected or diminished by the allocation provided herein, except as authorized by Section 20 of this Article.

(C) Reorganization. Reallocation of the functions, powers, and duties of all departments, offices, agencies, and other instrumentalities of the executive branch, except those functions, powers, duties, and responsibilities allocated by this constitution, shall be as provided by law.

§2. Qualifications

Section 2. To be eligible for any statewide elective office, a person, by the date of his qualification as a candidate, shall have attained the age of twenty-five years, be an elector, and have been a citizen of the United States and of this state for at least the preceding five years. ~~In addition, the attorney general shall have been admitted to the practice of law in the state for at least the five years preceding his election.~~ During his tenure in office, a statewide elected official shall hold no other public office except by virtue of his elected office.

§3. Election; Term

Section 3.(A) Election. Except as provided in Section 20 of this Article, the governor, lieutenant governor, secretary of state, attorney general, treasurer, commissioner of agriculture, commissioner of insurance, ~~superintendent of education,~~ and commissioner of elections each shall be elected for a term of four years by the electors

of the state at the time and place of voting for members of the legislature. The term of each such official shall begin at noon on the second Monday in January next following the election.

(B) Limitation on Governor. A person who has served as governor for more than one and one-half terms in two consecutive terms shall not be elected governor for the succeeding term.

(C) Additional Limitation. Except as provided by this constitution, no official shall be elected statewide.

(D) ~~Terms.~~⁽¹⁾ ~~Notwithstanding any other provision of this constitution or of law to the contrary, statewide elected officials and members of the legislature elected in 1987 shall hold office from and after the second Monday in March, 1988. These statewide elected officials and any successor elected to the unexpired term of any of them shall serve for terms which shall expire at noon on January 13, 1992. These members~~ Members of the legislature and any successor elected to the unexpired term of any of them shall serve for terms which shall expire at ten o'clock a.m. on ~~January 13, 1992; the second Monday in January of 1992 and every four years thereafter.~~ Thereafter, statewide elected officials and members of the legislature shall be elected for terms of four years.

⁽²⁾ For purposes of retirement, the statewide elected officials and members of the legislature elected in 1987 shall be deemed to be elected for a four-year term.

§4. Compensation

Section 4. Except as otherwise provided by this constitution, the compensation of each statewide elected official shall be provided by law.

§5. Governor; Powers and Duties

Section 5.(A) Executive Authority. The governor shall be the chief executive officer of the state. He shall faithfully support the constitution and laws of the state and of the United States and shall see that the laws are faithfully executed.

(B) Legislative Reports and Recommendations. The governor shall, at the beginning of each regular session, and may, at other times, make reports and recommendations and give information to the legislature concerning the affairs of state, including its complete financial condition.

(C) Departmental Reports and Information. When requested by the governor, a department head shall provide him with reports and information, in writing or otherwise, on any subject relating to the department, except matters concerning investigations of the governor's office.

(D) Operating and Capital Budget. The governor shall submit to the legislature an operating budget and a capital budget, as provided by Article VII, Section 11 of this constitution.

(E) Pardon, Commutation, Reprieve, and Remission; Board of Pardons.

(1) The governor may grant reprieves to persons convicted of offenses against the state and, upon recommendation of the Board of Pardons, may commute sentences, pardon those convicted of offenses against the state, and remit fines and forfeitures imposed for such offenses. However, a first offender never previously convicted of a felony shall be pardoned automatically upon completion of his sentence, without a recommendation of the Board of Pardons and without action by the governor.

(2) The Board of Pardons shall consist of five electors appointed by the governor, subject to confirmation by the Senate. Each member of the board shall serve a term concurrent with that of the governor appointing him.

(F) Receipt of Bills from the Legislature. The date and hour when a bill finally passed by the legislature is delivered to the governor shall be endorsed thereon.

(G) Item Veto.

(1) Except as otherwise provided by this constitution, the governor may veto any line item in an appropriation bill. Any item vetoed shall be void unless the veto is overridden as prescribed for the passage of a bill over a veto.

(2) The governor shall veto line items or use means provided in the bill so that total appropriations for the year shall not exceed anticipated revenues for that year.

(H) Appointments.

(1) The governor shall appoint, subject to confirmation by the Senate, the head of each department in the executive branch whose election or appointment is not provided by this constitution and the members of each board and commission in the executive branch whose election or appointment is not provided by this constitution or by law.

(2) Should the legislature be in regular session, the governor shall submit for confirmation by the Senate the name of an appointee within forty-eight hours after the appointment is made. Failure of the Senate to confirm the appointment, prior to the end of the session, shall constitute rejection.

(3) If the legislature is not in regular session, the governor may make interim appointments, which shall expire at the end of the next regular session, unless submitted to and confirmed by the Senate during that session.

(4) A person not confirmed by the Senate shall not be appointed to the same office during any recess of the legislature.

(I) Removal Power. The governor may remove from office a person he appoints, except a person appointed for a term fixed by this constitution or by law.

(J) Commander-in-Chief. The governor shall be commander-in-chief of the armed forces of the state, except when they are called into service of the federal government. He may call out these forces to preserve law and order, to suppress insurrection, to repel invasion, or in other times of emergency.

(K) Other Powers and Duties. The governor shall have other powers and perform other duties authorized by this constitution or provided by law.

§6. Lieutenant Governor; Powers and Duties

Section 6. The lieutenant governor shall serve ex officio as a member of each committee, board, and commission on which the governor serves. He shall exercise the powers delegated to him by the governor and shall have other powers and perform other duties in the executive branch authorized by this constitution or provided by law.

§7. Secretary of State; Powers and Duties

Section 7. There shall be a Department of State. The secretary of state shall head the department. ~~and~~ He shall be the chief election officer of the state. He shall prepare and certify the ballots for all elections, promulgate all election returns, and administer the election laws, except those relating to voter registration and custody of voting machines. He shall administer the state corporation and trademark laws; serve as keeper of the Great Seal of the State of Louisiana and attest therewith all official laws, documents, proclamations, and commissions; administer and preserve the official archives of the state; promulgate and publish all laws enacted by the legislature and retain the originals thereof; and countersign and keep an official registry of all commissions. He may administer oaths and shall have other powers and perform other duties authorized by this constitution or provided by law.

§8. Attorney General; Powers and Duties

Section 8. (A) There shall be a Department of Justice, headed by the attorney general. ~~who~~ He shall be the chief legal officer of the state. The attorney general shall be elected for a term of four years at the state general election. He shall have been admitted to the practice of law in the state for at least the five years preceding his election. The assistant attorneys general shall be appointed by the attorney general to serve at his pleasure.

(B) As necessary for the assertion or protection of any right or interest of the state, the attorney general shall have authority (1) to institute, prosecute, or intervene in any civil action or proceeding; (2) upon the written request of a district attorney, to advise and assist in the prosecution of any criminal case; and (3) for cause, when authorized by the court which would have original jurisdiction and subject to judicial review, (a) to institute, prosecute, or intervene in any criminal action or proceeding, or (b) to supersede any attorney representing the state in any civil or criminal action.

(C) The attorney general shall exercise other powers and perform other duties authorized by this constitution or by law.

§9. Treasurer; Powers and Duties

Section 9. There shall be a Department of the Treasury. The treasurer shall head the department. ~~and~~ He shall be responsible for the custody, investment, and disbursement of the public funds of the state, except as otherwise provided by this constitution. He shall report annually to the governor and to the legislature at least one month before each regular session on the financial condition of the state, and shall have other powers and perform other duties authorized by this constitution or provided by law.

§10. Commissioner of Agriculture and Forestry; Powers and Duties

Section 10. There shall be a Department of Agriculture and Forestry. The commissioner of agriculture and forestry shall head the department. ~~and~~ He shall exercise all functions of the state relating to the promotion, protection, and advancement of agriculture, except research and educational functions expressly allocated by this constitution or by law to other state agencies. The department shall exercise such functions and the commissioner shall have other powers and perform other duties authorized by this constitution or provided by law.

§11. Commissioner of Insurance; Powers and Duties

Section 11. There shall be a Department of Insurance, headed by the commissioner of insurance. The department shall exercise such functions and the commissioner shall have powers and perform duties authorized by this constitution or provided by law.

§12. Commissioner of Elections; Powers and Duties

Section 12. There shall be a Department of Elections and Registration. The commissioner of elections shall head the department and shall administer the laws relating to custody of voting machines and voter registration. He shall have other powers and perform other duties authorized by this constitution or provided by law.

§13. First Assistants; Appointment

Section 13. Each statewide elected official except the governor and lieutenant governor shall appoint a first assistant, subject to public confirmation by the Senate, and may remove him at his pleasure. The official shall submit the appointment to the Senate in the manner and subject to the procedures and limitations applicable to appointments submitted by the governor. The first assistant shall possess the qualifications required for election to the office.

§14. Vacancy in Office of Governor

Section 14. When a vacancy occurs in the office of governor, the order of succession shall be (1) the elected lieutenant governor, (2) ~~the elected secretary of state, (3) the elected attorney general, (4) the elected treasurer, (5)~~ the presiding officer of the Senate, House of Representatives, (6) (3) the presiding officer of the House of Representatives, Senate, and then ~~(7) (4)~~ as provided by law. The successor shall serve the remainder of the term for which the governor was elected.

§15. Vacancy in Office of Lieutenant Governor

Section 15. Should a vacancy occur in the office of lieutenant governor, the governor shall nominate a lieutenant governor, who shall take office upon confirmation by a majority vote of the elected members of each house of the legislature.

§16. Vacancies in Other Statewide Elective Offices

Section 16. A vacancy in a statewide elective office other than that of governor or lieutenant governor shall be filled by the first assistant. If the unexpired term exceeds one year, the office shall be filled by election at the next regularly scheduled congressional or statewide election, and the first assistant shall serve only until the person then elected takes office.

§17. Declaration of Inability by Statewide Elected Officials

Section 17. When a statewide elected official transmits to the presiding officers of the Senate and House of Representatives a written declaration of his inability to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, the person who would succeed to the office when a vacancy occurs shall assume the powers and duties of the office as acting official.

§18. Determination of Inability of Statewide Elected Official

Section 18.(A) Declaration and Counter-Declaration. (1) When a majority of the statewide elected officials determine that any other such official is unable to discharge the powers and duties of his office, they shall transmit a written declaration to this effect to the presiding officer of each house and to the official, and shall file a copy of the declaration in the office of the secretary of state. Thereafter, the constitutional successor shall assume the office as acting official unless, within forty-eight hours after the declaration is filed in the office of the secretary of state, the elected official files in that office and transmits to the presiding officer of each house his written counter-declaration of his ability to exercise the powers and perform the duties of his office.

(2) At any time there are fewer than three statewide elected officials serving, when the presiding officers of the two houses of the legislature and the lieutenant governor, by a two-thirds vote, determine that any statewide elected official is unable to discharge the powers and duties of his office, they shall transmit a written declaration to this effect to the official, and shall file a copy of the declaration in the office of the secretary of state. Thereafter, the constitutional successor shall assume the office as acting official unless, within forty-eight hours after the declaration is filed in the office of the secretary of state, the elected official files in that office and transmits to the presiding officer of each house his written counter-declaration of his ability to exercise the powers and perform the duties of his office.

(B) Determination by the Legislature. The legislature shall convene at noon on the third calendar day after the filing of any counter-declaration, which may be filed by the official at any time. Should two-thirds of the elected members of each house fail to adopt a resolution within seventy-two hours declaring probable justification for the determination that inability exists, the official shall continue in or resume office.

(C) Assumption of Office by Constitutional Successor. If two-thirds of the elected members of each house adopt a resolution declaring that probable justification exists for the declaration of inability, the constitutional successor shall assume the powers and duties of the office and a copy of the resolution shall be transmitted forthwith to the supreme court.

(D) Determination by Supreme Court. By preference and with priority over all other matters, the supreme court shall determine the issue of inability after due notice and hearing, by a majority vote of members elected to the court, under such rules as it may adopt.

(E) Reconsideration by Supreme Court. A judgment of the supreme court affirming inability may be reconsidered by the court, after due notice and hearing, either upon its own motion or upon the application of the official. Upon proper showing and by majority vote of its elected members, the court may determine that no inability then exists, whereupon the official shall immediately resume the powers and duties of his office.

§19. Temporary Absences

Section 19. When the governor is temporarily absent from the state, the lieutenant governor shall act as governor. When any other statewide elected official is temporarily absent from the state, the appointed first assistant shall act in his absence.

§20. Appointment of Officials; Education Superintendent; Merger, Consolidation of Offices, and Abolition, Merger of Departments

Section 20.(A) Appointment in Lieu of Election. After the first election of state officials following the effective date of this constitution, the The legislature may provide, by law enacted by two-thirds of the elected members of each house, for appointment, in lieu of election, of the secretary of state, the attorney general, the treasurer, the commissioner of agriculture and forestry, the commissioner of insurance, the superintendent of education, the commissioner of elections, or any of them. In that event, the legislature shall prescribe qualifications and method of appointment and by similar vote, may provide by law for the merger or consolidation of any such office, its department, and functions with any other office or department in the executive branch or for the abolition of such office, its department, and functions. No action of the legislature pursuant hereto shall reduce the term or compensation of any incumbent elected official. By law enacted by two-thirds of the elected members of each house, the legislature may reestablish

any such office as elective and, in that event, shall prescribe qualifications.

(B) Appointment of Superintendent of Education. The superintendent of education for public elementary and secondary education shall be appointed by the State Board of Elementary and Secondary Education as provided by this constitution and by law.

§21. Public Service Commission

Section 21.(A) Composition; Term; Domicile. There shall be a Public Service Commission in the executive branch. It shall consist of five members, who shall be elected for overlapping terms of six years at the time fixed for congressional elections from single member districts established by law. ~~Each commissioner serving on the effective date of this constitution shall be the commissioner for the new district in which he resides and shall complete the term for which he was elected.~~ The commission annually shall elect one member as chairman. It shall be domiciled at the state capital, but may meet, conduct investigations, and render orders elsewhere in this state.

(B) Powers and Duties. The commission shall regulate all common carriers and public utilities and have such other regulatory authority as provided by law. It shall adopt and enforce reasonable rules, regulations, and procedures necessary for the discharge of its duties, and shall have other powers and perform other duties as provided by law.

(C) Limitation. The commission shall have no power to regulate any common carrier or public utility owned, operated, or regulated on the effective date of this constitution by the governing authority of one or more political subdivisions, except by the approval of a majority of the electors voting in an election held for that purpose; however, a political subdivision may reinvest itself with such regulatory power in the manner in which it was surrendered. This Paragraph shall not apply to safety regulations pertaining to the operation of such utilities.

(D) Applications, Petitions, and Schedules; Protective Bond and Security.

(1) Within twenty days after a common carrier or public utility files a proposed rate schedule which would result in a change in rates, it shall give notice thereof by publication in the official state journal and in the official journal of each parish within the geographical area in which the schedule would become applicable.

(2) Within twelve months after the effective filing date, the commission shall render a full decision on each application, petition, and proposed rate schedule.

(3) After the effective filing date of any proposed schedule by a public utility which would result in a rate increase, the commission may permit the proposed schedule to be put into effect, in whole or in part, pending its decision on the application for rate increase and subject to protective bond or security approved by the commission. If no decision is rendered on the application within twelve months after such filing date, the proposed increase may be put into effect, but only if and as provided by law and subject to protective bond or security requirements, until final action by a court of last resort.

