

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

FORTY-SECOND 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 30, 1997

The House of Representatives was called to order at 11:00 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	Gautreaux	Pierre
Alario	Glover	Pinac
Alexander, A.—93rd	Green	Powell
Alexander, R.—13th	Guillory	Pratt
Ansardi	Hammett	Quezairé
Barton	Heaton	Riddle
Baudoin	Hebert	Romero
Baylor	Hill	Rousselle
Bowler	Holden	Salter
Bruce	Hopkins	Scalise
Brun	Hudson	Schneider
Bruneau	Hunter	Shaw
Carter	Iles	Smith, J.D.—50th
Chaisson	Jenkins	Smith, J.R.—30th
Clarkson	Jetson	Stelly
Copelin	Johns	Strain
Crane	Kennard	Theriot
Curtis	Kenney	Thomas
Damico	Lancaster	Thompson
Daniel	Landrieu	Thornhill
Deville	LeBlanc	Toomy
DeWitt	Long	Travis
Diez	Marionneaux	Triche
Dimos	Martiny	Vitter
Doerge	McCain	Walsworth
Donelon	McCallum	Warner
Dupre	McDonald	Welch
Durand	McMains	Weston
Farve	Michot	Wiggins

Faucheux	Montgomery	Wilkerson
Flavin	Morrell	Willard-Lewis
Fontenot	Morrish	Windhorst
Forster	Murray	Winston
Frith	Odinot	Wright
Fruge	Perkins	
Total—104		

ABSENT

Mitchell
 Total—1

The Speaker announced that there were 104 members present and a quorum.

Prayer

Prayer was offered by Rep. Salter.

Pledge of Allegiance

Rep. Murray 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. Guillory, the reading of the Journal was dispensed with.

On motion of Rep. Guillory, the Journal of May 29, 1997, was adopted.

Petitions, Memorials and Communications

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

State of Delaware
House Concurrent Resolution No. 6.

BY REPRESENTATIVES Smith, Spence, Welch, Boulden, Buckworth, Capano, Carey, Caulk, Cloutier, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Maier, Maroney, Petrilli, Reynolds, Roy, Stone, Ulbrich, Wagner, Gilligan, Brady, Banning, Keeley, Plant, Price, and West,

also SENATORS Venables, Bunting, Vaughn, Bair, Hauge, Reed, and Still.

WHEREAS, separation of powers is fundamental to the United States Constitution and the power of the federal government is strictly limited; and

WHEREAS, under the United States Constitution, the states are to determine public policy; and

WHEREAS, it is the duty of the judiciary to interpret the law, not to create law; and

WHEREAS, our present federal government has strayed from the intent of our founding fathers and the United States Constitution through inappropriate federal mandates; and

WHEREAS, these mandates by way of statute, rule or judicial decision have forced state governments to serve as the mere Administrative arm of the federal government; and

WHEREAS, federal district courts with the acquiescence of the United States Supreme Court, continue to order states to levy or increase taxes to comply with federal mandates; and

WHEREAS, these court actions violate the United States Constitution and the legislative process; and

WHEREAS, the time has come for the people of this great nation and their duly elected representatives in state government, to reaffirm, in no certain terms that the authority to tax under the Constitution of the United States is retained by the people who by their consent alone, do delegate such power to tax explicitly to those duly elected representatives in the legislative branch of government who they choose, such representatives being directly responsible and accountable to those who have elected them; and

WHEREAS, several states have petitioned the United States Congress to propose an amendment to the Constitution of the United States of America; and

WHEREAS, the amendment was previously introduced in Congress; and

WHEREAS, the amendment seeks to prevent federal courts from levying or increasing taxes without representation of the people's wishes and

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 139th General Assembly, the Senate concurring therein that the Congress of the United States prepare and submit to the several states an amendment to the Constitution of the United States to add a new article providing as follows:

"Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or a political subdivision thereof, or an official of such a state or political subdivision, to levy or increase taxes."

BE IT FURTHER RESOLVED that the Legislature of the State of Delaware also proposes that the legislatures of each of the several states comprising the United States that have not yet made similar requests to apply to the United States Congress requesting enactment of an appropriate amendment to the United States Constitution, and apply to the United States Congress to propose such an amendment to the United States Constitution.

BE IT FURTHER RESOLVED that the Secretary of State of the State of Delaware transmit copies of this Resolution to the President and Vice President of the United States, the presiding officer in each house of legislature in each of the states of the Union, the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate and to each member of the State of Delaware Congressional Delegation.

Message from the Senate

SENATE BILLS

May 30, 1997

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

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

Senate Bill Nos. 204, 425, 549, 790, 846, 899, 908, 1082, 1202, 1223, 1315, 1477, and 1560

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Suspension of the Rules

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

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

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

SENATE BILL NO. 204—

BY SENATOR HEITMEIER AND REPRESENTATIVE DEWITT
AN ACT

To amend and reenact R.S. 40:1299.39.1(A)(2)(a) and 1299.47(A)(2)(a); relative to prescription in medical malpractice claims; to specify the proper party to be served; and to provide for related matters.

Read by title.

SENATE BILL NO. 425—

BY SENATOR HEITMEIER
AN ACT

To amend and reenact R.S. 11:181(A) and to repeal R.S. 11:182, relative to state and statewide retirement systems; to provide for the composition of the governing boards of state systems; to provide that the chairman of the Senate Committee on Retirement serve as ex officio member of such boards; to provide for per diem paid for board members to attend meetings; to provide for an effective date; and to provide for related matters.

Read by title.

SENATE BILL NO. 549—

BY SENATORS HAINKEL, DARDENNE, EWING AND ROMERO
AN ACT

To enact R.S. 56:303.8, relative to the granting of licenses; to presume the possession of fish for commercial purposes only; and to provide for related matters.

Read by title.

SENATE BILL NO. 790—

BY SENATOR CAMPBELL
AN ACT

To enact Part XVI of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:369, and Chapter 9-C of Subtitle II of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:1357, relative to public property; to provide for the ownership of certain property purchased with certain funds; and to provide for related matters.

Read by title.