(4) If a proposed increase which has been put into effect is finally disallowed, in whole or in part, the utility shall make full refund, with legal interest thereon, within the time and in the manner prescribed by law.

(E) Appeals. Appeal may be taken in the manner provided by law by any aggrieved party or intervenor to the district court of the

domicile of the commission. A right of direct appeal from any judgment of the district court shall be allowed to the supreme court. These rights of appeal shall extend to any action by the commission, including but not limited to action taken by the commission or by a public utility under the provisions of Subparagraph (3) of Paragraph (D) of this Section.

§22. References to Abolished or Merged Offices and Departments

Section 22. Any reference in this constitution to any office or department which is merged or abolished shall be construed to mean the successor office or department.

Section 2. Be it further resolved that this proposed amendment shall be submitted to the electors of the state of Louisiana at the congressional primary election to be held in 1998.

Section 3. Be it further resolved that on the official ballot to be used at said election there shall be printed a proposition, upon which the electors of the state shall be permitted to vote FOR or AGAINST, to amend the Constitution of Louisiana, which proposition shall read as follows:

To revise Article IV of the Constitution of Louisiana, relative to the executive branch of state government; to provide for the organization and management of the executive branch of state government; to permit the legislature, by law enacted by a two-thirds vote of each house, to provide for the appointment, in lieu of election, of statewide elected officials, except the governor and lieutenant governor; and to provide for succession to the office of governor in the event of a vacancy. (Revises Art. IV)"

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

Under the rules, the above bill was ordered engrossed and recommitted to the Committee on Civil Law and Procedure.

HOUSE BILL NO. 1159—
BY REPRESENTATIVE WELCH
AN ACT

To amend and reenact R.S. 40:2116.34(A)(10), relative to minimum standards for home health agencies; to provide for qualifications of administrators of home health agencies; 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. 1271—
BY REPRESENTATIVE WALSWORTH
AN ACT

To enact R.S. 14:95(I), relative to the crime of illegal carrying of weapons; to provide with respect to the ownership and carrying of "rescue knives" by commissioned law enforcement officers; to provide with respect to the sale of those knives to those officers; to provide with respect to the ownership or possession of those knives by merchants; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Administration on 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. 1271 by Representative Walsworth

AMENDMENT NO. 1

On page 2, at the end of line 8, insert "No blade of a rescue knife shall exceed five inches in length."

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. 1377—

BY REPRESENTATIVES DOWNER AND WINDHORST
AN ACT

To enact Chapter 6-A of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:601 through 620, relative to DNA testing of certain criminal defendants; to establish DNA databases and data banks of DNA samples; to provide for definitions; to provide for powers and duties of state police; to provide for compatibility with the Federal Bureau of Investigation; to provide for instances where DNA samples are taken; to provide for certain procedures; to provide for imposition of costs; to provide for confidentiality; to provide for removal of records and destruction of samples; to create a DNA detection fund and provide for uses of monies in the fund; 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. 1377 by Representatives Downer and Windhorst

AMENDMENT NO. 1

On page 10, line 17, after "Unless the" and before "that undue" change "court finds" to "defendant shows"

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. 1383—

BY REPRESENTATIVE JOHNS
AN ACT

To amend and reenact R.S. 14:95(H), relative to the crime of illegal carrying of weapons and exceptions thereto; to authorize justices of the peace and constables to carry concealed handguns; 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. 1383 by Representative Johns

AMENDMENT NO. 1

On page 1, line 2, after "To" and before "relative" change "enact R.S. 14:95(I)," to "amend and reenact R.S. 14:95(H)," and after "weapons" and before the semicolon ";," insert "and exceptions thereto"

AMENDMENT NO. 2

On page 1, delete line 3, and insert "authorize justices of the peace and constables to carry concealed handguns;"

AMENDMENT NO. 3

On page 1, at the beginning of line 4, delete "handgun by a constable;"

AMENDMENT NO. 4

On page 1, line 6, after "Section 1." and before "to read" change "R.S. 14:95(I) is hereby enacted" to "R.S. 14:95(H) is hereby amended and reenacted"

AMENDMENT NO. 5

On page 1, delete lines 9 through 12, and insert the following:

"H. The provisions of this Section shall not prohibit active justices or judges of the supreme court, courts of appeal, district courts, parish courts, juvenile courts, family courts, city courts, and traffic courts, constables, and justices of the peace from possessing and concealing a handgun on their person a properly registered firearm or handgun when the justice, judge, constable, or justice of the peace is certified by the Council on Peace Officer Standards and 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. 1413—

BY REPRESENTATIVE BARTON
AN ACT

To enact R.S. 18:1300.22, relative to gaming elections; to provide for an election in Bossier Parish to allow an additional riverboat; to provide relative to the calling and conducting of the election; to provide relative to the effectiveness of the results of the election; to provide for applicability; 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. 1413 by Representative Barton

AMENDMENT NO. 1

On page 1, line 14, after "Louisiana," and before "be held" delete "shall" and insert "may be called by ordinance or resolution by the parish governing authority and may"

AMENDMENT NO. 2

On page 1, line 15, after "July" and before "1997," change "12" to "19" and after "1997," and before "to consider" insert "or on a succeeding appropriate date selected by the parish governing authority and as provided by law,"

AMENDMENT NO. 3

On page 2, line 1, after "Board" delete the remainder of the line and delete line 2 in its entirety and insert in lieu thereof "in accordance with the decision of the board entered on March 13, 1997."

AMENDMENT NO. 4

On page 2, line 6, after "Board" delete the remainder of the line and on line 7 delete "Entertainment Louisiana, L.L.C. ?" and insert in lieu thereof "as provided in the board decision entered on March 13, 1997?"

AMENDMENT NO. 5

On page 2, at the end of line 17, change the period " ." to a comma " ," and insert "including but not limited to those provisions providing for the responsibility of the parish governing authority to provide notice to the public as provided by law."

AMENDMENT NO. 6

On page 2, delete lines 18 and 19 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. 1581—
BY REPRESENTATIVE HOLDEN
AN ACT

To enact R.S. 49:953.1, relative to emergency rules; to provide for restrictions and limitations; to provide for permits; to provide for rights and obligations; 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. 1581 by Representative Holden

AMENDMENT NO. 1

On page 1, line 10 after "than" and before "within" delete "two times" and insert "once"

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. 1859—
BY REPRESENTATIVE WINDHORST
AN ACT

To enact R.S. 49:963(E), relative to administrative procedure; to provide relative to judicial review of rules; to allow certain rules to be declared invalid; 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. 1862—
BY REPRESENTATIVE R. ALEXANDER
AN ACT

To enact R.S. 46:924.1, relative to charity hospitals; to permit the refusal of nonemergency treatment or admission of certain individuals by any state-owned general hospital; 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. 1896—
BY REPRESENTATIVE PRATT
AN ACT

To enact R.S. 17:7(22), relative to the powers and duties of the State Board of Elementary and Secondary Education; to provide for the development, adoption, and implementation of a pilot program in eight elementary schools to departmentalize grades one through six; to provide relative to participation in such program, including the selection of schools; to require each participating school to study certain outcomes, create a strategic plan, and provide for a daily planning period; to provide for program implementation and evaluation; to provide for rules and regulations; 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. 1896 by Representative Pratt

AMENDMENT NO. 1

On page 2, line 12, after "basis" insert a period "." and delete the remainder of the line and delete line 13 and on line 14 delete "Paragraph volunteer to participate in the program."

AMENDMENT NO. 2

On page 2, line 15, after "1997," delete the remainder of the line

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. 1937—

BY REPRESENTATIVE FARVE

AN ACT

To enact R.S. 17:3983 and R.S. 36:651(L), relative to the Louisiana Equity in Schools Commission; to create such commission; to provide for commission powers and duties, membership, and compensation; to provide relative to commission meetings, vacancies, and reporting procedures; 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. 1937 by Representative Farve

AMENDMENT NO. 1

On page 1, line 6, after "procedures;" delete the remainder of the line and delete lines 7 and 8 and on line 9 delete "equipping of public elementary and secondary schools;"

AMENDMENT NO. 2

On page 2, line 3, after "meetings" delete the remainder of the line and delete line 4

AMENDMENT NO. 3

On page 3 delete lines 17 through 22 and at the beginning of line 23 change "(3)" to "(2)"

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. 1951—

BY REPRESENTATIVES DOWNER, R. ALEXANDER, BARTON, DEVILLE, DIMOS, DUPRE, FLAVIN, FORSTER, JOHNS, LEBLANC, MCDONALD, MCMAINS, MICHOT, SCALISE, JOHN SMITH, AND STELLY

AN ACT

To enact Chapter 23 of Title 36 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 36:931 through 937, to provide for the reorganization of the executive branch of state

government; to provide for further reorganization and consolidation within the executive branch of state government by creating and providing for the Joint Legislative Committee on Reorganization of the Executive Branch, including its membership, powers, and duties; and to provide for related matters.

Read by title.

Returned to the calendar subject to call.

HOUSE BILL NO. 2115—

BY REPRESENTATIVE DIMOS

AN ACT

To enact R.S. 22:220.1 through 220.11 and 2005.1, relative to health insurance; to provide for the certification of managed care programs offered by licensed health insurers; to provide for definitions; to provide for application for certification of programs; to provide for the issuance of certifications; to provide for the authority of managed care programs; to provide for suspension of certifications; to provide for requirements; to provide for confidentiality of medical information; to provide for fees; to provide for an annual notification and disclosure of information; to provide for conversion of certificates of authority; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Insurance.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Insurance to Original House Bill No. 2115 by Representative Dimos

AMENDMENT NO. 1

On page 2, delete lines 23 through 26 in their entirety and on page 3, delete lines 1 and 2 in their entirety and insert the following:

"Health insurer" means an insurer as defined under R.S. 22:5(2) that holds a valid health and accident certificate of authority issued by the Louisiana Department of Insurance."

AMENDMENT NO. 2

On page 3, between lines 6 and 7 insert the following:

"(7) "Managed care program" means a plan of insurance offered by a health insurer which requires an enrollee to use, or creates financial incentives for an enrollee to use, health care providers with whom the health insurer has direct or indirect contracts under which the health care providers assume all or a portion of the morbidity risks of such plans for a prepaid charge. The term "managed care program" shall not mean any contract with a health care provider which provides only for withholds, or discounted or negotiated fee-for-service payments, nor contracts between a health insurer and a health maintenance organization licensed under this Title."

AMENDMENT NO. 3

On page 3, at the beginning of line 7, change "(7)" to "(8)"

AMENDMENT NO. 4

On page 4, delete lines 25 through 27 in their entirety and on page 5, delete lines 1 through 3 and insert in lieu thereof the following:

Page 18 HOUSE

24th Day's Proceedings - May 2, 1997

"a nationally recognized accrediting body or entity recognized by the commissioner. The description of procedures and programs for internal review of the quality of health care shall include an accreditation plan outlining the steps being taken to become fully accredited."

AMENDMENT NO. 5

On page 5, between lines 24 and 25 insert the following:

"D. In order to qualify for the "managed care certification" each health insurer shall meet the capital and surplus requirements of either R.S. 22:71.1 or R.S. 22:121.1. In addition, the applicant shall be required to maintain an additional one million dollar statutory deposit required pursuant to R.S. 22:2010(A),(B), (D), (E), (F), and (G)."

AMENDMENT NO. 6

On page 5, line 26, after "A." delete "Within ninety days of" and insert in lieu thereof "After"

AMENDMENT NO. 7

On page 6, between lines 21 and 22 insert the following:

"(3) The health insurer has been actively and continuously issuing health insurance policies in this state for a period of no less than five years prior to the date of the completed application."

AMENDMENT NO. 8

On page 7, delete lines 4 and 5 in their entirety and insert in lieu thereof the following:

"Subject to the provisions of R.S. 22:226.6(E) and regulations promulgated by the commissioner pursuant to R.S. 22:2006, a certified managed care program shall be"

AMENDMENT NO. 9

On page 8, delete lines 13 through 16 in their entirety

AMENDMENT NO. 10

On page 8, line 17, change "B." to "A."

AMENDMENT NO. 11

On page 8, line 23, change "C." to "B."

AMENDMENT NO. 12

On page 9, delete lines 6 and 7 and insert in lieu thereof the following:

"(2) A listing of compensation mechanisms utilized to pay providers including incentive arrangements."

AMENDMENT NO. 13

On page 9, line 15, change "D." to "C."

AMENDMENT NO. 14

On page 9, line 23, change "E." to "D."

AMENDMENT NO. 15

On page 10, line 9, change "F." to "E."

AMENDMENT NO. 16

On page 10, line 10, after "R.S. 22:" and before "2021" insert "2017 and"

AMENDMENT NO. 17

On page 10, between lines 11 and 12, insert the following:

"G. Every managed care program shall be subject to the same record keeping and documentation safeguarding requirements applicable to domestic health maintenance organizations under Chapter 2, Part XII of this Title."

AMENDMENT NO. 18

On page 12, delete lines 15 through 17 in their entirety

AMENDMENT NO. 19

On page 16, line 17, after "under this" delete "part," and insert the following:

"Part, who has been actively and continuously issuing subscriber agreements and enrolling plan members in this state for a period of no less than five years prior to the date of the completed application, and"

AMENDMENT NO. 20

On page 17, line 26, after "program" insert "under R.S. 22:220.1 through 220.11"

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 2122— BY REPRESENTATIVE PERKINS AN ACT

To enact R.S. 17:72.1, relative to the municipal school system in Baker, Louisiana; to create an interim school board for the system; to provide for board membership, including number of members, method of appointment, qualifications, terms of office, and vacancies; to provide relative to the powers, duties, and responsibilities of the board; to provide limitations; to provide for applicability of certain statutory provisions relative to open meetings and public records; to provide for implementation; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Education.

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 2202— BY REPRESENTATIVE THORNHILL AN ACT

To amend and reenact R.S. 22:1113(D)(1), relative to insurance agents; to prohibit the improper cancellation of agency contracts between the agent and the insurer; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Insurance.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Insurance to Original House Bill No. 2202 by Representative Thornhill

AMENDMENT NO. 1

On page 2, line 11, delete "No" and insert in lieu thereof "With respect to commissions payable, no"

AMENDMENT NO. 2

On page 2, line 11, after "appointing" insert "property and casualty"

AMENDMENT NO. 3

On page 2, at the end of line 11, add "and health maintenance organization"

AMENDMENT NO. 4

On page 2, line 13, delete "is" and insert in lieu thereof "are"

AMENDMENT NO. 5

On page 2, at the end of line 13, delete "or no longer"

AMENDMENT NO. 6

On page 2, line 14, delete "requires any services by the agent."