SENATE BILL NO. 846—

BY SENATOR SCHEDLER
AN ACT

To amend and reenact R.S. 47:463.8(A)(1) and (B), relative to motor vehicles; to provide relative to antique license plates; to provide relative to plates for antique vehicles; to authorize the issuance of such plates to trucks; and to provide for related matters.

Read by title.

SENATE BILL NO. 899—
BY SENATOR JORDAN

AN ACT

To amend and reenact R.S. 49:992(D)(1) and to enact R.S. 49:992(D)(8), (9) and (10), relative to the division of administrative law; to provide for the exemption of the Department of Public Safety and Corrections, the office of alcoholic beverage control and the Department of Insurance from provisions requiring adjudications by the division of administrative law; and to provide for related matters.

Read by title.

SENATE BILL NO. 908—
BY SENATOR JORDAN

AN ACT

To amend and reenact R.S. 13:621.15, relative to district courts; to provide for an additional judgeship in the fifteenth judicial district; to provide for the election and term of office; to provide for qualifications; to provide relative to compensation; and to provide for related matters.

Read by title.

SENATE BILL NO. 1082—
BY SENATOR JOHNSON

AN ACT

To enact R.S. 33:4753.1, relative to the authority of the city of New Orleans to adopt certain ordinances relative to property which endangers the public health, welfare or safety or is unsanitary; to authorize the city of New Orleans to require that community service be performed by persons who allow weeds, grass or other noxious growths to accumulate on their property in disregard of the health and safety of others; to provide for penalties; and to provide for related matters.

Read by title.

SENATE BILL NO. 1202—
BY SENATOR CRAVINS

AN ACT

To amend and reenact R.S. 22:2029(1), relative to dental referral plans; to delete dental care providers from the definition of "dental referral plan"; and to provide for related matters.

Read by title.

SENATE BILL NO. 1223—
BY SENATOR EWING

AN ACT

To amend and reenact R.S. 33:9102(B) and to enact R.S. 33:9131.2, relative to communications districts; to provide for the Ouachita Parish Communications District to engage in other communication enhancements which will improve the effectiveness of safety services; to allow the Ouachita Parish Communications District to levy emergency telephone service charges on cellular or other nonfixed locations of wireless telephone service users; to provide for the billing of emergency telephone service charges; to provide that good faith compliance by the service supplier shall be a complete defense to legal action resulting from the supplier's list of uncollected payments; to provide for payment, remittance, record keeping, and the administrative fee for such charges between the service supplier and the district governing authority; and to provide for related matters.

Read by title.

SENATE BILL NO. 1315—
BY SENATOR CRAVINS

AN ACT

To enact R.S. 27:65(B)(16), relative to riverboat gaming; to express the intent of the legislature regarding the provision of complimentary food service by riverboat casinos; to express the intent of the legislature regarding competition of riverboat casinos with the restaurant industry; and to provide for related matters.

Read by title.

SENATE BILL NO. 1477—
BY SENATOR ELLINGTON

AN ACT

To enact R.S. 33:4574(A)(2)(mm) and 4574.1-A(A)(1)(mm), relative to occupancy taxes levied by tourism commissions; to create the Franklin Parish Tourism Commission as a political subdivision of the state; to authorize the commission to levy and collect a sales and use tax upon the occupancy of hotel and motel rooms, bed and breakfast and overnight camping facilities within the parish; and to provide for related matters.

Read by title.

SENATE BILL NO. 1560 (Substitute for Senate Bill No. 1533 by Senator Hines)—

BY SENATORS HINES, IRONS AND BAJOIE

AN ACT

To enact R.S. 36:259(FF) and 919.4 and Chapter 52 of Title 46 of the Revised Statutes of 1950, to be comprised of R.S. 46:2671 through 2675, relative to assisted living of the elderly; to provide for findings and declarations; to authorize the Department of Health and Hospitals to develop and implement a residential assisted living pilot project; to provide for cooperation among departments; to provide for guidelines for such project; to specify duration of project; to require reports; to create an advisory committee; to provide for membership and duties of such committee; and to provide for related matters.

Read by title.

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

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

HOUSE RESOLUTION NO. 69—
BY REPRESENTATIVE HOLDEN

A RESOLUTION

To express the condolences of the House of Representatives upon the death of Mrs. Marion Dawson Walker of Baton Rouge and to recognize her significant contributions to the people of her community and state.

Read by title.

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

HOUSE CONCURRENT RESOLUTION NO. 200—
BY REPRESENTATIVE SALTER

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study and make recommendations to the legislature on the feasibility of adopting in this state the Uniform Law on Nonprobate Transfer

on Death, particularly the Uniform Transfer on Death Security Registration Act.

Read by title.

Lies over under the rules.

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. 199—
BY REPRESENTATIVES DIEZ AND WIGGINS
A CONCURRENT RESOLUTION

To suspend until sixty days after final adjournment of the 1998 Regular Session of the Legislature any reduction in wages for the Department of Transportation and Development construction and maintenance personnel which was a result of the requirements contained in the Engineering Directives and Standards Manual IV.1.1.10 of the Department of Transportation and Development and to direct the Department of Transportation and Development to provide formal training courses and certified instructors for the mandatory structured training programs throughout the Department of Transportation and Development.

Read by title.

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

Senate Concurrent Resolutions

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

SENATE CONCURRENT RESOLUTION NO. 128—
BY SENATORS CAIN AND COX
A CONCURRENT RESOLUTION

To urge and request United States Department of Agriculture (USDA) to investigate San Jacinto Port Corporation's alleged practices of employing illegal aliens and if such allegations are true, to consider suspension or debarment of San Jacinto Port Corporation as a contractor in its PL-480 cargo unloading program.

Read by title.