AMENDMENT NO. 7

On page 2, delete lines 21 and 22 in their entirety and insert in lieu thereof "the insurer may bring an action in a court of competent jurisdiction. If the court determines that the cancellation was a violation of"

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 2206—

BY REPRESENTATIVES CLARKSON AND MURRAY
AN ACT

To amend and reenact R.S. 22:657(D)(2) and to enact R.S. 22:657(E) and 2027(E) and (F), and R.S. 40:2207, and 2207.1, relative to health insurance, to provide a definition for emergency medical condition; to prohibit pre-certification for emergency care; to prohibit retrospective denial or reduction of payment for emergency care; to require dissemination of information regarding requirements; to provide for penalties; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Insurance.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Insurance to Original House Bill No. 2206 by Representative Clarkson

AMENDMENT NO. 1

On page 1, line 2, after "to enact R.S. 22:" insert "657(E) and" and after "2027(E)" insert "and (F)"

AMENDMENT NO. 2

On page 1, line 3, after "2207" insert "and 2207.1"

AMENDMENT NO. 3

On page 1, line 11, after "22:" insert "657(E) and" and after "2027(E)" delete "is" and insert in lieu thereof "and (F) are"

AMENDMENT NO. 4

On page 2, at the end of line 12, delete "or"

AMENDMENT NO. 5

On page 2, line 13, after "part" and before the period "." insert the following:

" or in the case of a pregnant woman, serious threat to the health of the fetus"

AMENDMENT NO. 6

On page 2, line 15, after "including" delete the remainder of the line

AMENDMENT NO. 7

On page 2, line 20, after "including" delete "but not limited to"

AMENDMENT NO. 8

On page 2, line 23, after "screening" insert "and evaluation" and after "be an" insert "actual" and after "emergency" delete "condition"

AMENDMENT NO. 9

On page 2, delete lines 24 through 27 in their entirety and on page 3, delete lines 1 and 2 in their entirety

AMENDMENT NO. 10

On page 3, line 3, change "(e)" to "(d)" and after "of this" change "Paragraph" to "Subsection"

AMENDMENT NO. 11

On page 3, line 4, after "penalties," insert "payable to the Department of Insurance" and after "addition to" insert the following:

"provider reimbursement of usual and customary charges for rendering emergency services including screening, evaluation, and stabilization and"

AMENDMENT NO. 12

On page 3, line 9, change "(f)" to "(e)"

AMENDMENT NO. 13

On page 3, between lines 12 and 13 insert the following:

Page 20 HOUSE

24th Day's Proceedings - May 2, 1997

"E. An insurer shall educate its insureds and affiliated providers regarding all applicable policies related to emergency care access, coverage, payment, and grievance procedures. It is the ultimate responsibility of the insurer to inform any contracted third party administrators, independent contractors, or primary care providers about the emergency care provisions contained in this Section."

AMENDMENT NO. 14

On page 3, at the end of line 17, after "organization" insert "or other managed care organization"

AMENDMENT NO. 15

On page 3, line 26, after "function," delete "or"

AMENDMENT NO. 16

On page 3, line 27, after "part" and before the period "." insert the following:

" or in the case of a pregnant woman, serious threat to the health of the fetus"

AMENDMENT NO. 17

On page 4, line 1, after "organization" insert "or other managed care organization"

AMENDMENT NO. 18

On page 4, at the end of line 2, delete "but"

AMENDMENT NO. 19

On page 4, at the beginning of line 3, delete "not limited to"

AMENDMENT NO. 20

On page 4, line 7, after "organization" insert "or other managed care organization"

AMENDMENT NO. 21

On page 4, at the end of line 8, delete "but not"

AMENDMENT NO. 22

On page 4, at the beginning of line 9, delete "limited to"

AMENDMENT NO. 23

On page 4, line 11, after "screening" insert "and evaluation"

AMENDMENT NO. 24

On page 4, line 12, after "be an" insert "actual" and after "emergency" delete "condition"

AMENDMENT NO. 25

On page 4, delete lines 13 through 19 in their entirety

AMENDMENT NO. 26

On page 4, line 20, change "(5)" to "(4)" and after "of this" change "Paragraph" to "Subsection"

AMENDMENT NO. 27

On page 4, line 21, after "organization" insert "or other managed care organization"

AMENDMENT NO. 28

On page 4, line 22, after "penalties" insert "payable to the Department of Insurance" and after "addition to" insert the following:

"provider reimbursement of usual and customary charges for rendering emergency services, including screening, evaluation, and stabilization, and"

AMENDMENT NO. 29

On page 5, line 1, change "(6)" to "(5)"

AMENDMENT NO. 30

On page 5, between lines 3 and 4, insert the following:

"(6) As used in this Subsection, the following definitions shall apply:

(a) "Managed care organization" means a licensed insurance company, hospital or medical benefit plan or program, health maintenance organization, integrated health care delivery system, an employer or employee organization, or a managed care contractor which operates a managed care plan. A managed care organization may include but is not limited to a preferred provider organization, health maintenance organization, exclusive provider organization, independent practice association, clinic without walls, management services organization, managed care services organization, physician hospital organization, and hospital physician organization.

(b) "Managed care plan" means a plan operated by a managed care entity which provides for the financing and delivery of health care and treatment services to individuals enrolled in such plan through its own employed health care providers or contracting with selected specific providers that conform to explicit selection, standards, or both. A managed care plan also customarily has a formal organizational structure for continual quality assurance, a certified utilization review program, dispute resolution, and financial incentives for individual enrollees to use the plan's participating providers and procedures.

F. A health maintenance organization or other managed care organization shall educate its enrollees, or subscribers and affiliated providers regarding all applicable policies related to emergency care access, coverage, payment, and grievance procedures. It is the ultimate responsibility of the health maintenance organization or other managed care organization to inform any contracted third party administrators, independent contractors, or primary care providers about the emergency care provisions contained in this Section."

AMENDMENT NO. 31

On page 5, line 4, after "2207" delete "is" and insert in lieu thereof "and 2207.1 are"

AMENDMENT NO. 32

On page 5, line 6, after "organization" insert "or other managed care organization"

AMENDMENT NO. 33

On page 5, line 15, after "function," delete "or"

AMENDMENT NO. 34

On page 5, line 16, after "part" and before the period "." insert the following:

" , or in the case of a pregnant woman, serious threat to the health of the fetus"

AMENDMENT NO. 35

On page 5, line 17, after "organization" insert "or other managed care organization"

AMENDMENT NO. 36

On page 5, at the end of line 18, delete "but not"

AMENDMENT NO. 37

On page 5, at the beginning of line 19, delete "limited to"

AMENDMENT NO. 38

On page 5, line 23, after "organization" insert "or other managed care organization"

AMENDMENT NO. 39

On page 5, line 24, after "including" delete the remainder of the line

AMENDMENT NO. 40

On page 6, line 1, after "screening" insert "and evaluation" and after "be an" insert "actual"

AMENDMENT NO. 41

On page 6, at the beginning of line 2, delete "condition"

AMENDMENT NO. 42

On page 6, delete lines 3 through 9 in their entirety and at the beginning of line 10, change "E." to "D."

AMENDMENT NO. 43

On page 6, line 11, after "organization" insert "or other managed care organization"

AMENDMENT NO. 44

On page 6, line 12, after "penalties," insert "payable to the Department of Insurance" and after "addition to" insert the following:

"provider reimbursement of usual and customary charges for rendering emergency services, including screening, evaluation, and stabilization, and"

AMENDMENT NO. 45

On page 6, line 16, change "F." to "E."

AMENDMENT NO. 46

On page 6, after line 18, insert the following:

"F. As used in this Subsection, the following definitions shall apply:

(1) "Managed care organization" means a licensed insurance company, hospital or medical benefit plan or program, health maintenance organization, integrated health care delivery system, an employer or employee organization, or a managed care contractor which operates a managed care plan. A managed care organization may include but is not limited to a preferred provider organization, health maintenance organization, exclusive provider organization, independent practice association, clinic without walls, management services organization, managed care services organization, physician hospital organization, and hospital physician organization.

(2) "Managed care plan" means a plan operated by a managed care entity which provides for the financing and delivery of health care and treatment services to individuals enrolled in such plan through its own employed health care providers or contracting with selected specific providers that conform to explicit selection, standards, or both. A managed care plan also customarily has a formal organizational structure for continual quality assurance, a certified utilization review program, dispute resolution, and financial incentives for individual enrollees to use the plan's participating providers and procedures.

§2207.1. Emergency care access; required education

A preferred provider organization or other managed care organization shall educate its enrollees or subscribers and affiliated providers regarding all applicable policies related to emergency care access, coverage, payment, and grievance procedures. It is the ultimate responsibility of the preferred provider organization or other managed care organization to inform any contracted third party administrators, independent contractors, or primary care providers about the emergency care provisions contained in R.S. 22:2207."

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 2220—

BY REPRESENTATIVE WRIGHT

AN ACT

To amend and reenact R.S. 33:1342(1) and to enact R.S. 33:1350.2, relative to local government self-insurance funds; to allow a state hospital association to form, join, and participate in interlocal risk management agencies; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Insurance.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Insurance to Original House Bill No. 2220 by Representative Wright

AMENDMENT NO. 1

On page 2, delete lines 23 through 26 in their entirety and insert in lieu thereof the following:

"C. The agency shall be subject to the provisions of R.S. 33:1345, 1346, 1347, 1348(A), 1349, and 1350. In addition, the commissioner of insurance or its chief examiner shall have the authority to examine the books, records, or officers of the agency for

the purpose of determining compliance with the provisions of this Section and to revoke the certificate of authority of the agency in the event the commissioner determines that the agency fails to comply with the provisions of this Section."

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 2258—
BY REPRESENTATIVE DIMOS

AN ACT

To enact R.S. 22:228.7, relative to health and accident insurance; to require health and accident insurers to provide coverage for certain anesthesia and hospital charges for dental procedures; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Insurance.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Insurance to Original House Bill No. 2258 by Representative Dimos

AMENDMENT NO. 1

On page 1, delete lines 11 through 15 in their entirety and insert in lieu thereof "coverage shall provide benefits for anesthesia when rendered in a hospital setting and for associated hospital charges when the mental or physical condition of the insured requires dental treatment to be rendered in a hospital setting."

AMENDMENT NO. 2

On page 2, at the end of line 2, add "For each patient who satisfies the criteria of Subsection A, a dentist shall consider the Indications for General Anesthesia, as published in the reference manual of the American Academy of Pediatric Dentistry, as utilization standards for determining whether performing dental procedures necessary to treat the particular condition or conditions of the patient under general anesthesia constitutes appropriate treatment."

AMENDMENT NO. 3

On page 2, line 5, after "plan" add "excluding temporal mandibular joint (TMJ) disorders."

AMENDMENT NO. 4

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

"D. An insurer under this Section may restrict coverage to include only procedures performed by:

(1) A fully accredited specialist in pediatric dentistry or other dentists fully accredited in a recognized dental specialty for which hospital privileges are granted.

(2) A dentist who is certified by virtue of completion of an accredited program of post-graduate hospital training to be granted hospital privileges.

(3) A dentist who has not yet satisfied the certification requirements, but has been granted hospital privileges as of January 1, 1998."

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 2277—
BY REPRESENTATIVE ANSARDI
AN ACT

To amend and reenact R.S. 22:349, relative to funeral service insurers; to increase the interval between required examinations of certain insurers by the Department of Insurance; 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. 2307—
BY REPRESENTATIVE THORNHILL
AN ACT

To enact R.S. 22:1118(F)(4), relative to insurance agents; to permit insureds and applicants to select their insurance agents in certain instances; to prohibit commissions to be paid to agents in certain instances; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Insurance.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Insurance to Original House Bill No. 2307 by Representative Thornhill

AMENDMENT NO. 1

On page 1, line 16, after "shall pay a" insert "renewal"

AMENDMENT NO. 2

On page 1, line 17, after "the" delete "the insured or applicant." and insert in lieu thereof "the insured."

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 2312—
BY REPRESENTATIVE SHAW
AN ACT

To enact R.S. 14:333.1, relative to crimes affecting the public generally; to provide with respect to the manufacture,

distribution, sale, or offer of illegal identification cards; 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. 2455—
BY REPRESENTATIVE WINDHORST
AN ACT

To amend and reenact R.S. 49:968(G), relative to the Administrative Procedure Act; to provide for the procedure for the proposal and adoption of rules found to be acceptable and unacceptable by a legislative committee; to provide for the time period for gubernatorial action regarding the suspension or veto of certain rules and regulations; 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. 2455 by Representative Windhorst

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 49:968(G)" delete "and 970," and insert a comma ","

AMENDMENT NO. 2

On page 1, line 6, after "veto of" and before "rules" insert "certain"

AMENDMENT NO. 3

On page 1, line 9, after "R.S. 49:968(G)" delete "and 970 are" and insert "is"

AMENDMENT NO. 4

On page 2, delete lines 17 through 23

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. 2456—
BY REPRESENTATIVE WINDHORST
AN ACT

To amend and reenact R.S. 49:968(G) and 969, relative to the Administrative Procedure Act; to provide relative to the publication of concurrent resolutions adopted by the legislature affecting rules, regulations, or fees adopted by an agency; to provide for the effectiveness of such changes; to change the time

period for the proposal of rules similar to disapproved rules; 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. 2467—
BY REPRESENTATIVES MARIONNEAUX AND WINDHORST
AN ACT

To enact R.S. 40:1485.10, relative to the regulation of charitable gaming; to provide with respect to venue in civil proceedings involving charitable gaming licensees; 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. 2467 by Representative Marionneaux and Windhorst

AMENDMENT NO. 1

On page 1, line 9, after "for" delete the remainder of the line and delete lines 10 and 11 in their entirety and on line 12 delete "to which a charitable gaming licensee is a party" and insert in lieu thereof the following:

"judicial review or appeal from any administrative proceeding involving a charitable gaming licensee or license applicant"

AMENDMENT NO. 2

On page 1, at the end of line 13, delete the period "." and insert "or applicant."

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 Concurrent Resolutions Returned
from the Senate with Amendments**

The following House Concurrent Resolutions returned from the Senate with amendments were taken up and acted upon as follows:

**HOUSE CONCURRENT RESOLUTION NO. 137 (Substitute
for House Concurrent Resolution No. 7 by Representative
John Smith)—**

BY REPRESENTATIVE JOHN SMITH
A CONCURRENT RESOLUTION

To recognize the Four Winds Tribe, Louisiana Cherokee Confederacy, as an Indian tribe and to memorialize the Congress of the United States to do the same.

Page 24 HOUSE

24th Day's Proceedings - May 2, 1997

Read by title.

The above resolution was taken up with the amendments proposed by the Senate.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Cain to Reengrossed House Concurrent Resolution No. 137 by Representative John Smith

AMENDMENT NO. 1

On page 1, line 3, after "tribe" insert a period "." and delete the remainder of the line and delete line 4

AMENDMENT NO. 2

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

"BE IT FURTHER RESOLVED that the Four Winds Tribe, Louisiana Cherokee Confederacy will agree in writing with the Governor of the state of Louisiana not to apply in the next 99 years for any gaming license, compact or permit for any reservation within Louisiana prior to the resolution being effective.

BE IT FURTHER RESOLVED that in the event it is not agreed to by the tribe, the resolution is hereby null and void."

AMENDMENT NO. 3

On page 3, delete lines 1 and 2

Rep. John Smith moved that the amendments proposed by the Senate be concurred in.

ROLL CALL

The roll was called with the following result:

YEAS

Table listing names of representatives who voted 'YEAS' in three columns: Mr. Speaker, Frith, Murray, Alario, Fruge, Odinet, Alexander, A.—93rd, Gautreaux, Perkins, Alexander, R.—13th, Glover, Pierre, Ansardi, Green, Pinac, Baudoin, Guillory, Powell, Baylor, Hammett, Pratt, Bowler, Heaton, Quezaire, Bruce, Hebert, Romero, Brun, Hill, Rousselle, Bruneau, Holden, Salter, Carter, Hopkins, Schneider, Chaisson, Hudson, Shaw, Clarkson, Iles, Smith, J.D.—50th, Copelin, Jetson, Smith, J.R.—30th, Crane, Johns, Strain, Curtis, Kennard, Theriot, Damico, Kenney, Thomas, Daniel, Lancaster, Thompson, Deville, Landrieu, Thornhill, DeWitt, LeBlanc, Toomy, Diez, Long, Travis, Dimos, Marionneaux, Triche, Doerge, Martiny, Vitter, Donelon, McCain, Walsworth, Dupre, McCallum, Warner, Durand, McDonald, Welch, Farve, McMains, Wilkerson

Table listing names of representatives who voted 'NAYS' in three columns: Flavin, Michot, Willard-Lewis, Fontenot, Montgomery, Winston, Forster, Morrell, Wright, Total—93

NAYS

Table listing names of representatives who voted 'ABSENT' in two columns: Scalise, Windhorst, Total—2

ABSENT

Table listing names of representatives who voted 'YEAS' in three columns: Barton, Mitchell, Weston, Faucheux, Morrish, Wiggins, Hunter, Riddle, Jenkins, Stelly, Total—10

The amendments proposed by the Senate were concurred in by the House.

House Bills and Joint Resolutions Returned from the Senate with Amendments

The following House Bills and Joint Resolutions returned from the Senate with amendments were taken up and acted upon as follows:

HOUSE BILL NO. 475— BY REPRESENTATIVE PIERRE AN ACT

To enact R.S. 11:2260(A)(11)(g), relative to the Firefighters' Retirement System; to provide with respect to membership; to authorize the Firemen's Pension and Relief Fund for the city of Lafayette to merge into the statewide Firefighters' Retirement System; and to provide for related matters.

Read by title.

The above bill was taken up with the amendments proposed by the Senate.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Engrossed House Bill No. 475 by Representative Pierre

AMENDMENT NO. 1

On page 1, line 19, following "into" insert "an"

Rep. Pierre moved that the amendments proposed by the Senate be concurred in.

ROLL CALL

The roll was called with the following result:

YEAS

Table listing names of representatives who voted 'YEAS' in three columns: Mr. Speaker, Frith, Perkins, Alario, Fruge, Pierre, Alexander, A.—93rd, Gautreaux, Pinac, Alexander, R.—13th, Glover, Powell, Ansardi, Green, Pratt, Barton, Guillory, Quezaire, Baudoin, Hammett, Romero, Baylor, Heaton, Rousselle, Bowler, Hebert, Salter, Bruce, Holden, Scalise

Brun	Hopkins	Schneider
Bruneau	Hudson	Shaw
Carter	Hunter	Smith, J.D.—50th
Chaisson	Iles	Smith, J.R.—30th
Clarkson	Jetson	Strain
Copelin	Johns	Theriot
Crane	Kennard	Thomas
Damico	Kenney	Thompson
Daniel	Lancaster	Thornhill
Deville	Landrieu	Toomy
DeWitt	LeBlanc	Travis
Diez	Long	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	Murray	Windhorst
Forster	Odinot	Wright
Total—96		

NAYS

Total—0

ABSENT

Curtis	Marionneaux	Riddle
Hill	Mitchell	Stelly
Jenkins	Morrish	Winston
Total—9		

The amendments proposed by the Senate were concurred in by the House.

HOUSE BILL NO. 1162—

BY REPRESENTATIVES R. ALEXANDER, DOWNER, DEWITT, BAYLOR, BRUCE, CLARKSON, CRANE, DEVILLE, DOERGE, DUPRE, FLAVIN, KENNARD, MCMAINS, POWELL, RIDDLE, SHAW, JACK SMITH, THOMAS, THOMPSON, TOOMY, WALSWORTH, DANIEL, MCCALLUM, MONTGOMERY, AND PERKINS AND SENATORS DARDENNE, HINES, EWING, BARHAM, BEAN, CRAVINS, ELLINGTON, GREENE, ROBICHAUX, SCHEDLER, AND TARVER AND REPRESENTATIVES ALARIO, A. ALEXANDER, ANSARDI, BARTON, BAUDOIN, CARTER, COPELIN, CURTIS, DIMOS, DONELON, FAUCHEUX, FRITH, FRUGE, GAUTREAU, GUILLORY, HEATON, HEBERT, HILL, HUDSON, HUNTER, JOHNS, KENNEY, LANCASTER, LANDRIEU, LEBLANC, LONG, MARTINY, MCDONALD, MICHOT, MORRISH, MURRAY, ODINET, PIERRE, PINAC, PRATT, QUEZAIRE, ROMERO, ROUSSELLE, SALTER, SCALISE, SCHNEIDER, JOHN SMITH, STRAIN, THORNHILL, TRAVIS, TRICHE, VITTER, WARNER, WELCH, WIGGINS, WILLARD-LEWIS, AND WRIGHT

AN ACT

To amend and reenact R.S. 17:3215(6), R.S. 36:251(B), R.S. 38:2212(A)(1)(f)(iv) and (K), R.S. 39:1554(D)(4) and (5), R.S. 40:2018.1(A) and (B)(6), 2241(A)(3), 2251(A)(3), 2742(B)(1)(introductory paragraph), R.S. 45:836(introductory paragraph), and R.S. 46:160.8(A)(3)(a) and 1072(2)(b), to enact Subpart C-2 of Part II of Chapter 4 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:1519 through 1519.8, R.S. 22:3021, R.S. 36:254(A)(14) and 259(FF), R.S. 38:2212(A)(1)(f)(v) and 2221(B)(4), and R.S. 40:2742(B)(4), and to repeal R.S. 39:101(B)(3), R.S. 40:2742(B)(1)(f), R.S. 45:836(8), and Parts I and II of Chapter 6 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:701 through 709 and 751 through 776, respectively, relative to the delivery of health care services; to transfer public hospitals and their funds, property, records, obligations, functions, and employees from the Louisiana Health Care Authority to the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College; to provide

for the operation of public hospitals by the Louisiana State University Medical Center under the overall direction, supervision, and management of the board; to provide for the health care services division of the medical center; to provide for the powers and duties of board, the medical center and its chancellor, and the division, including provisions for funds and funding and the issuance of debt; to provide for legislative approval for certain actions and for certain reports to the legislature and legislative committees; to abolish the Louisiana Health Care Authority; to provide for the administration of the Medical Center of Louisiana at New Orleans; to provide for the administration of the Huey P. Long Medical Center; to create and provide for the membership, powers, and duties of the Medical Education Commission; to provide for membership on certain boards and commissions; to provide relative to the powers and duties of the secretary of the Department of Health and Hospitals; to repeal provisions related to Charity Hospital at New Orleans; to provide for an effective date; and to provide for related matters.

Called from the calendar.

Read by title.

The above bill was taken up with the amendments proposed by the Senate.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Reengrossed House Bill No. 1162 by Representative Rodney Alexander, et al.

AMENDMENT NO. 1

On page 1, at the beginning of line 3, delete "38:2212(A)(1)(f)(iv) and (K), R.S."

AMENDMENT NO. 2

On page 1, line 9, after "22:3021" and before the comma "," insert "and 3022" and delete "R.S. 38:2212(A)(1)(f)(v)" and on line 10, delete "and 2221(B)(4),"

AMENDMENT NO. 3

On page 8, line 15, after "thereafter" delete the remainder of the line and at the beginning of line 16, delete "board" and insert the following:

"as requested by the Joint Legislative Committee on the Budget and the House and Senate Committees on Health and Welfare"

AMENDMENT NO. 4

On page 8, line 22, delete "No hospital shall" and insert "The board or the division shall not authorize a hospital to"

AMENDMENT NO. 5

On page 8, line 24, delete "twenty-five" and insert "ten"

AMENDMENT NO. 6

On page 9, line 6, after the period "." insert the following:

"No later than thirty days after its receipt of the proposed rule change and report, the Senate and House Committees on Health and Welfare may reject the proposed rule. If either committee rejects the proposed

Page 26 HOUSE

24th Day's Proceedings - May 2, 1997

rule, the committee shall immediately submit its reasons for rejection to the governor. No later than ten days after receipt of the reasons for rejection, the governor may veto the committee rejection. Unless the governor timely vetoes the committee rejection, the medical center shall not adopt the proposed rule."

AMENDMENT NO. 7

On page 9, line 10, after the period "." insert the following:

"If an emergency rule is promulgated, no later than six months after promulgation, the emergency rule shall expire unless a permanent rule has been adopted."

AMENDMENT NO. 8

On page 11, line 3, after "a" delete the remainder of the line and insert "semiannual basis or as requested by either committee."

AMENDMENT NO. 9

On page 11, line 7, after "area" insert "except when required by a managed care plan approved by the commissioner of insurance"

AMENDMENT NO. 10

On page 11, line 14, after "uninsured" insert "or those with emergency medical conditions or requiring services not otherwise available"

AMENDMENT NO. 11

On page 12, line 1, delete "To" and insert "(a) Except as limited by Subparagraph (b) of this Paragraph, to"

AMENDMENT NO. 12

On page 12, between lines 7 and 8, insert the following:

"(b) This Paragraph shall not be construed to permit an executive session, unless authorized by R.S. 42:5.1 et seq., for the following purposes:

(i) To create a contractual obligation to provide any hospital health service or expend division funds.

(ii) To authorize the board or the division or any representative of the board or the division to:

(aa) Acquire, construct, or maintain any medical office building or facility.

(bb) Lease a medical office building or facility or any portion thereof.

(cc) Advertise in any medium.

(dd) Contract with or engage in a joint venture as authorized in R.S. 46:1077.

(ee) Implement any marketing strategy or strategic plan."

AMENDMENT NO. 13

On page 12, line 16, after "division" insert "for the betterment of patient care"

AMENDMENT NO. 14

On page 16, delete line 15, and insert "(d) The contractor shall" and on line 16, after "division" insert "wherever the services are provided"

AMENDMENT NO. 15

On page 18, line 14, after the period "." insert the following:

"The joint venture or contract shall be provided to a member no later than five days after requested by the member."

AMENDMENT NO. 16

On page 20, between lines 10 and 11, insert the following:

"(7)(a) The board may enter into contracts, joint ventures, cooperative endeavors, or any combination thereof, for hospital health services provided to the medically indigent or uninsured at nonprofit rural hospitals offering emergency care. Such contracts, joint ventures, cooperative endeavors, or any combination thereof, shall assist the hospitals to provide inpatient services to medically indigent and uninsured residents of the state within the service area of the hospital.

(b) Nothing in this Subsection shall be construed to require that a nonprofit rural hospital be accredited by the Joint Commission on Accreditation of Healthcare Organizations in order to participate in a contract, joint venture, or cooperative endeavor, or any combination thereof, as provided in this Paragraph.

(c) The board shall enter into a contract, joint venture, or cooperative endeavor, or any combination thereof, only pursuant to rules and regulations promulgated in accordance with R.S. 17:1519.2(D). Such rules and regulations shall include criteria for the determination of eligible rural nonprofit hospitals and of the service area of any such hospital and the methodology to determine funding and programs necessary to provide services to the medically indigent and uninsured state residents within a service area."

AMENDMENT NO. 17

On page 20, at the end of line 19, delete "and"

AMENDMENT NO. 18

On page 20, line 20, after "et seq." add ", and R.S. 15:1157"

AMENDMENT NO. 19

On page 21, line 9, after "supplies" insert ", pharmaceutical supplies,"

AMENDMENT NO. 20

On page 22, between lines 3 and 4 insert the following:

"(e) Safeguard the patient care mission of its respective hospital.

(f) Work with the local hospital administration and the board to educate the community about the role, functions, and impact of the hospital.

(g) Community advisory committee members shall serve without remuneration, but the committee may reimburse its members for expenses directly related to their service on the committee in accordance with state travel regulations established by the division of administration.

(h) Meetings of local advisory committees shall be subject to state open meetings laws and regulations."

AMENDMENT NO. 21

On page 22, line 4, after "(2)" insert "(a)"

AMENDMENT NO. 22

On page 22, line 5, after "receive" insert "a budget for"

AMENDMENT NO. 23

On page 22, line 6, after "from the" insert "division." and delete the remainder of the line, and at the beginning of line 7, delete "appointed."

AMENDMENT NO. 24

On page 22, at the end of line 7, insert "by the committee" and on line 8, delete "committee" and insert "division"

AMENDMENT NO. 25

On page 22, line 13, before "Recommendations" insert "(b)"

AMENDMENT NO. 26

On page 22, between lines 16 and 17, insert "(c) If the committee believes that proposed changes in health care services would undermine access in the community to needed health services or would undermine the quality of patient care, the committee shall send a resolution indicating its objections to the board."

AMENDMENT NO. 27

On page 22, line 23, after "professionals" insert "with nominations submitted by, but not limited to, the following organizations"

AMENDMENT NO. 28

On page 23, between lines 5 and 6, insert the following:

"(vi) The district of the Louisiana Hospital Association in which the division hospital is located.

(vii) Local chapters of the National Association of Social Workers."

AMENDMENT NO. 29

On page 23, line 6, after "leaders" insert "with nominations submitted by, but not limited to, the following organizations"

AMENDMENT NO. 30

On page 23, between lines 15 and 16, insert the following:

"(vii) Local interfaith organizations."

AMENDMENT NO. 31

On page 23, line 16, after "advocates" insert "with nominations submitted by, but not limited to, the following organizations"

AMENDMENT NO. 32

On page 24, line 1, after "services" insert "chosen from the community at large"

AMENDMENT NO. 33

On page 24, line 5, after "entities" insert "which are authorized to submit nominations to the board" and delete the remainder of the line and on line 6, delete "board is required to consult in making appointments"

AMENDMENT NO. 34

On page 24, delete lines 11 through 13 and insert "(h) Each community advisory committee shall select its own officers and establish bylaws which shall be approved by the board."

AMENDMENT NO. 35

On page 24, between lines 13 and 14, insert the following:

"(i) Each appointment to the community advisory committee shall be submitted to the Senate for confirmation.

(j) In the appointment of each community advisory committee, an effort shall be made to reflect the demographic diversity of the community the hospital serves including age, gender, race, and other relevant factors."

AMENDMENT NO. 36

On page 24, line 14, delete "medical center" and at the beginning of line 15, delete "or"

AMENDMENT NO. 37

On page 24, after line 26, insert the following:

"H. Notwithstanding any other law to the contrary, the division shall in all cases give preference to blind persons, under the administration of the Department of Social Services, in the operation of vending stands, vending machines, and other small business concessions to be operated on the premises. No other vending stands, vending machines, or small business concessions shall be operated on the same premises with vending stands, vending machines, or other small business concessions operated, or contemplated, under the provisions of this Subsection. No blind person shall be required to pay any fee, service charge, or equivalent thereof in the operation of a vending stand, vending machines, or other small business concessions in hospitals or the premises transferred pursuant to R.S. 17:1519 et seq., nor shall the blind person be disturbed in the security of the operation of the vending stand, vending machine, or small business concession in any way, without reasonable or just cause."