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

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. 45—
BY SENATOR DARDENNE
AN ACT

To amend and reenact R.S. 27:319(A), relative to allowing minors to play video draw poker devices; to provide for the minimum age to play such devices; 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. 80—
BY SENATOR LANDRY
AN ACT

To enact R.S. 56:410.8, relative to wildlife and fisheries; to create a special catfish management area; to create a permit program within such area; to require promulgation of rules and regulations; to provide for 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. 268—
BY SENATOR ULLO
AN ACT

To amend and reenact R.S. 15:832.1(A) and (B), relative to work by inmates; to authorize the governor to use inmate labor in certain projects or maintenance or repair work at such facilities; to authorize the use of inmate labor for certain custodial services; to provide for the effective date and term of this Act 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. 635—
BY SENATORS HAINKEL, DARDENNE, EWING AND ROMERO
AN ACT

To enact R.S. 30:136.3, relative to the Department of Natural Resources; to provide relative to the office of mineral resources; to create the Mineral Resources Audit and Collection Fund in the state treasury; to provide relative to the monies in such fund; 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. 680—
BY SENATOR LANDRY
AN ACT

To amend and reenact R.S. 48:971 and to repeal R.S. 17:157, R.S. 29:27, R.S. 33:1975, R.S. 40:1392, and R.S. 48:972, 999, and 1000, relative to ferries and bridges; to provide for toll exemptions; to repeal certain toll exemptions; 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. 1025—
BY SENATOR CAMPBELL
AN ACT

To amend and reenact R.S. 22:215.8, relative to health insurance coverage; to provide for coverage for the treatment and correction of cleft lip and cleft palate; 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. 1091—
BY SENATOR HAINKEL

AN ACT

To enact R.S. 15:261, relative to witness fees; to provide with regard to the disposition of witness fees provided by law for the payment of certain law enforcement officers when they make a criminal or juvenile court appearance; 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. 1123 —
BY SENATOR LANDRY AND REPRESENTATIVE FAUCHEUX
AN ACT

To amend and reenact R.S. 40:1749.12(3), (4), (6), (9), and (10), 1749.13(A) and (B)(1) and (2), 1749.14(C)(1)(a) and (b)(i), and (D), 1749.15, 1749.16(4), 1749.17, 1749.19, 1749.20 and 1749.21 and to enact R.S. 40:1749.12(11), (12), and (13), 1749.13(B)(5) and (D), 1749.14(C)(1)(b)(iii) and (iv), (C)(3), and (E), 1749.23, 1749.24 and 1749.25, all relative to the Louisiana Underground Utilities and Facilities Damage Prevention Law; to provide definitions; to provide relative to excavation and demolition notification procedures and requirements; to provide for immunity from civil liability under certain circumstances; to provide relative to marking of facilities; to require certain actions by excavators and demolishers when there has been damage to an underground facility or utility; to provide relative to participation by municipalities or parish governments under certain circumstances; to provide for violations and penalties, including civil penalties and costs; to provide for enforcement by the Department of Public Safety and Corrections; to provide for proceedings and adjudications for the levying of civil penalties; to provide for the distribution of civil penalties; to create the Underground Damages Prevention Fund within the state treasury and provide for disbursements from such fund; to authorize local violation bureaus; to authorize the promulgation of rules by the Department of Public Safety and Corrections relative to enforcement; to provide for the uses of monies in such fund; to provide for compliance by the Department of Transportation and Development; and to provide for related matters.

Read by title.

Motion

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

SENATE BILL NO. 1147—
BY SENATOR ELLINGTON AND REPRESENTATIVE FORSTER
AN ACT

To amend and reenact R.S. 23:392(C), 964(F), and 1513 and to enact R.S. 23:108(E), 231(H), 897(K), 1511(E), (F), and (G), 1513.1, 1513.2, and 1532.1(C)(5), relative to certain accounts in the employment security administration fund; to create the penalty and interest account and Reed Act account in the employment security administration fund; to provide for disbursements from the accounts; 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. 1167—
BY SENATORS HAINKEL, DARDENNE, EWING AND ROMERO
AN ACT

To enact Part IV-B of Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1730.21 through 1730.32, relative to the conservation of energy; to establish a Commercial Building Energy Conservation Code; 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. 1472—
BY SENATOR BEAN
AN ACT

To amend and reenact R.S. 4:10.4(5), relative to amusement games at fairs and carnivals; to provide for the maximum allowable cost of playing such games and the maximum allowable value of prizes to be won; 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. 1474—
BY SENATOR SCHEDLER
AN ACT

To amend and reenact R.S. 33:4575.1(A) and (C), and to enact R.S. 33:4575.3(20), relative to recreational facilities; to provide with respect to the East St. Tammany Events Center District; to provide for board membership and terms of office; to authorize the levying of a hotel occupancy tax; and to provide for related matters.

Read by title.

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

SENATE BILL NO. 1487—
BY SENATOR BAGNERIS
AN ACT

To amend and reenact R.S. 48:756(B), relative to the Parish Transportation Fund; to modify and provide relative to the distribution formula of the mass transit account of the Parish Transportation Fund; 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. 1488—
BY SENATOR CAIN AND REPRESENTATIVES BARTON AND HILL
AN ACT

To enact Part XIII-A of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:1137 through 1139, relative to sentencing of certain inmates; to provide for purposes; to provide for a community-based drug punishment center; to provide for duties of the Department of Public Safety and Corrections; to provide for a pilot program; to provide for sentencing to such center; 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. 1507—
BY SENATOR BARHAM

AN ACT

To enact R.S. 45:1177(E), relative to fees levied on motor carriers and public utilities; to provide an exclusion for commercial mobile service; 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. 1529—
BY SENATORS HAINKEL AND HOLLIS

AN ACT

To amend and reenact R.S. 33:9024 and to enact R.S. 33:9021(7), (8), (9) and (10), relative to cooperative economic development; to provide additional declarations of necessity for the cooperative economic development law; to provide for economic development corporations to operate as public-private partnerships jointly working toward economic development; to prohibit private non-profit corporations from assuming the powers of government or performing functions which are purely and solely of a public or governmental nature; to provide that certain public-private partnerships adhere to public records and open meeting laws; 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. 1531—
BY SENATOR BAGNERIS

AN ACT

To amend and reenact R.S. 48:756(A)(3), relative to the Parish Transportation Fund distribution; to clarify the distribution formula for parishes with a population greater than four hundred seventy-five thousand; 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. 1536—
BY SENATOR SHORT

AN ACT

To enact R.S. 15:571.34, relative to alternative incarceration; to establish a pilot program involving electronic monitoring for certain prisoners; 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. 1559 (Substitute for Senate Bill No. 1324 by Senator Ewing)—
BY SENATORS EWING AND HINES