AMENDMENT NO. 38

On page 26, line 7, after "Section" insert a period "." and delete the remainder of the line and delete lines 8 through 10

AMENDMENT NO. 39

On page 27, line 10, after "expenses" insert "for the current fiscal year" and on line 13, after "budget" insert "for the current fiscal year" and on line 15, after "care" insert "and shall not exceed five per cent of the total budget for the current fiscal year"

AMENDMENT NO. 40

On page 27, line 21, after "division" insert a period "." and delete the remainder of the line and delete line 22

Page 28 HOUSE

24th Day's Proceedings - May 2, 1997

AMENDMENT NO. 41

On page 28, line 6, change "five" to "three" and after the period "." insert "The memorandum may be amended upon mutual agreement of the division and the department to address unforeseen circumstances or changes in federal law or regulation."

AMENDMENT NO. 42

On page 34, line 23, after "corporation" insert ", as provided in Section 501(3)(c) of the 1954 Internal Revenue Service Code, that has been in existence for more than five years"

AMENDMENT NO. 43

On page 35, line 24, after "include" insert "only"

AMENDMENT NO. 44

On page 36, line 22, between "the" and "chancellor" insert "board through the"

AMENDMENT NO. 45

On page 37, lines 9 and 14, after "corporation" insert ", as provided in Section 501(3)(c) of the 1954 Internal Revenue Service Code, that has been in existence for more than five years"

AMENDMENT NO. 46

On page 43, line 5, after "(c)" insert "subject to provisions of R.S. 17:1519 et seq.,"

AMENDMENT NO. 47

On page 43, line 10, delete "is" and insert "and 3022 are"

AMENDMENT NO. 48

On page 44, line 10, after the period "." delete the remainder of the line and delete lines 11 through 14

AMENDMENT NO. 49

On page 44, line 24, delete "may only enroll" and insert "shall be limited to"

AMENDMENT NO. 50

On page 45 between lines 2 and 3, insert the following:

"§3022. Traditional providers access retained

The establishment of the Louisiana State University Medical Center Health Maintenance Organization shall not interrupt the patient-doctor relationship that has been established by non-Louisiana State University Medical Center admitting providers. Persons eligible for Medicaid, the uninsured, and medically indigent residents of the state and others in need of medical care shall retain access to traditional providers of medical care who are licensed by the Louisiana State Board of Medical Examiners and the Louisiana State Board of Dentistry."

AMENDMENT NO. 51

On page 47, delete lines 9 through 26 in their entirety

AMENDMENT NO. 52

On page 48, delete lines 1 through 26 in their entirety

AMENDMENT NO. 53

On page 49, delete lines 1 through 24 in their entirety

AMENDMENT NO. 54

On page 50, delete lines 1 through 3 in their entirety

AMENDMENT NO. 55

On page 50, line 4, after "Section" change "5" to "4" and change "is" to "are"

AMENDMENT NO. 56

On page 51, line 6, between "supplies," and "materials" insert "pharmaceutical supplies,"

AMENDMENT NO. 57

On page 52, line 6, after "Section" change "6" to "5"

AMENDMENT NO. 58

On page 54, line 6, after "Section" change "8" to "7"

AMENDMENT NO. 59

On page 55, line 6, after "Section" change "9" to "8"

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 1162 by Representative Rodney Alexander

AMENDMENT NO. 1

On page 2, line 12, following "of" and before "board" insert "the"

AMENDMENT NO. 2

On page 22, line 23, following "professionals" delete the remainder of the line and delete line 24 and insert a ":"

AMENDMENT NO. 3

On page 23, line 16, following "advocates" delete the remainder of the line and delete line 17 in its entirety and insert a ":"

AMENDMENT NO. 4

On page 53, line 23, following "Section" change "7" to "6"

AMENDMENT NO. 5

On page 55, line 10, following "Section" change "10" to "9" and on page 59, line 1, following "Section" change "11" to "10"

AMENDMENT NO. 6

On page 59, lines 7 and 9, following "through" and before "of this Act" change "10" to "9"

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Hainkel to Reengrossed House Bill No. 1162 by Representative Rodney Alexander

AMENDMENT NO. 1

On page 25, line 4, delete "an ancillary enterprise" and insert "a"

AMENDMENT NO. 2

On page 25, line 18, delete "on an" and on line 19, delete "accrual basis"

AMENDMENT NO. 3

On page 26, line 16, delete "on an accrual basis"

AMENDMENT NO. 4

On page 26, line 22, delete the comma ","

AMENDMENT NO. 5

On page 26, line 23, delete "on an accrual basis,"

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Dardenne to Reengrossed House Bill No. 1162 by Representative Rodney Alexander

AMENDMENT NO. 1

Delete Senate Committee Amendment No. 12 proposed by the Senate Committee on Health and Welfare and adopted by the Senate on April 16, 1997.

AMENDMENT NO. 2

On page 12, line 4, between "Subpart." and "For" insert the following:

"The exemptions granted in this Section shall not include those relating to open meetings and public records as set forth in R.S. 46:1073(B) and (C) except for sealed bids submitted by respondents as part of a competitive bid process as required in the Louisiana Procurement Code."

AMENDMENT NO. 3

On page 12, line 24, between "organizations" and "as" insert the following:

", including local health departments and federally qualified health centers,"

AMENDMENT NO. 4

On page 13, line 20, between "Hospitals" and the comma "," insert the following:

"and local health departments and federally qualified health centers"

AMENDMENT NO. 5

Delete Senate Committee Amendment No. 24 proposed by the Senate Committee on Health and Welfare and adopted by the Senate on April 16, 1997.

AMENDMENT NO. 6

On page 22, line 8, delete "with the approval of" and insert in lieu thereof the following:

"by the hospital in consultation with"

AMENDMENT NO. 7

On page 23, line 4, after "units" change the period "." to a comma "," and add the following:

"including the New Orleans Department of Health."

AMENDMENT NO. 8

Delete Senate Committee Amendment No. 37 proposed by the Senate Committee on Health and Welfare and adopted by the Senate on April 16, 1997.

AMENDMENT NO. 9

On page 28, line 6, after "years" change the period "." to a comma "," and add the following:

"and thereafter the division and the department shall execute subsequent memorandums of understanding, having a minimum term of one year, which shall establish the amount of such revenues available to the division."

AMENDMENT NO. 10

On page 28, line 24, between "thereto" and "The" change the period "." to a comma "," and add the following:

"which includes public health facilities and community-based and school-based health facilities."

AMENDMENT NO. 11

On page 46, line 4, between "Hospitals," and "including" insert the following:

"local health departments, and federally qualified health centers,"

AMENDMENT NO. 12

On page 58, line 24, after "union" delete the remainder of the line and delete line 25 in its entirety and insert in lieu thereof the following:

"of which they were members prior to the transfer."

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Dardenne to Reengrossed House Bill No. 1162 by Representative Rodney Alexander

AMENDMENT NO. 1

Delete Senate Committee Amendments Nos. 55 and 56 proposed by the Senate Committee on Health and Welfare and adopted by the Senate on Wednesday, April 16, 1997

Page 30 HOUSE

24th Day's Proceedings - May 2, 1997

AMENDMENT NO. 2

On page 1, line 3, delete "1554(D)(4) and (5)" and insert "1593"

AMENDMENT NO. 3

On page 1, line 9, after "259(FF)," insert "R.S. 39:1593.1,"

AMENDMENT NO. 4

On page 2, line 1, after "101(B)(3)" insert "and 1554(D)(4) and (5)"

AMENDMENT NO. 5

On page 50, delete lines 4 through 26

AMENDMENT NO. 6

On page 51, delete lines 1 through 26

AMENDMENT NO. 7

On page 52, delete lines 1 through 5 and insert the following:

"Section 5. R.S. 39:1593 is hereby amended and reenacted and R.S. 39:1593.1 is hereby enacted to read as follows:

§1593. Methods of source selection

Unless otherwise authorized by law, all state contracts shall be awarded by competitive sealed bidding, pursuant to R.S. 39:1594, except as provided in R.S. 39:1593.1 and R.S. 39:1595 through R.S. 39:1598.

§1593.1 Group purchasing

R.S. 39:1593.1 is all proposed new law.

A. The Louisiana State University Medical Center may contract with a group purchasing organization through a competitive request for proposals process for medical and laboratory supplies and medical equipment required for the purpose of diagnosis or direct treatment of a patient by a health care provider in a hospital or clinic setting.

B. Prior to the award of the such contract, the proposed contract shall be approved by the commissioner of administration provided he determines the total cost to be less than the state procurement prices and that the contract is in the best interest of the state.

C. No later than sixty days after a purchasing agency submits a proposed contract to the commissioner for approval, the commissioner shall notify the purchasing agency in writing as to whether the proposed contract has been approved or rejected. If the commissioner does not timely notify the purchasing agency of his decision, the request for approval on the proposed contract shall be deemed to have been approved. The commissioner shall not unreasonably withhold his approval."

AMENDMENT NO. 8

On page 55, line 6, after "101(B)(3)" and insert "and 1554(D)(4) and (5)"

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Hines to Reengrossed House Bill No. 1162 by Representative Rodney Alexander, et al.

AMENDMENT NO. 1

On page 15, line 24, delete "The" and insert "Pursuant to recommendations by the medical center, the"

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Hines to Reengrossed House Bill No. 1162 by Representative Rodney Alexander, et al.

AMENDMENT NO. 1

In Senate committee amendment No. 16 proposed by the Senate Committee on Health and Welfare and adopted by the Senate on Wednesday, April 16, 1997, on line 5, line 11, and line 20, delete the word "nonprofit"

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Hines to Reengrossed House Bill No. 1162 by Representative Rodney Alexander

AMENDMENT NO. 1

On page 44, between lines 18 and 19, insert the following:

"D. All health care providers on staff at any hospital as described in this Section shall be entitled to participate as providers in this health maintenance organization.

AMENDMENT NO. 2

On page 44, line 19, change "D." to "E."

AMENDMENT NO. 3

On page 44, delete lines 21 and 22 in their entirety and insert in lieu thereof the following:

"based on actuarially derived costs of providing care to the same population as certified by the Department of Health and Hospitals."

AMENDMENT NO. 4

On page 44, line 23, change "E." to "F."

AMENDMENT NO. 5

On page 45, between lines 2 and 3, and immediately preceding the text inserted by Senate Committee Amendment No. 50 proposed by the Senate Committee on Health and Welfare and adopted by the Senate on April 16, 1997, insert the following:

"G. The Louisiana State University Health Maintenance Organization shall enter into a contract with any willing provider licensed by the Louisiana State Board of Medical Examiners or the Louisiana State Board of Dental Examiners to provide primary care services delivered in an outpatient setting including medical and surgical services. Such providers shall satisfy the standards that are established as part of the approved managed care plan relating to quality, utilization, and accessibility of services.

H. All Medicaid managed care plans implemented as part of this Section shall be limited to programs implemented by the Department of Health and Hospitals in accordance with state law.

I. All Medicaid managed care plans implemented as part of this Section shall be subject to approval by the commissioner of insurance and legislative approval as set forth in R.S. 17:1519.2(D).

J. The rules and regulations shall provide that persons eligible for enrollment shall have the freedom to choose among all health maintenance organizations providing services to such persons, shall insure that such persons are informed of their right to choose, and shall provide a process through which persons who fail to make a choice are assigned to one of the health maintenance organizations authorized and eligible to provide services to such persons."

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Bagneris to Reengrossed House Bill No. 1162 by Representative Rodney Alexander

AMENDMENT NO. 1

On page 13, line 10, between "agencies" and "engaged" insert the following:

", including local health departments and federally qualified health centers,"

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Casanova to Reengrossed House Bill No. 1162 by Representative Rodney Alexander

AMENDMENT NO. 1

Delete Senate Committee Amendment No. 16 proposed by the Senate Committee on Health and Welfare and adopted by the Senate on April 16, 1997.

AMENDMENT NO. 2

On page 20, between lines 10 and 11, insert the following:

"(7)(a) The board may enter into contracts, joint ventures, cooperative endeavors, or any combination thereof, for hospital health services provided to the medically indigent or uninsured at rural hospitals or hospitals in rural parishes offering twenty-four hour emergency care. Such contracts, joint ventures, cooperative endeavors, or any combination thereof, shall assist the hospitals to provide inpatient services to medically indigent and uninsured residents of the state within the service area of the hospital.

(b) Nothing in this Subsection shall be construed to require that a rural hospital or hospital in a rural parish be accredited by the Joint Commission on Accreditation of Healthcare Organizations in order to participate in a contract, joint venture, or cooperative endeavor, or any combination thereof, as provided in this Paragraph.

(c) The board shall enter into a contract, joint venture, or cooperative endeavor, or any combination thereof, only pursuant to rules and regulations promulgated in accordance with R.S. 17:1519.2(D). Such rules and regulations shall include criteria for the determination of eligible rural hospitals or hospitals in rural parishes and of the service area of any such hospital and the methodology to determine funding and programs necessary to provide services to the medically indigent and uninsured state residents within a service area."

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Ullo to Reengrossed House Bill No. 1162 by Representative Rodney Alexander

AMENDMENT NO. 1

Delete Senate Committee Amendment No. 37 proposed by the Senate Committee on Health and Welfare and adopted by the Senate on April 16, 1997, and insert the following:

"H. Notwithstanding any other law to the contrary, the division shall in all cases give preference to blind persons, under the administration of the Department of Social Services, and shall with the Department of Social Services jointly work to insure proper operation of vending stands, vending machines, and other small business concessions which are currently in operation on the premises and shall give priority to similar concessions in the future in accordance with R.S. 44:333. No other vending stands, vending machines, or small business concessions shall be operated on the same premises with vending stands, vending machines, or other small business concessions operated under the provisions of this Subsection. No blind person shall be required to pay any fee, service charge, or equivalent thereof in the operation of a vending stand, vending machines, or other small business concessions in hospitals or the premises transferred pursuant to R.S. 17:1519 et seq., nor shall the blind person be disturbed in the security of the operation of the vending stand, vending machine, or small business concession in any way, without reasonable or just cause. The provisions of this Subsection shall not prevent the division from permitting the operation of gift shops or similar concessions by voluntary organizations which contribute the proceeds to the hospital or which spend the proceeds on behalf of the hospital."

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Johnson to Reengrossed House Bill No. 1162 by Representative Rodney Alexander

AMENDMENT NO. 1

On page 23, between lines 5 and 6, insert the following:

"(viii) Local Chapter of the American Academy of Physical Therapy.

(ix) New Orleans Health Corporation."

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Hainkel to Reengrossed House Bill No. 1162 by Representative Rodney Alexander

AMENDMENT NO. 1

On page 20, between lines 21 and 22, insert the following:

"(d) State planning and budgeting system (Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950)."

AMENDMENT NO. 2

On page 20, line 22, delete "Notwithstanding" and insert "Excluding the provisions of Subparagraph (d) of Paragraph (1) of this Subsection, and notwithstanding"

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Dardenne to Reengrossed House Bill No. 1162 by Representative Rodney Alexander

AMENDMENT NO. 1

Delete Senate Floor Amendment No. 2 of 8 proposed by Senator Dardenne and adopted by the Senate on April 23, 1997.

AMENDMENT NO. 2

On page 1, line 3, delete "and (5)" and insert "and 1593"

Page 32 HOUSE

24th Day's Proceedings - May 2, 1997

AMENDMENT NO. 3

Delete Senate Floor Amendment No. 4 of 8 proposed by Senator Dardenne and adopted by the Senate on April 23, 1997.

AMENDMENT NO. 4

Delete Senate Floor Amendment No. 5 of 8 proposed by Senator Dardenne and adopted by the Senate on April 23, 1997.

AMENDMENT NO. 5

On page 50, line 4, delete "Section 5. R.S. 39:1554(D)(4) and (5) is" and insert "Section 4. R.S. 39:1554(D)(4) and 1593 are"

AMENDMENT NO. 6

On page 50, line 5, after "reenacted" insert "and R.S. 39:1593.1 is hereby enacted"

AMENDMENT NO. 7

On page 50, line 10, delete "(a)"

AMENDMENT NO. 8

On page 50, delete lines 19 through 26

AMENDMENT NO. 9

In Senate Floor Amendment No. 7 of 8 proposed by Senator Dardenne and adopted by the Senate on April 23, 1997, on page 1, delete lines 17 and 18 and insert the following:

** * **

AMENDMENT NO. 10

Delete Senate Floor Amendment No. 8 of 8 proposed by Senator Dardenne and adopted by the Senate on April 23, 1997.

Rep. Rodney Alexander moved that the amendments proposed by the Senate be concurred in.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Frith	Perkins
Alario	Fruge	Pierre
Alexander, A.—93rd	Gautreaux	Pinac
Alexander, R.—13th	Glover	Powell
Ansardi	Guillory	Pratt
Barton	Hammett	Quezaire
Baudoin	Heaton	Romero
Baylor	Hebert	Rousselle
Bowler	Hill	Salter
Bruce	Holden	Scalise
Brun	Hopkins	Schneider
Bruneau	Hudson	Shaw
Carter	Hunter	Smith, J.D.—50th
Chaisson	Iles	Smith, J.R.—30th
Clarkson	Jetson	Strain
Copelin	Johns	Theriot
Crane	Kennard	Thomas
Curtis	Kenny	Thompson
Damico	Lancaster	Thornhill

Daniel	Landrieu	Toomy
Deville	LeBlanc	Travis
DeWitt	Long	Triche
Diez	Marionneau	Vitter
Dimos	Martiny	Walsworth
Doerge	McCain	Warner
Donelon	McCallum	Welch
Dupre	McDonald	Weston
Durand	McMains	Wiggins
Farve	Michot	Wilkerson
Faucheux	Montgomery	Willard-Lewis
Flavin	Morrell	Windhorst
Fontenot	Murray	Winston
Forster	Odinot	Wright
Total—99		

NAYS

Total—0

ABSENT

Green	Mitchell	Riddle
Jenkins	Morrish	Stelly
Total—6		

The amendments proposed by the Senate were concurred in by the House.

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:

Consent Calendar

HOUSE BILL NO. 1009—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 11:103(B)(1) and (3)(a) and (C)(1), relative to all statewide public retirement systems; to provide with respect to deletion of certain criteria from the elements of cost contained in the gross required employer contribution; to further provide regarding the inclusion of certain members on the active member payroll; and to provide for related matters.

Read by title.

Rep. Pinac moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Gautreaux	Pinac
Alario	Glover	Powell
Alexander, A.—93rd	Green	Pratt
Ansardi	Guillory	Quezaire
Barton	Hammett	Romero
Baudoin	Heaton	Rousselle
Baylor	Hebert	Salter
Bowler	Holden	Scalise
Bruce	Hopkins	Schneider
Brun	Hudson	Shaw
Bruneau	Hunter	Smith, J.D.—50th
Carter	Iles	Smith, J.R.—30th
Chaisson	Jetson	Strain

Clarkson	Johns	Theriot
Copelin	Kennard	Thomas
Crane	Kenney	Thompson
Curtis	Lancaster	Thornhill
Damico	Landrieu	Toomy
Daniel	LeBlanc	Travis
Deville	Long	Triche
DeWitt	Marionneaux	Vitter
Dimos	Martiny	Walsworth
Doerge	McCain	Warner
Donelon	McCallum	Welch
Dupre	McDonald	Weston
Durand	McMains	Wiggins
Farve	Michot	Wilkerson
Faucheux	Montgomery	Willard-Lewis
Flavin	Morrell	Windhorst
Fontenot	Murray	Winston
Forster	Odinet	Wright
Frith	Perkins	
Fruge	Pierre	
Total—97		

NAYS

Total—0

ABSENT

Alexander, R.—13th	Jenkins	Riddle
Diez	Mitchell	Stelly
Hill	Morrish	
Total—8		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Pinac 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. 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.

Rep. Pratt 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
Ansardi	Guillory	Pratt
Barton	Hammett	Quezaire
Baudoin	Heaton	Romero
Baylor	Hebert	Rousselle
Bowler	Hill	Salter
Bruce	Holden	Scalise
Brun	Hopkins	Schneider

Bruneau	Hudson	Shaw
Carter	Hunter	Strain
Chaisson	Iles	Theriot
Clarkson	Jetson	Thomas
Copelin	Johns	Thompson
Crane	Kennard	Thornhill
Damico	Kenney	Toomy
Daniel	Lancaster	Travis
Deville	Landrieu	Triche
DeWitt	LeBlanc	Vitter
Dimos	Long	Walsworth
Doerge	Martiny	Warner
Donelon	McCain	Welch
Dupre	McCallum	Weston
Durand	McDonald	Wiggins
Farve	McMains	Wilkerson
Faucheux	Michot	Willard-Lewis
Flavin	Montgomery	Windhorst
Fontenot	Morrell	Winston
Forster	Murray	Wright
Frith	Odinet	
Fruge	Perkins	
Total—94		

NAYS

Total—0

ABSENT

Alexander, R.—13th	Marionneaux	Smith, J.D.—50th
Curtis	Mitchell	Smith, J.R.—30th
Diez	Morrish	Stelly
Jenkins	Riddle	
Total—11		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Pratt 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.

Regular Calendar

HOUSE BILL NO. 1500—
BY REPRESENTATIVE ALARIO
AN ACT

To amend and reenact R.S. 36:451(C) and 458(B) through (E) and to enact R.S. 36:458(F), relative to the Department of Revenue and Taxation; to provide for the areas of responsibility for the offices within the department; to add the office of legal affairs and to provide for the supervision and management of the office; to provide for the functions and responsibilities of the office; to provide for an effective date; and to provide for related matters.

Read by title.

Rep. Alario moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Fruge	Perkins
Alario	Gautreaux	Pierre
Alexander, A.—93rd	Glover	Pinac

Page 34 HOUSE

24th Day's Proceedings - May 2, 1997

Alexander, R.—13th	Green	Powell
Ansardi	Guillory	Pratt
Barton	Hammett	Quezaire
Baudoin	Heaton	Romero
Baylor	Hebert	Rousselle
Bowler	Holden	Salter
Bruce	Hopkins	Scalise
Brun	Hudson	Schneider
Bruneau	Hunter	Shaw
Carter	Iles	Smith, J.D.—50th
Chaisson	Jetson	Smith, J.R.—30th
Clarkson	Johns	Theriot
Copelin	Kenney	Thompson
Crane	Lancaster	Thornhill
Damico	Landrieu	Toomy
Daniel	LeBlanc	Travis
Deville	Long	Triche
DeWitt	Marionneaux	Vitter
Dimos	Martiny	Walsworth
Doerge	McCain	Warner
Donelon	McCallum	Welch
Dupre	McDonald	Wiggins
Durand	McMains	Wilkerson
Farve	Michot	Willard-Lewis
Fauchoux	Montgomery	Windhorst
Flavin	Morrell	Winston
Forster	Murray	Wright
Frith	Odinot	
Total—92		

NAYS

Total—0

ABSENT

Curtis	Kennard	Strain
Diez	Mitchell	Thomas
Fontenot	Morrish	Weston
Hill	Riddle	
Jenkins	Stelly	
Total—13		

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. 1516—
BY REPRESENTATIVE GUILLORY
AN ACT

To enact R.S. 30:2365.1, relative to hazardous materials; to provide for storage; to provide for railroads and switching yards; to provide for penalties; to provide for liability; and to provide for related matters.

Read by title.

Rep. Guillory moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Hebert	Murray
Alexander, A.—93rd	Holden	Pierre
Baylor	Hunter	Pratt

Carter	Iles	Quezaire
Copelin	Jetson	Romero
Curtis	Johns	Rousselle
Donelon	Kenney	Theriot
Dupre	Landrieu	Vitter
Farve	Marionneaux	Welch
Frith	McCain	Weston
Glover	Mitchell	Wilkerson
Green	Montgomery	Willard-Lewis
Guillory	Morrell	Wright
Total—39		

NAYS

Alario	Fontenot	Salter
Alexander, R.—13th	Forster	Scalise
Ansardi	Fruge	Schneider
Barton	Gautreaux	Shaw
Bowler	Hammett	Smith, J.D.—50th
Bruce	Heaton	Smith, J.R.—30th
Brun	Hill	Strain
Bruneau	Hopkins	Thomas
Chaisson	Kennard	Thompson
Clarkson	Lancaster	Thornhill
Crane	LeBlanc	Toomy
Damico	Long	Travis
Daniel	Martiny	Triche
Deville	McCallum	Walsworth
DeWitt	McDonald	Warner
Diez	McMains	Wiggins
Dimos	Michot	Windhorst
Durand	Odinot	Winston
Fauchoux	Pinac	
Flavin	Powell	
Total—58		

ABSENT

Baudoin	Jenkins	Riddle
Doerge	Morrish	Stelly
Hudson	Perkins	
Total—8		

The Chair declared the above bill failed to pass.

Rep. Perkins 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. 63 —
BY REPRESENTATIVE GUILLORY
AN ACT

To amend and reenact R.S. 18:564(D) and to enact R.S. 18:1461(A)(21), relative to assistance in voting; to require the registrar of voters to indicate a voter's need for assistance at the polls on the voter's original application for registration under certain circumstances; to prohibit a person assisting a voter at the polls from influencing the assisted voter to vote a certain way; to provide for criminal penalties for violations; and to provide for related matters.

Called from the calendar.

Read by title.

Motion

Rep. Guillory moved that House Bill No. 63 be designated as a duplicate of Senate Bill No. 221.

Which motion was agreed to.

Rep. Guillory moved the final passage of the bill.

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	Guillory	Quezaire
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	Strain
Clarkson	Jetson	Theriot
Copelin	Johns	Thomas
Crane	Kennard	Thompson
Curtis	Kenney	Thornhill
Damico	Lancaster	Toomy
Daniel	Landrieu	Travis
Deville	LeBlanc	Triche
DeWitt	Long	Vitter
Diez	Marionneaux	Walsworth
Dimos	Martiny	Warner
Doerge	McCain	Welch
Donelon	McCallum	Weston
Dupre	McDonald	Wiggins
Durand	McMains	Wilkerson
Farve	Michot	Willard-Lewis
Faucheux	Montgomery	Windhorst
Flavin	Morrell	Winston
Fontenot	Murray	Wright
Forster	Odinot	
Frith	Perkins	
Total—100		

NAYS

Total—0

ABSENT

Jenkins	Morrish	Stelly
Mitchell	Riddle	
Total—5		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Guillory 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. 1609—

BY REPRESENTATIVE MURRAY

AN ACT

To enact R.S. 23:1103(D), relative to workers' compensation; to provide that an insurer shall grant a credit to an employer for recovery on a lien in a third party matter; 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. 1609 by Representative Murray

AMENDMENT NO. 1

On page 1, line 10, delete "net"

AMENDMENT NO. 2

On page 1, line 11, delete ", which shall be applied to the insured's experience ratio calculation."

AMENDMENT NO. 3

On page 1, line 13, after "year" insert "less any reasonable expenses incurred in the recovery by the insurer."

AMENDMENT NO. 4

On page 1, at the end of line 14, "The credit shall be used by the insurer in the calculation, including but not limited to loss experience ratios, of the annual premium paid by the employer for worker's compensation insurance under this Chapter."

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

Page 36 HOUSE

24th Day's Proceedings - May 2, 1997

Faucheux
Flavin
Fontenot
Forster
Frith
Total—96

McMains
Michot
Montgomery
Morrell
Murray

Wilkerson
Willard-Lewis
Windhorst
Winston
Wright

NAYS

Total—0

ABSENT

Baudoin
DeWitt
Jenkins
Total—9

Mitchell
Morrish
Riddle

Smith, J.R.—30th
Stelly
Theriot

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. 1639—
BY REPRESENTATIVE SCHNEIDER
AN ACT

To amend and reenact R.S. 9:3143(1) and (3), 3144(B)(4)(a) and (c) and (16), and 3145, relative to the New Home Warranty Act; to provide for the definitions of "builder" and "home"; to provide for exclusions to warranties; to provide for required notice; and to provide for related matters.

Read by title.

Motion

Rep. Schneider moved that House Bill No. 1639 be designated as a duplicate of Senate Bill Nos. 1035 and 1250.

Which motion was agreed to.

Rep. Schneider sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Schneider to Engrossed House Bill No. 1639 by Representative Schneider

AMENDMENT NO. 1

On page 3, line 4, after the word and period "Chapter." delete the remainder of the line and delete line 5 in its entirety.

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

Rep. Alario sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Alario to Engrossed House Bill No. 1639 by Representative Schneider

AMENDMENT NO. 1

On page 3, line 1, change "thirty days" to "one year"

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

Rep. Murray sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representatives Murray and Hunter to Engrossed House Bill No. 1639 by Representative Schneider

AMENDMENT NO. 1

On page 3, line 2, delete "manifestation of the"

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

Rep. Holden sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representatives Holden to Engrossed House Bill No. 1639 by Representative Schneider

AMENDMENT NO. 1

On page 3, at the end of line 5 insert the following:

"The builder shall give the owner written notice of the requirements of this Chapter prior to construction."

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

Rep. Schneider 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	Guillory	Quezaire
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	Strain
Clarkson	Jenkins	Theriot
Copelin	Johns	Thomas
Crane	Kennard	Thompson
Curtis	Kennedy	Thornhill
Damico	Lancaster	Toomy
Deville	Landrieu	Travis
DeWitt	LeBlanc	Triche
Diez	Long	Vitter
Dimos	Marionneaux	Warner
Doerge	Martiny	Welch
Donelon	McCain	Weston
Dupre	McCallum	Wiggins
Durand	McDonald	Wilkerson
Farve	McMains	Willard-Lewis
Faucheux	Michot	Windhorst
Flavin	Montgomery	Winston

Fontenot Murray Wright
Forster Odinet
Frith Perkins
Total—97

NAYS

Total—0

ABSENT

Daniel Morrell Stelly
Jetson Morrish Walsworth
Mitchell Riddle
Total—8

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Schneider 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. 1696—
BY REPRESENTATIVES FORSTER, DOWNER, AND DEWITT
AN ACT

To amend and reenact R.S. 23:1271(A)(3), relative to workers' compensation; to authorize parties to waive expiration of six months before settling certain claims; and to provide for related matters.

Read by title.

Rep. Forster moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

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

Forster Murray Wright
Frith Odinet
Frige Perkins
Total—97

NAYS

Total—0

ABSENT

Brun Mitchell Stelly
Fontenot Morrish Walsworth
Hopkins Riddle
Total—8

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Forster 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. 1744—
BY REPRESENTATIVE GUILLORY
AN ACT

To enact R.S. 32:1504(C), relative to transportation of hazardous materials; to provide for inspection of rail cars transporting hazardous materials; and to provide for related matters.