AN ACT

To enact Part VI-A of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of Subpart A, comprised of R.S. 46:437.1 through 437.10, Subpart B, comprised of R.S. 46:438.1 through 438.8, Subpart C, comprised of R.S. 46:439.1 through 439.4, and Subpart D, comprised of R.S. 46:440.1 through 440.3, and to repeal R.S. 46:442, relative to health

services; to create and provide relative to the Medical Assistance Programs Integrity Law; to provide for definitions; to provide for claims review and administrative sanctions; to authorize settlements on behalf of the medical assistance programs; to authorize use of certain legal processes to protect the fiscal integrity of the medical assistance programs; to authorize civil causes of action for certain misconduct relative to the medical assistance programs; to provide for damages, civil fines, penalties, costs, fees, and expenses, and other recovery; to provide for burden of proof and evidence in regard to a civil action instituted pursuant to this Act; to authorize a private person to institute a civil action on behalf of the medical assistance programs and himself, to be known as a "Qui Tam action"; to provide procedures, limitations, and requirements for a Qui Tam action; to provide relative to recovery in a Qui Tam action; to establish a fund to receive recovery in excess of actual damages to the medical assistance programs; to authorize uses for the monies in the fund; to allow the secretary of the Department of Health and Hospitals to grant limited rewards for certain information that leads to recovery; to provide certain protections and a cause of action for a person who supplies such information; 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. 242—
BY SENATOR LENTINI

AN ACT

To enact Code of Civil Procedure Art. 5183(A)(3), relative to affidavits of poverty; to require the clerk of court's office to make recommendations to the court as to indigent status if required by local court rule; to provide other factors for the court's consideration; and to provide for related matters.

Called from the calendar.

Read by title.

Motion

Rep. Murray moved that Senate Bill No. 242 be designated as a duplicate of House Bill No. 1471.

Which motion was agreed to.

Rep. Murray moved that Senate Bill No. 242 be amended to conform with House Bill No. 1471 and sent up the following floor amendments:

HOUSE FLOOR AMENDMENTS

Conforming Amendments proposed by Representative Murray to Reengrossed Senate Bill No. 242 by Senator Lentini (Duplicate of H.B. No. 1471)

AMENDMENT NO. 1

On page 1, line 2, change "enact" to "amend and reenact" and change "5183(A)(3)," to "5183(B)," and after "relative to" delete the remainder of the line and delete lines 3 through 5 in their entirety and insert the following:

"the waiver of costs for indigent parties; to provide a rebuttable presumption of poverty when the applicant's income borders the poverty level; and to provide for"

AMENDMENT NO. 2

On page 1, line 8, chage "5183(A)(3)" to "5183(B)" and at the end of the line change "enacted" to "amended and reenacted"

AMENDMENT NO. 3

On page 1, delete lines 11 through 14 in their entirety

AMENDMENT NO. 4

On page 2, delete lines 1 through 5 in their entirety and insert the following:

"B.(1) When the application and supporting affidavits are presented to the court, it shall inquire into the facts, and if satisfied that the applicant is entitled to the privilege granted in this Chapter, it shall render an order permitting the applicant to litigate, or to continue the litigation of, the action or proceeding without paying the costs in advance, or as they accrue, or furnishing security therefor.

(2) Proof that the applicant's income does not exceed one hundred twenty-five percent of the federal poverty level creates a rebuttable presumption that the applicant is entitled to litigate without the payment of costs pursuant to this Chapter.

(3) The court may reconsider such an order on its own motion at any time in a contradictory hearing.

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

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

Motion

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

SENATE BILL NO. 947—

BY SENATOR ROMERO

AN ACT

To amend and reenact R.S. 42:1102(18), relative to the code of governmental ethics; to provide for the definition of a public employee; and to provide for related matters.

Called from the calendar.

Read by title.

Motion

Rep. Vitter moved that Senate Bill No. 947 be designated as a duplicate of House Bill No. 2320.

Which motion was agreed to.

Rep. Vitter moved that Senate Bill No. 947 be amended to conform with House Bill No. 2320 and sent up the following floor amendments:

HOUSE FLOOR AMENDMENTS

Conforming Amendments proposed by Representative Vitter to Reengrossed Senate Bill No. 947 by Senator Romero (Duplicate of H.B. No. 2320)

AMENDMENT NO. 1

On page 1, line 3, after "employee;" insert "to provide for the application of such definition to certain persons;"

AMENDMENT NO. 2

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

"(iii) A person who is not filling an elective office who purports to be or who holds himself out to the public to be acting in an official capacity for a governmental entity or an elected official or to be acting under the authority or on behalf of an elected official."

AMENDMENT NO. 3

On page 2, line 5, change "(iii)" to "(iv)"

AMENDMENT NO. 4

On page 2, line 6, change "(iv)" to "(v)"

AMENDMENT NO. 5

On page 2, delete lines 13 through 17 in their entirety

AMENDMENT NO. 6

On page 2, after line 18, insert the following:

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

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

Motion

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

SENATE BILL NO. 1252—

BY SENATOR BAGNERIS

AN ACT

To enact Chapter 18 of Title VIII of the Louisiana Children's Code, to be comprised of Arts. 917 through 922, relative to the motion, procedure, and grounds for expungement of court or agency records concerning juvenile activity; to provide an age limit for eligibility for expungement; to provide a framework of time requirements for eligibility; and to provide for related matters.

Called from the calendar.

Read by title.

Motion

Rep. Forster moved that Senate Bill No. 1252 be designated as a duplicate of House Bill No. 1454.

Which motion was agreed to.

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Rep. Forster moved that Senate Bill No. 1252 be amended to conform with House Bill No. 1454 and sent up the following floor amendments:

HOUSE FLOOR AMENDMENTS

Conforming Amendments proposed by Representative Forster to Engrossed Senate Bill No. 1252 by Senator Bagneris (Duplicate of H.B. No. 1454)

AMENDMENT NO. 1

On page 1, line 5, after "juvenile" insert "adjudications and"

AMENDMENT NO. 2

On page 1, line 7, after "eligibility;" insert "to provide exceptions;"

AMENDMENT NO. 3

On page 1, line 16, after "expungement of" insert "certain" and after "records of" delete the remainder of the line and on page 2, delete line 1 and insert the following: "conduct and conditions involving delinquency pursuant to the provisions of this Chapter."

AMENDMENT NO. 4

On page 2, line 5, after "adjudication" insert "of delinquency"

AMENDMENT NO. 5

On page 2, at the end of line 6 and the beginning of line 7, delete "a misdemeanor" and insert "an" and on line 7, after "adjudication" insert "of delinquency for the commission of a misdemeanor-grade delinquent act"

AMENDMENT NO. 6

On page 2, at the end of line 10 and the beginning of line 11, delete "a felony" and insert "an" and on line 10, after "adjudication" insert "of delinquency for the commission of a felony-grade delinquent act"

AMENDMENT NO. 7

On page 2, line 12, delete "adjudication" and insert "mover was not adjudicated a delinquent for the commission or attempted commission of first-degree murder, second-degree"

AMENDMENT NO. 8

On page 2, at the end of line 12 and the beginning of line 13, delete "any sexual crime" and insert "aggravated rape, simple rape, sexual battery,"

AMENDMENT NO. 9

On page 2, line 14, after "Five" delete "or more" and after "since the" delete the remainder of the line and delete line 15 in its entirety and insert "latest juvenile court judgment of disposition affecting him was satisfied"

AMENDMENT NO. 10

On page 2, line 16, after "The" delete the remainder of the line and delete line 17 in its entirety and insert "mover has not been convicted of a felony in any criminal court after reaching the age of seventeen."

AMENDMENT NO. 11

On page 2, line 18, after "The" delete "person has no outstanding" and insert "mover is not charged in a pending" and on line 19, delete "charging him." and insert a period "."

AMENDMENT NO. 12

On page 3, line 8, after "Identification" insert "and Information"

AMENDMENT NO. 13

On page 3, line 21, after "motion" change "of" to "for"

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

Motion

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

SENATE BILL NO. 1530—

BY SENATORS CRAVINS AND ROMERO AND REPRESENTATIVE HUDSON

AN ACT

To amend and reenact R.S. 17:3217(11) and to enact Part III-B of Chapter 5 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:1823, Part III-C of Chapter 5 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:1824, Part III-D of Chapter 5 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:1825, Part III-E of Chapter 5 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:1826, and R.S. 17:3217(12), (13), (14) and (15), relative to institutions of higher education; to establish the Gulf Coast Community and Technical College; to establish the River Parishes Community College; to establish the West Bank Community College; to establish the Louisiana Delta Community College; to provide for the campuses of such institutions; to provide for the governance of such institutions; to provide for an arts and sciences division at each campus of such institutions; to provide relative to the management, operation, and programming of such institutions; and to provide for related matters.

Called from the calendar.

Read by title.

Motion

Rep. Hudson moved that Senate Bill No. 1530 be designated as a duplicate of House Bill No. 2517.

Which motion was agreed to.

Rep. Hudson moved that Senate Bill No. 1530 be amended to conform with House Bill No. 2517 and sent up the following floor amendments:

HOUSE FLOOR AMENDMENTS

Conforming Amendments proposed by Representative Hudson to Re-engrossed Senate Bill No. 1530 by Senator Cravins (Duplicate of H.B. No. 2517)

AMENDMENT NO. 1

On page 1, line 2, after "To" delete "amend and reenact R.S. 17:3217(11) and to"

AMENDMENT NO. 2

On page 1, line 4, change "17:1823," to "17:1825," and delete the remainder of the line and delete lines 5 through 8 in their entirety, and on line 9, delete "and R.S. 17:3217(12), (13), (14) and (15),"

AMENDMENT NO. 3

On page 1, at the end of line 9 and the beginning of line 10, delete "institutions of higher education;" and insert "public community colleges;"

AMENDMENT NO. 4

On page 1, line 10, after "to" insert "create and"

AMENDMENT NO. 5

On page 1, line 11, after "College;" delete the remainder of the line and delete lines 12 through 16 in their entirety, and on page 2, line 1, delete "programming of such institutions;" and insert the following:

"to provide for administration, management, and supervision of the institution; to provide for the duties and responsibilities of the State Board of Elementary and Secondary Education; to provide for the duties and responsibilities of the Board of Trustees for State Colleges and Universities; to provide for the operation of the institution in accordance with certain guidelines and procedures; to provide for implementation; to provide for effectiveness;"

AMENDMENT NO. 6

On page 2, line 3, delete "R.S. 17:3217(11) is hereby amended and reenacted and"

AMENDMENT NO. 7

On page 2, line 5, change "17:1823," to "17:1825," and delete the remainder of the line and delete lines 6 through 9 in their entirety and on line 10, delete "17:3217(12), (13), (14) and (15) are" and insert "is"

AMENDMENT NO. 8

On page 2, delete lines 14 through 27 and delete pages 3 through 7 in their entirety and insert the following:

"§1825. Gulf Coast Community and Technical College; creation, management, and operation

A. Pursuant to the duty and responsibility placed with the legislature by Article VIII, Section 1 of the Constitution of Louisiana to establish and maintain a public educational system and the authority granted the legislature by Article VIII, Section 5(D)(3) to create a new institution by law enacted by two-thirds of the elected members of each house, the Gulf Coast Community and Technical College is hereby created and established effective July 1, 1997, as a public two-year institution of higher education. The institution and its programs shall be administered, managed, and supervised jointly by the State Board of Elementary and Secondary Education and the Board of Trustees for State Colleges and Universities as provided in this Part.

B. The institution shall begin providing instructional services to students no later than the Fall semester of the 1998-1999 academic year. The institution shall offer occupational, vocational, and other workforce development programs as well as developmental education programs. The institution also shall offer academic associate degree

programs which shall meet criteria for accreditation by the Southern Association of Colleges and Schools.

C. The Lafayette Regional Technical Institute shall serve as the central campus of Gulf Coast Community and Technical College and the director of the institute shall serve as the president of the college. The Evangeline Technical Institute in St. Martinville, the Gulf Area Technical Institute in Abbeville, the Tech Area Technical Institute in New Iberia, and the T. H. Harris Technical Institute in Opelousas shall also be campus locations of the college. An additional campus shall be located in St. Mary Parish at a site to be determined by the administering boards. Each campus location shall have the name "Gulf Coast Community and Technical College at (the name of the municipality in which the campus is located)".