Read by title.

Rep. Guillory moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

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

Fontenot	Murray	Wright
Forster	Odinet	
Frith	Perkins	
Total—97		

NAYS

Total—0

ABSENT

Brun	Mitchell	Stelly
Hopkins	Morrish	Walsworth
Jetson	Riddle	
Total—8		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Guillory 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. 1821—
BY REPRESENTATIVE MCCAIN
AN ACT

To amend and reenact Civil Code Art. 2375(A) and (C) and R.S. 9:2801(1)(a) and (2), relative to community property; to provide retroactive effect of termination of the community property regime to the date of filing of the original petition in certain cases; to clarify the time within which a party must file or traverse a sworn detailed descriptive list; and to provide for related matters.

Read by title.

Motion

Rep. McCain moved that House Bill No. 1821 be designated as a duplicate of Senate Bill No. 1199.

Which motion was agreed to.

Rep. McCain sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative McCain to Engrossed House Bill No. 1821 by Representative McCain

AMENDMENT NO. 1

On page 1, line 3, after "and (2)" delete the comma "," and before "relative" insert "and to enact R.S. 13:1415,"

AMENDMENT NO. 2

On page 1, line 6, after "list;" and before "and to" insert "to provide family courts with exclusive jurisdiction over actions for partition of property acquired pursuant to a matrimonial regime; actions seeking a termination or modification of a matrimonial regime, and actions for the settlement and enforcement of claims and for enforcement of judicial or contractual settlements related to matrimonial regimes;"

AMENDMENT NO. 3

On page 3, after line 23, insert the following:

"Section 3. R.S. 13:1415 is hereby enacted to read as follows:

§1415. Family courts; additional jurisdiction

In addition to other provisions of law providing jurisdiction to a family court, a family court in and for any parish of this state, if applicable, shall also be the court of record with exclusive jurisdiction in the following proceedings:

(1) All actions between spouses or former spouses for partition of property acquired pursuant to a matrimonial regime.

(2) All actions seeking a termination or modification of a matrimonial regime.

(3) All actions between spouses or former spouses for the settlement and enforcement of claims arising from a matrimonial regime or the establishment thereof.

(4) All actions between former spouses seeking the enforcement of a judicial or contractual settlement of the type of claims provided in this Section."

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

Rep. McCain moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Fruge	Perkins
Alario	Gautreaux	Pierre
Alexander, A.—93rd	Glover	Pinac
Alexander, R.—13th	Green	Powell
Ansardi	Guillory	Pratt
Barton	Hammett	Quezaire
Baudoin	Heaton	Romero
Baylor	Hebert	Rousselle
Bowler	Hill	Salter
Bruce	Holden	Scalise
Bruneau	Hudson	Schneider
Carter	Hunter	Shaw
Chaisson	Iles	Smith, J.D.—50th
Clarkson	Jenkins	Smith, J.R.—30th
Copelin	Jetson	Theriot
Crane	Johns	Thompson
Curtis	Kennard	Thornhill
Damico	Kenney	Toomy
Daniel	Lancaster	Travis
Deville	Landrieu	Triche
DeWitt	LeBlanc	Vitter
Diez	Long	Walsworth
Dimos	Marionneaux	Warner
Doerge	Martiny	Welch
Donelon	McCain	Weston
Dupre	McCallum	Wiggins
Durand	McDonald	Wilkerson
Farve	McMains	Willard-Lewis
Fauchaux	Michot	Windhorst
Flavin	Montgomery	Winston
Fontenot	Morrell	Wright
Forster	Murray	
Frith	Odinet	
Total—97		

NAYS

Total—0

ABSENT

Brun	Morrish	Strain
Hopkins	Riddle	Thomas
Mitchell	Stelly	
Total—8		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. McCain 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. 1943—
BY REPRESENTATIVE HOLDEN
AN ACT

To amend and reenact R.S. 9:2799(A), relative to offenses and quasi offenses; to limit the liability of food banks and donors of wild game for distribution to on-premises feeding programs; to provide definitions; and to provide for related matters.

Read by title.

Rep. Holden moved the final passage of the bill.

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	Guillory	Quezaire
Barton	Hammitt	Romero
Baudoin	Heaton	Rousselle
Baylor	Hebert	Salter
Bowler	Hill	Scalise
Bruce	Holden	Schneider
Bruneau	Hudson	Shaw
Carter	Hunter	Smith, J.D.—50th
Chaisson	Iles	Smith, J.R.—30th
Clarkson	Jenkins	Strain
Copelin	Jetson	Theriot
Crane	Johns	Thomas
Curtis	Kenney	Thompson
Damico	Lancaster	Thornhill
Daniel	Landrieu	Toomy
Deville	LeBlanc	Travis
Diez	Long	Triche
Dimos	Marionneaux	Vitter
Doerge	Martiny	Walsworth
Donelon	McCallum	Warner
Dupre	McDonald	Welch
Durand	McMains	Weston
Farve	Michot	Wiggins
Faucheux	Montgomery	Wilkerson
Flavin	Morrell	Willard-Lewis
Fontenot	Murray	Windhorst
Forster	Odinot	Winston
Frith	Perkins	Wright
Total—96		

NAYS

Total—0

ABSENT

Brun	Kennard	Morrish
DeWitt	McCain	Riddle
Hopkins	Mitchell	Stelly
Total—9		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Holden 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. 1956—
BY REPRESENTATIVE MARTINY
AN ACT

To amend and reenact R.S. 32:863.1(C)(1)(a) and to enact R.S. 32:863.1(F), relative to motor vehicle security; to allow a law enforcement officer to issue a traffic citation to an owner of a motor vehicle registered in another state for lack of liability security; to provide for penalties; and to provide for related matters.

Read by title.

Motion

Rep. Ansardi moved that House Bill No. 1956 be designated as a duplicate of Senate Bill No. 795.

Which motion was agreed to.

Motion

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

HOUSE BILL NO. 2022—
BY REPRESENTATIVE FRITH
AN ACT

To amend and reenact R.S. 32:863.2(A)(1) and (2), relative to compulsory automobile insurance; to provide for notification of issuance and cancellation of insurance; and to provide for related matters.

Read by title.

Rep. Thornhill sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Thornhill to Engrossed House Bill No. 2022 by Representative Frith

AMENDMENT NO. 1

On page 1, line 17, before "days" change "thirty" to "three"

AMENDMENT NO. 2

On page 2, line 7, before "days" change "thirty" to "three"

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

Rep. Frith moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Frith	Odinet
Alario	Fruge	Perkins
Alexander, A.—93rd	Gautreaux	Pierre
Alexander, R.—13th	Glover	Pinac
Ansardi	Green	Powell
Barton	Guillory	Pratt
Baudoin	Hammett	Quezaire
Baylor	Heaton	Romero
Bowler	Hebert	Rousselle
Bruce	Hill	Salter
Brun	Holden	Scalise
Bruneau	Hopkins	Schneider
Carter	Hudson	Shaw
Chaisson	Hunter	Smith, J.D.—50th
Clarkson	Iles	Smith, J.R.—30th
Copelin	Jenkins	Theriot
Crane	Johns	Thompson
Curtis	Kennard	Thornhill
Damico	Kenney	Toomy
Daniel	Lancaster	Travis
Deville	Landrieu	Triche
DeWitt	LeBlanc	Vitter
Diez	Long	Walsworth
Dimos	Marionneaux	Warner
Doerge	Martiny	Welch
Donelon	McCain	Weston
Dupre	McCallum	Wiggins
Durand	McDonald	Wilkerson
Farve	McMains	Willard-Lewis
Faucheux	Michot	Windhorst
Flavin	Montgomery	Winston
Fontenot	Morrell	Wright
Forster	Murray	
Total—98		

NAYS

Total—0

ABSENT

Jetson	Riddle	Thomas
Mitchell	Stelly	
Morrish	Strain	
Total—7		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Frith 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. 2047—

BY REPRESENTATIVE DEWITT
AN ACT

To amend and reenact R.S. 32:862(G)(3), relative to proof of insurance; prohibits persons from presenting altered or counterfeited proof of insurance; and to provide for related matters.

Read by title.

Rep. DeWitt moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Fruge	Perkins
Alario	Gautreaux	Pierre
Alexander, A.—93rd	Glover	Pinac
Alexander, R.—13th	Green	Powell
Ansardi	Guillory	Pratt
Barton	Hammett	Quezaire
Baudoin	Heaton	Romero
Baylor	Hebert	Rousselle
Bowler	Hill	Salter
Bruce	Holden	Scalise
Brun	Hopkins	Schneider
Bruneau	Hudson	Shaw
Carter	Hunter	Smith, J.D.—50th
Chaisson	Iles	Smith, J.R.—30th
Clarkson	Jenkins	Strain
Copelin	Jetson	Theriot
Crane	Johns	Thomas
Curtis	Kennard	Thompson
Damico	Kenney	Thornhill
Daniel	Lancaster	Toomy
Deville	Landrieu	Travis
DeWitt	LeBlanc	Triche
Diez	Long	Vitter
Dimos	Marionneaux	Walsworth
Doerge	Martiny	Warner
Donelon	McCain	Welch
Dupre	McCallum	Weston
Durand	McDonald	Wiggins
Farve	McMains	Wilkerson
Faucheux	Michot	Willard-Lewis
Flavin	Montgomery	Windhorst
Fontenot	Morrell	Winston
Forster	Murray	Wright
Frith	Odinet	
Total—101		

NAYS

Total—0

ABSENT

Mitchell	Riddle
Morrish	Stelly
Total—4	

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. DeWitt 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. 2056—

BY REPRESENTATIVE MCCAIN
AN ACT

To enact R.S. 13:1415, relative to family courts; to provide family courts with exclusive jurisdiction over actions for partition of property acquired pursuant to a matrimonial regime, actions seeking a termination or modification of a matrimonial regime, and actions for the settlement and enforcement of claims and for enforcement of judicial or contractual settlements related to matrimonial regimes; and to provide for related matters.

Read by title.

Motion

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

HOUSE BILL NO. 2103—

BY REPRESENTATIVE DEWITT

AN ACT

To amend and reenact R.S. 35:393(B), relative to ex officio notaries for the Department of Public Safety and Corrections; to authorize gaming auditors to administer oaths and receive sworn statements; and to provide for related matters.

Read by title.

Rep. DeWitt 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
Barton	Hammett	Quezaire
Baudoin	Heaton	Romero
Baylor	Hebert	Rousselle
Bowler	Hill	Salter
Bruce	Holden	Scalise
Brun	Hopkins	Schneider
Bruneau	Hudson	Shaw
Carter	Hunter	Smith, J.D.—50th
Chaisson	Iles	Smith, J.R.—30th
Clarkson	Jenkins	Strain
Copelin	Jetson	Theriot
Crane	Johns	Thomas
Curtis	Kennard	Thompson
Damico	Kenney	Thornhill
Daniel	Lancaster	Toomy
Deville	Landrieu	Travis
DeWitt	LeBlanc	Triche
Diez	Long	Vitter
Dimos	Marionneaux	Walsworth
Doerge	Martiny	Warner
Donelon	McCain	Welch
Dupre	McCallum	Weston
Durand	McDonald	Wiggins
Farve	McMains	Wilkerson
Faucheux	Michot	Willard-Lewis
Flavin	Montgomery	Windhorst
Fontenot	Morrell	Winston
Forster	Murray	Wright
Frith	Odinet	
Fruge	Perkins	
Total—100		

NAYS

Total—0

ABSENT

Ansardi	Morrish	Stelly
Mitchell	Riddle	
Total—5		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. DeWitt 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. 2106 —

BY REPRESENTATIVE DEWITT

AN ACT

To amend and reenact R.S. 30:2361, 2363, 2364(introductory paragraph), (4), and (8), 2366(B), 2367(B)(2), 2368(B)(1) and (D), 2369(A) and (B)(1), 2370(E)(6) and (F), 2371, 2372(A), 2373(A), (B)(1) and (2), and (C)(1), (2), and (4), 2374(A) and (B), 2376(B), 2377(introductory paragraph), 2378, and 2379(B), to enact R.S. 30:2364(9) and (10), 2365(A)(6), 2366(C) and (D), 2369(E)(3), 2373(C)(3), (D), and (E), 2374(B)(4), and 2380, and to repeal R.S. 30:2370(E)(1), relative to the Hazardous Materials Information Development, Preparedness, and Response Act; to provide for definitions; to provide for procedures; to provide for reporting and notifications; to provide for fees; to provide for trade secrets; to provide for penalties; to provide for the Right-To-Know Fund; to provide for limitations and uses of the funds; to provide for the Louisiana Chemical Network; to provide for rules; and to provide for related matters.

Read by title.

Rep. Perkins sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Perkins to Engrossed House Bill No. 2106 by Representative DeWitt

AMENDMENT NO. 1

On page 5, line 6, change "nine" to "fifty"; and after "employees" insert a period and delete the remainder of the line

AMENDMENT NO. 2

On page 5, line 7, delete "than two million dollars in average gross receipts."

AMENDMENT NO. 3

On page 5, line 8 change "nine" to "fifty"

AMENDMENT NO. 4

On page 5, line 9, after "business" insert a period and delete the remainder of the line and delete lines 10 and 11 in their entirety.

AMENDMENT NO. 5

On page 17, line 21, change "The" to "Until June 30, 1998, the"

AMENDMENT NO. 6

On page 18, line 22, after "exceed" delete the remainder of the line and insert in lieu thereof "fifty dollars until June 30, 1998, and thereafter there shall be no fee."

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

Rep. DeWitt moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Fruge	Pinac
Alario	Gautreaux	Powell
Alexander, A.—93rd	Glover	Pratt
Ansardi	Green	Quezairé
Barton	Guillory	Romero
Baudoin	Hammett	Rousselle
Baylor	Heaton	Salter
Bowler	Hill	Scalise
Bruce	Holden	Schneider
Bruneau	Hopkins	Shaw
Carter	Hudson	Smith, J.D.—50th
Chaisson	Hunter	Smith, J.R.—30th
Clarkson	Iles	Strain
Copelin	Jetson	Theriot
Crane	Johns	Thomas
Curtis	Kennard	Thompson
Damico	Kenney	Thornhill
Daniel	Lancaster	Toomy
Deville	Landrieu	Travis
DeWitt	LeBlanc	Triche
Diez	Long	Vitter
Dimos	Marionneaux	Walsworth
Doerge	Martiny	Warner
Donelon	McCain	Welch
Dupre	McCallum	Weston
Durand	McDonald	Wiggins
Farve	McMains	Wilkerson
Faucheux	Michot	Willard-Lewis
Flavin	Murray	Windhorst
Fontenot	Odinot	Winston
Forster	Perkins	Wright
Frith	Pierre	
Total—95		

NAYS

Total—0

ABSENT

Alexander, R.—13th	Mitchell	Riddle
Brun	Montgomery	Stelly
Hebert	Morrell	
Jenkins	Morrish	
Total—10		

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. DeWitt 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. 2203—
BY REPRESENTATIVE FLAVIN

AN ACT

To amend and reenact R.S. 37:1431(4), (5), (7) and (20), 1436(A), (B) and (D), 1437(A)(introductory paragraph) and (1), (B)(1), (C)(1) and (2) and (6)(a), 1437.2(A) through (E), 1437.3(C) and (E), 1439(B) and (C), 1443(1)(a) and (b), 1449(C) and (D), 1456(A)(1), (2) and (4), 1457, 1462(A), 1463(A)(1) and (E), and 1466(H) and to enact R.S. 37:1431(32), 1439(F), 1441(C), 1446(F) and (G), 1449(E), and 1456(A)(5) and (6), relative to

licensure of real estate sales persons; to provide definitions; to provide relative to application for a license; to provide relative to the licensing of corporations and partnerships; to provide for fees; to provide for commissions; and to provide for related matters.