D. Each campus of Gulf Coast Community and Technical College shall include a division of occupational studies and a division of arts and sciences. The division of occupational studies shall include the employees and programs of the technical institute and such employees and programs shall be administered, managed, and supervised by the State Board of Elementary and Secondary Education. The division of arts and sciences shall be comprised of all other employees and programs of Gulf Coast Community and Technical College and such employees and programs shall be administered, managed, and supervised by the Board of Trustees for State Colleges and Universities.

E. Gulf Coast Community and Technical College shall enter into cooperative agreements with the University of Southwestern Louisiana and with other public colleges and universities in the state to facilitate the delivery of coordinated and articulated educational services, minimize cost, and foster cooperation.

F. The State Board of Elementary and Secondary Education and the Board of Trustees for State Colleges and Universities jointly may establish an advisory board to Gulf Coast Community and Technical College. The membership of any such advisory board shall include but need not be limited to the state superintendent of education, the president of the University of Louisiana system, and two members of the State Board of Elementary and Secondary Education and two members of the Board of Trustees for State Colleges and Universities who shall be appointed by and shall serve at the pleasure of the respective board making the appointments.

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

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

Motion

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

Senate Instruments on Second Reading Returned from the Legislative Bureau

The following Senate Instruments on second reading, returned from the Legislative Bureau, were taken up and acted upon as follows:

SENATE BILL NO. 34—

BY SENATORS LENTINI, SHORT, BAGNERIS, BAJOIE, BARHAM, BEAN, BRANCH, CAIN, CASANOVA, COX, CRAVINS, DARDENNE, DEAN, ELLINGTON, EWING, FIELDS, GREENE, HOLLIS, JONES, LAMBERT, LANDRY, ROBICHAUX, SCHEDLER, THEUNISSEN AND ULLO

AN ACT

To enact R.S. 14:34.5 and Code of Criminal Procedure Art. 814(A)(14.1), relative to assault and battery; to create the crime of disarming of a peace officer; to provide definitions; to provide penalties; to provide for responsive verdicts; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Administration of Criminal Justice.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 48—

BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 18:1491.4(D) and 1495.2(D), relative to the Louisiana Election Code; to provide that money market accounts provided through a broker-dealer may be designated as a campaign depository; 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 Engrossed Senate Bill No. 48 by Senator Dardenne

AMENDMENT NO. 1

On page 1, line 3, after "market" delete "accounts" and on line 4, delete "provided through a broker-dealer" and insert "mutual funds"

AMENDMENT NO. 2

On page 1, line 15, after "market" delete the remainder of the line and insert "mutual fund"

AMENDMENT NO. 3

On page 1, at the beginning of line 16, delete "a broker-dealer and designate such account as his" and insert "and designate such fund as a"

AMENDMENT NO. 4

On page 2, line 25, after "market" and before "and" delete "account through a broker-dealer" and insert "mutual fund"

AMENDMENT NO. 5

On page 2, at the beginning of line 26, change "account as his" to "fund as a"

Reported with amendments by the Legislative Bureau.

The Legislative Bureau amendments were read as follows:

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Engrossed Senate Bill No. 48 by Senator Dardenne

AMENDMENT NO. 1

On page 2, line 8, and page 3, line 5, following "Subsection E" delete "below"

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 52—

BY SENATOR LENTINI

AN ACT

To amend and reenact R.S. 14:108.1 and to enact Code of Criminal Procedure Art. 814(A)(45.1), relative to offenses affecting law enforcement; to create the crime of aggravated flight from an officer; to provide a penalty; to provide for responsive verdicts; 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 Engrossed Senate Bill No. 52 by Senator Lentini

AMENDMENT NO. 1

On page 2, line 12, after "endangered" delete the remainder of the line and delete line 13, and insert the following:

"shall be any situation where the operator of the fleeing vehicle commits at least two of the following acts:"

AMENDMENT NO. 2

On page 2, line 14, change "1." to "(1)"

AMENDMENT NO. 3

On page 2, line 16, after "vehicle" and before the period "." delete "or object"

AMENDMENT NO. 4

On page 2, line 16, change "2." to "(2)"

AMENDMENT NO. 5

On page 2, line 17, change "3." to "(3)"

AMENDMENT NO. 6

On page 2, line 19, change "4." to "(4)"

AMENDMENT NO. 7

On page 2, line 22, after "than" and before "years" change "five" to "two"

Reported with amendments by the Legislative Bureau.

The Legislative Bureau amendments were read as follows:

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Engrossed Senate Bill No. 52 by Senator Lentini

AMENDMENT NO. 1

On page 2, line 12, before "Circumstances" insert "D." and on line 21, change "D." to "E."

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 64—

BY SENATORS LENTINI, SHORT, BRANCH, CAIN, COX, DEAN, DYESS, ELLINGTON, HAINKEL, HINES, HOLLIS, MALONE, ROBICHAUX, ROMERO, SIRACUSA, SMITH, TARVER, THEUNISSEN AND ULLO
AN ACT

To enact R. S. 15:572.3(4) and 574.2(C)(11), relative to pardon and parole; to provide for the powers of the Board of Pardons and the Board of Parole; to impose sanctions for contempt; 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 Reengrossed Senate Bill No. 64 by Senator Lentini

AMENDMENT NO. 1

On page 1, line 4, after "Parole;" and before "and to" change "to impose sanctions for contempt;" to "to provide for imposition of sanctions;"

AMENDMENT NO. 2

On page 1, line 14, after "(4)(a)" delete the remainder of the line and insert "Sanction the"

AMENDMENT NO. 3

On page 2, line 2, after "(b) A" and before "may result" delete "finding of contempt" and insert "decision to sanction"

AMENDMENT NO. 4

On page 2, line 5, after "sanction" delete the remainder of the line

AMENDMENT NO. 5

On page 2, line 18, after "(11)(a) To" delete the remainder of the line and insert "sanction"

AMENDMENT NO. 6

On page 2, line 22, after "(b) A" and before "may result" delete "finding of contempt" and insert "decision to sanction"

AMENDMENT NO. 7

On page 2, line 26, after "sanction" delete the remainder of the line

Reported without amendments by the Legislative Bureau.

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 250—

BY SENATOR CAIN

AN ACT

To enact R.S. 22:9(A)(1)(bb), relative to the Louisiana Health Care Commission; to increase the membership of the commission; to provide for an additional nominee by the Louisiana Nursing Home Association; 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 Engrossed Senate Bill No. 250 by Senator Cain

AMENDMENT NO. 1

On page 2, between lines 26 and 27, insert the following:

"(cc) Louisiana's Medicare Peer Review Organization as designated by the Health Care Financing Administration.

(dd) Louisiana Business Group on Health.

(ee) Louisiana Association of Health Underwriters.

(ff) Louisiana Psychological Association."

Reported with amendments by the Legislative Bureau.

The Legislative Bureau amendments were read as follows:

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Engrossed Senate Bill No. 250 by Senator Cain

AMENDMENT NO. 1

On page 1, line 2, following "(bb)" and before the comma "," insert ", (cc), (dd), (ee), and (ff)"

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AMENDMENT NO. 2

On page 1, line 7, following "(bb)" change "is" to ", (cc), (dd), (ee), and (ff) are"

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 513—

BY SENATORS COX AND JORDAN
AN ACT

To repeal R.S. 15:171, relative to time limitations, to delete requirement for an expeditious disposition of criminal cases involving minors; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Administration of Criminal Justice.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 521—

BY SENATOR BEAN

AN ACT

To amend and reenact R.S. 40:1300.83(2), (3), and (4), 1300.84(A), the introductory paragraph of R.S. 1300.84(B) and (B)(4), 1300.85, 1300.86, 1300.87, 1300.88, 1300.89(B), (C), and (D), 1300.90, 1300.91, 1300.92, 1300.93, 1300.94, 1300.95, 1300.96, and 1300.97, relative to the Louisiana Kidney Health Care Law; to remove the Louisiana Kidney Health Care Program from the direction of the Department of Health and Hospitals and to place it under the direction of the Louisiana State University Medical Center at Shreveport; to replace references to the department with references to the medical center; to replace references to the secretary with references to the chancellor; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Health and Welfare.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 530—

BY SENATORS GUIDRY AND BAJOIE
AN ACT

To amend and reenact R.S. 46:460(4) and to enact R.S. 46:460(7) and R.S. 46:460.4, relative to public assistance; to define Temporary Assistance to Needy Families (TANF); to establish individual development accounts; to provide for administration of such accounts; to require earned income disregard for certain transactions; to require Department of Social Services to

promulgate 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 Engrossed Senate Bill No. 530 by Senators Guidry and Bajoie

AMENDMENT NO. 1

On page 1, at the beginning of line 4, change "to" to "for"

AMENDMENT NO. 2

On page 1, line 4, after "to" and before "individual" delete "establish" and insert "provide for"

AMENDMENT NO. 3

On page 1, at the end of line 5, delete "to require" and at the beginning of line 6, delete "earned income disregard for certain transactions;"

AMENDMENT NO. 4

On page 1, line 6, after "to require" insert "the"

AMENDMENT NO. 5

On page 2, line 21, after "exceed" and before "thousand" change "twelve" to "six"

AMENDMENT NO. 6

On page 2, at the end of line 21, after "dollars" and before the period "." insert "excluding interest"

AMENDMENT NO. 7

On page 2, delete lines 22 and 23 in their entirety

AMENDMENT NO. 8

On page 2, line 25, after "exceed" and before "thousand" change "nine" to "six"

AMENDMENT NO. 9

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

"(c) To pay for work related clothing, tools, or equipment as approved by the department."

AMENDMENT NO. 10

On page 3, delete lines 5 through 11 in their entirety

AMENDMENT NO. 11

On page 3, delete lines 14 through 21 in their entirety

AMENDMENT NO. 12

On page 3, at the beginning of line 22, change "E." to "D."

AMENDMENT NO. 13

On page 4, at the beginning of line 1, change "F.(1)" to "E.(1)"

Reported without amendments by the Legislative Bureau.

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 557—

BY SENATORS HAINKEL, DARDENNE, EWING AND ROMERO
AN ACT

To amend and reenact R.S. 56:632.8, relative to the Reptile and Amphibian Task Force; to change the membership of the task force; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Natural Resources.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Natural Resources to Reengrossed Senate Bill No. 557 by Senator Hainkel

AMENDMENT NO. 1

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

"(12) One member from the Audubon Institute or his designee."

Reported without amendments by the Legislative Bureau.

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

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

Under the rules, placed on the consent calendar.

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.

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 Engrossed Senate Bill No. 563 by Senator Hainkel

AMENDMENT NO. 1

On page 1, line 3 after "R.S." and before "and" delete "46:2606," and insert "46:2605(F) and 2606,"

AMENDMENT NO. 2

On page 1, line 11, after "R.S." and before "hereby" delete "46:2606 is" and insert "46:2605(F) and 2606 are"

AMENDMENT NO. 3

On page 1, line 6, after "Board;" and before "to provide" insert "to provide for an executive director; to provide for funding;"

AMENDMENT NO. 4

On page 2, at the end of line 1, delete "participating" and at the beginning of line 2, delete "agencies" and insert "the departments headed by the persons listed in Paragraphs B(1) through (5) of this Section"

AMENDMENT NO. 5

On page 4, delete line 16 and insert the following:

"(1) A representative from Agenda for Children."

AMENDMENT NO. 6

On page 4, delete line 21 and insert the following:

"(3) A representative from the Louisiana Council on Child Abuse.

(4) A representative from the Louisiana Maternal and Child Health Coalition.

(5) A representative from Child Net."

AMENDMENT NO. 7

On page 5, line 2, after "from" delete the remainder of the line and insert the following:

"a cooperative extension program operated by a state institution of higher education."