Read by title.

Rep. Flavin sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Flavin to Engrossed House Bill No. 2203 by Representative Flavin

AMENDMENT NO. 1

On page 14, line 9, after "for" and before "performing" delete "any"

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

Rep. Flavin moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Fruge	Perkins
Alario	Gautreaux	Pierre
Alexander, A.—93rd	Glover	Pinac
Alexander, R.—13th	Green	Powell
Ansardi	Guillory	Pratt
Barton	Hammett	Quezairé
Baudoin	Heaton	Romero
Baylor	Hebert	Rousselle
Bowler	Hill	Salter
Bruce	Holden	Scalise
Brun	Hopkins	Schneider
Bruneau	Hudson	Shaw
Carter	Hunter	Smith, J.D.—50th
Chaisson	Iles	Smith, J.R.—30th
Clarkson	Jenkins	Strain
Copelin	Jetson	Theriot
Crane	Johns	Thomas
Curtis	Kennard	Thompson
Damico	Kenney	Thornhill
Daniel	Lancaster	Toomy
Deville	Landrieu	Travis
DeWitt	LeBlanc	Triche
Diez	Long	Vitter
Dimos	Marionneaux	Walsworth
Doerge	Martiny	Warner
Donelon	McCain	Welch
Dupre	McCallum	Weston
Durand	McDonald	Wiggins
Farve	McMains	Wilkerson
Faucheux	Michot	Willard-Lewis
Flavin	Montgomery	Windhorst
Fontenot	Morrell	Winston
Forster	Murray	Wright
Frith	Odinot	
Total—101		

NAYS

Total—0

ABSENT

Mitchell Riddle
Morrish Stelly
Total—4

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Flavin 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. 2317—

BY REPRESENTATIVES DIEZ, FORSTER, HUDSON, SCALISE, TRAVIS, FRITH, AND MURRAY

AN ACT

To amend and reenact R.S. 37:2162(I) and to enact R.S. 37:2162(J), relative to contractors; to provide for fines for violations to be transferred to a special contractor's educational trust fund to be used for educational purposes; to provide relative to civil penalties collected upon a finding that a person is acting as a contractor without a valid license; and to provide for related matters.

Read by title.

Rep. Diez moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Fruge	Perkins
Alario	Gautreaux	Pierre
Alexander, A.—93rd	Glover	Pinac
Alexander, R.—13th	Green	Powell
Ansardi	Guillory	Pratt
Barton	Hammett	Quezaire
Baudoin	Heaton	Romero
Baylor	Hebert	Rousselle
Bowler	Hill	Salter
Bruce	Holden	Scalise
Brun	Hopkins	Schneider
Bruneau	Hudson	Shaw
Carter	Hunter	Smith, J.D.—50th
Chaisson	Iles	Smith, J.R.—30th
Clarkson	Jenkins	Strain
Copelin	Jetson	Theriot
Crane	Johns	Thomas
Curtis	Kennard	Thompson
Damico	Kenney	Thornhill
Daniel	Lancaster	Toomy
Deville	Landrieu	Travis
DeWitt	LeBlanc	Triche
Diez	Long	Vitter
Dimos	Marionneaux	Walsworth
Doerge	Martiny	Warner
Donelon	McCain	Welch
Dupre	McCallum	Weston
Durand	McDonald	Wiggins
Farve	McMains	Wilkerson
Faucheux	Michot	Willard-Lewis
Flavin	Montgomery	Windhorst
Forster	Murray	Winston
Frith	Odinot	Wright
Total—99		

NAYS

Total—0

ABSENT

Fontenot Morrell Riddle
Mitchell Morrish Stelly
Total—6

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Diez 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. 41—

BY REPRESENTATIVES RIDDLE AND FRITH

AN ACT

To amend and reenact R.S. 9:315.13, relative to the guidelines for the determination of child support; to provide for allocation of the federal and state tax dependency deductions in certain cases; and to provide for related matters.

Read by title.

Rep. Landrieu moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Frith	Perkins
Alario	Fruge	Pierre
Alexander, A.—93rd	Gautreaux	Pinac
Alexander, R.—13th	Green	Powell
Ansardi	Guillory	Pratt
Barton	Hammett	Quezaire
Baudoin	Heaton	Romero
Baylor	Hebert	Rousselle
Bowler	Hill	Salter
Bruce	Holden	Scalise
Brun	Hopkins	Schneider
Bruneau	Hudson	Shaw
Carter	Hunter	Smith, J.D.—50th
Chaisson	Iles	Smith, J.R.—30th
Clarkson	Jenkins	Strain
Copelin	Jetson	Theriot
Crane	Johns	Thomas
Curtis	Kennard	Thompson
Damico	Kenney	Thornhill
Daniel	Lancaster	Toomy
Deville	Landrieu	Travis
DeWitt	LeBlanc	Triche
Diez	Long	Vitter
Dimos	Marionneaux	Walsworth
Doerge	Martiny	Warner
Donelon	McCain	Welch
Dupre	McCallum	Weston
Durand	McDonald	Wiggins
Farve	McMains	Wilkerson
Faucheux	Michot	Willard-Lewis
Flavin	Montgomery	Windhorst
Fontenot	Murray	Winston
Forster	Odinot	Wright
Total—99		

NAYS

Total—0

ABSENT

Glover Mitchell	Morrell Morrish	Riddle Stelly
Total—6		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Landrieu 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. 149—
BY REPRESENTATIVE ROUSSELLE
AN ACT

To enact R.S. 34:851.27(B)(7), relative to regulation of vessels and motorboats; to authorize and provide for the regulation of air boats in Plaquemines Parish and Jefferson Parish by the parish governing authority; to provide terms and conditions; to provide for the enforcement of such regulation; to provide for the effect of such regulation; and to provide for related matters.

Read by title.

Rep. Ansardi sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Lancaster to Engrossed House Bill No. 149 by Representative Rousselle

AMENDMENT NO. 1

On page 1, line 2, after "(7)" insert "and (8)"

AMENDMENT NO. 2

On page 1, line 7, after "regulation;" insert "to provide for regulation of watercraft operating near structures in Lake Pontchartrain which are leased by a local governing authority for recreational purposes;"

AMENDMENT NO. 3

On page 1, line 12, after "(7)" delete "is" and insert "and (8) are"

AMENDMENT NO. 4

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

"(8) Notwithstanding any law to the contrary, the local governing authority of any parish with a population in excess of four hundred forty thousand according to the latest federal census may regulate or prohibit watercraft operating within two hundred fifty feet of any structures on any water bottoms in Lake Pontchartrain leased by said local governing authority from the state for recreational purposes."

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

Point of Order

Rep. Jack Smith asked for a ruling from the Chair as to whether House Bill No. 149 levies a fee or increases an existing fee and therefore would require the favorable vote of two-thirds of the elected members to finally pass the House.

Ruling of the Chair

The Chair ruled the bill authorizes a local entity to impose a fee and would not require the favorable vote of two-thirds of the elected members to finally pass the House.

Motion

On motion of Rep. Rousselle, the bill, as amended, was returned to the calendar subject to call.

HOUSE BILL NO. 284—
BY REPRESENTATIVE MCCAIN
AN ACT

To amend and reenact R.S. 9:315.12, relative to the guidelines for the determination of child support; to require the Department of Social Services and the Louisiana District Attorneys Association to assist the legislature in the federally mandated periodic review thereof; and to provide for related matters.

Read by title.

Rep. McCain moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Frith	Perkins
Alario	Fruge	Pierre
Alexander, A.—93rd	Gautreaux	Pinac
Alexander, R.—13th	Glover	Powell
Ansardi	Green	Pratt
Barton	Guillory	Quezairé
Baudoin	Hammett	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	Strain
Clarkson	Jenkins	Theriot
Copelin	Jetson	Thomas
Crane	Johns	Thompson
Curtis	Kenney	Thornhill
Damico	Lancaster	Toomy
Daniel	Landrieu	Travis
Deville	LeBlanc	Triche
DeWitt	Long	Vitter
Diez	Marionneau	Walsworth
Dimos	Martiny	Warner
Doerge	McCain	Welch
Donelon	McCallum	Weston
Dupre	McDonald	Wiggins
Durand	McMains	Wilkerson
Farve	Michot	Windhorst
Faucheux	Montgomery	Winston
Flavin	Morrell	Wright

Fontenot
Forster
Total—97

Murray
Odinet

NAYS

Total—0

ABSENT

Heaton
Kennard
Mitchell
Total—8

Morrish
Riddle
Romero

Stelly
Willard-Lewis

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. McCain 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. 354—

BY REPRESENTATIVE FRUGE

AN ACT

To amend and reenact R.S. 32:382(A)(1), relative to special length limits of a single vehicle; to provide for an increase in the maximum allowable length; and to provide for related matters.

Read by title.

Rep. Fruge moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

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

Fontenot
Forster
Frith
Total—100

Morrell
Murray
Odinet

Wright

NAYS

Total—0

ABSENT

Mitchell
Morrish
Total—5

Riddle
Stelly

Willard-Lewis

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Fruge 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. 372—

BY REPRESENTATIVE MORRELL

AN ACT

To enact R.S. 9:3520(D), relative to consumer credit sales; to prohibit a seller from charging a consumer a fee for sending him an initial billing statement; to authorize a fee for additional statements; and to provide for related matters.

Read by title.

Rep. Murray moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

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

Flavin Forster Total—96	Michot Montgomery	Windhorst Winston
NAYS		
Total—0		
ABSENT		
Fontenot Mitchell Morrish Total—9	Riddle Stelly Strain	Walsworth Willard-Lewis Wright

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. 378—

BY REPRESENTATIVE ALARIO
AN ACT

To amend and reenact R.S. 38:291(R)(2) and 304(B) and to enact R.S. 38:304.2, relative to the West Jefferson Levee District; to provide for the membership of the board of commissioners of the district; to provide for the appointment of an additional member; and to provide for related matters.

Read by title.

Rep. Alario moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

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

Faucheux Flavin Fontenot Total—96	Montgomery Morrell Murray	Windhorst Winston Wright
NAYS		
Total—0		
ABSENT		
Hammett Hill Hudson Total—9	Marionneaux Morrish Riddle	Salter Stelly Walsworth

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. 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.

Suspension of the Rules

On motion of Rep. Triche, and under a suspension of the rules, the above bill was taken up out of its regular order at this time.

On motion of Rep. Triche, the above bill was recommitted to the Committee on Appropriations.

Suspension of the Rules

On motion of Rep. McCain, the rules were suspended in order to take up Introduction of Resolutions, House and House Concurrent at this time.

**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. 153—

BY REPRESENTATIVE FAUCHEUX
A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to submit to the House and Senate Committees on Transportation, Highways and Public Works, a full report on the present conditions of the state's railroad crossings including recommendations based on certain reports, on how to improve safety at these crossings.

Read by title.

Lies over under the rules.

Reports of Committees

The following reports of committees were received and read:

Report of the Committee on Labor and Industrial Relations

May 2, 1997

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on Labor and Industrial Relations to submit the following report:

House Bill No. 278, by LeBlanc
Reported favorably. (12-0) (Regular)

House Bill No. 1287, by Gautreaux
Reported with amendments. (9-0) (Regular)

House Bill No. 1456, by Forster
Reported with amendments. (7-6) (Regular)

House Bill No. 1823, by Michot
Reported with amendments. (10-0) (Regular)

House Bill No. 2186, by Forster
Reported favorably. (10-0) (Regular)

House Bill No. 2366, by Damico
Reported favorably. (13-0) (Regular)

House Bill No. 2499, by Walsworth
Reported favorably. (9-0) (Regular)

GAREY FORSTER
Chairman

**Report of the Committee on
Municipal, Parochial and Cultural Affairs**

May 2, 1997

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on Municipal, Parochial and Cultural Affairs to submit the following report:

House Bill No. 319, by J.D. Smith
Reported favorably. (8-0) (Consent)

House Bill No. 362, by J.D. Smith
Reported with amendments. (8-0) (Consent)

House Bill No. 603, by Murray
Reported favorably. (8-0) (Consent)

House Bill No. 971, by Barton
Reported favorably. (7-0) (Regular)

House Bill No. 1409, by Barton
Reported with amendments. (7-1) (Regular)

House Bill No. 1658, by Rousselle
Reported favorably. (9-0) (Consent)

House Bill No. 1661, by Hammett
Reported favorably. (7-0) (Consent)

House Bill No. 1665, by Dupre
Reported with amendments. (9-0) (Consent)

House Bill No. 1668, by Walsworth
Reported favorably. (7-0) (Regular)

House Bill No. 1758, by Damico
Reported favorably. (8-0) (Regular)

House Bill No. 2123, by Frith
Reported favorably. (9-1) (Regular)

House Bill No. 2176, by Dupre
Reported with amendments. (7-0) (Consent)

House Bill No. 2392, by Holden
Reported favorably. (8-0) (Regular)

Senate Bill No. 514, by Romero
Reported favorably. (11-0) (Regular)(Duplicate)

Senate Bill No. 1292, by Irons
Reported favorably. (8-0) (Regular)(Duplicate)

Senate Bill No. 1367, by Bagneris
Reported favorably. (7-0) (Regular)(Duplicate)

SHARON WESTON
Chairman

The above Senate Bills reported favorably or with amendments were referred to the Legislative Bureau.

Report of the Committee on Retirement

May 2, 1997

To the Speaker and Members of the House of Representatives:

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

House Bill No. 742, by Hammett
Reported with amendments. (9-0) (Regular)

House Bill No. 1010, by Stelly
Reported with amendments. (8-0) (Regular)

House Bill No. 1052, by Bruneau
Reported favorably. (7-0) (Regular)

House Bill No. 1091, by Wilkerson
Reported with amendments. (7-0) (Consent)

House Bill No. 1415, by Stelly
Reported favorably. (8-1) (Regular)

Senate Bill No. 199, by Heitmeier
Reported favorably. (7-0) (Regular)

Senate Bill No. 201, by Heitmeier
Reported with amendments. (7-0) (Regular)

Senate Bill No. 496, by Heitmeier
Reported favorably. (9-0) (Regular)

VICTOR T. STELLY
Chairman

The above Senate Bills reported favorably or with amendments were referred to the Legislative Bureau.

Leave of Absence

Rep. Riddle - 1 day

Rep. Morrish - 1 day
Rep. Stelly - 1 day

Adjournment

On motion of Rep. Landrieu, at 1:30 P.M., the House agreed to adjourn until Monday, May 5, 1997, at 1:30 P.M.

The Speaker of the House declared the House adjourned until 1:30 P.M., Monday, May 5, 1997.

ALFRED W. SPEER
Clerk of the House

C. Wayne Hays
Journal Clerk, *Emeritus*