AMENDMENT NO. 8

On page 6, delete line 3 in its entirety

AMENDMENT NO. 9

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

"F. The governor may appoint from time to time and to serve at his pleasure, additional members to the advisory board to serve on matters about which such additional members shall possess or have expertise and/or experience. In consideration of those matters for which an additional member is appointed, each additional member appointed pursuant to this Subsection shall have the same powers and duties during the period of his service as enjoyed by the membership provided by Subsection B of this Section."

Reported with amendments by the Legislative Bureau.

The Legislative Bureau amendments were read as follows:

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Engrossed Senate Bill No. 563 by Senator Hainkel, et al.

AMENDMENT NO. 1

In House Committee Amendment No. 5 proposed by the House Committee on Health and Welfare on line 15, after "line" and before "and" change "16" to "19"

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 580—
BY SENATORS HAINKEL, DARDENNE, EWING, BAGNERIS AND SCHEDLER

AN ACT

To enact R.S. 40:46.2, relative to vital records; to provide for paternity establishment services; to provide duties for the state registrar of vital records; to provide relative to ex officio notaries public; to provide an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Health and Welfare.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

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.

Reported favorably by the Committee on Health and Welfare.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

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.

Reported favorably by the Committee on Health and Welfare.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 596—
BY SENATORS HAINKEL, DARDENNE, EWING, BAGNERIS AND SCHEDLER

AN ACT

To enact R.S. 46:236.10, relative to the child support enforcement program within the Department of Social Services; to create an automated state case registry of child support orders; to provide relative to linking of local registries; to define elements of the registry; to authorize exchange of information; to provide with respect to the federal case registry of child support orders; to provide with respect to the federal parent locator service; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Health and Welfare.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 611—
BY SENATORS HAINKEL, DARDENNE, EWING AND BEAN

AN ACT

To amend and reenact R.S. 40:34(B)(1)(a)(iii) and (h) and to enact R.S. 40:34(B)(1)(a)(vii) and (3), relative to vital records forms; to provide for contents of the birth certificate; to provide for an additional exception to the requirement that the surname of the child shall be the surname of the husband of the mother; to provide additional requirements for recording the father's name; to provide for the effect of law relative to contents of birth certificates on certain legal proceedings; 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 Engrossed Senate Bill No. 611 by Senator Hainkel, et al.

AMENDMENT NO. 1

On page 3, line 17, after "court" delete the remainder of the line and at the beginning of line 18, delete "competent jurisdiction"

AMENDMENT NO. 2

On page 3, line 27, after "judicial" delete "or administrative"

AMENDMENT NO. 3

On page 4, line 1, after "judicial" delete the remainder of the line

Reported without amendments by the Legislative Bureau.

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 688—
BY SENATOR LANDRY

AN ACT

To enact R.S. 44:7(F), relative to hospital records; to provide for confidentiality of persons participating in medical research; and to provide for related matters.

Read by title.

Reported favorably by the Committee on House and Governmental Affairs.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 709—
BY SENATORS LANDRY AND GREENE
AN ACT

To enact R.S. 42:5.1, relative to public meetings; to require school boards to allow public comment at school board meetings before taking a vote; 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 Engrossed Senate Bill No. 709 by Senator Landry

AMENDMENT NO. 1

On page 1, at the end of line 3 after "vote;" insert "to provide with respect to a comment period at such meetings;"

AMENDMENT NO. 2

On page 1, line 11, after "board" delete the remainder of the line and insert the following:

"prior to taking any vote. The comment period shall be for each agenda item and shall precede each agenda item. A comment period

for all comments at the beginning of a meeting shall not suffice as a comment period."

Reported without amendments by the Legislative Bureau.

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 721—
BY SENATOR HINES

AN ACT

To amend and reenact R.S. 40:1299.58.2, 1299.58.3(D)(1) and (3), 1299.58.8(A), 1299.58.9(A), and 1299.58.10(B)(5), and to enact R.S. 40:1299.58.3(D)(1)(b), 1299.58.7(E), 1299.58.8(D)(1) and (2), relative to declarations concerning life-sustaining procedures; to provide for definitions; to provide for issuance of do-not-resuscitate identification bracelets by the secretary of state; to provide for procedures and limitation of liability for certified emergency medical technicians and certified first responders; 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 Reengrossed Senate Bill No. 721 by Senator Hines

AMENDMENT NO. 1

On page 4, at the end of line 20, add the following:

"If a declarant desires a medic alert or similar bracelet, the declarant shall be responsible for the cost of such bracelet."

Reported with amendments by the Legislative Bureau.

The Legislative Bureau amendments were read as follows:

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed Senate Bill No. 721 by Senator Hines

AMENDMENT NO. 1

On page 1, line 4 and page 1, line 13, change "40:1299.58.3(D)(1)(b), 1299.58.7(E)" to "40:1299.58.7(E)"

AMENDMENT NO. 2

On page 2, line 22, following "and" and before "currently" insert "is"

AMENDMENT NO. 3

On page 6, line 10, following "B." and before "(5)" insert asterisks "*****"

AMENDMENT NO. 4

On page 6, after line 12, insert asterisks " * * * * "

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 733—
BY SENATOR LENTINI

AN ACT

To enact Code of Criminal Procedure Art. 493.2; relative to joinder rules; to provide for joinder of felonies in criminal trials; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Administration of Criminal Justice.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 740—
BY SENATORS IRONS, HEITMEIER, DARDENNE AND EWING
AN ACT

To amend and reenact R.S. 40:2010.2, relative to the office of the state long term care ombudsman; to provide relative to funding of such office; 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 Engrossed Senate Bill No. 740 by Senator Irons

AMENDMENT NO. 1

On page 1, line 11 after "state" delete "and monitoring their care." and insert a period "."

Reported without amendments by the Legislative Bureau.

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 742—
BY SENATORS DARDENNE AND EWING
AN ACT

To amend and reenact R.S. 46:931, 933(C), (D), (F) and (G), 934, 936, 1602(C), and 1605 and to repeal R.S. 46:938, relative to elderly affairs; to provide for the reorganization of the Louisiana Executive Board on Aging; to provide for powers of the board; to provide for consolidation of services within the office of

elderly affairs; to provide for administration of funds for services to the elderly; to eliminate mandatory provision of a computer based volunteer service credit program; 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 Reengrossed Senate Bill No. 742 by Senator Dardenne

AMENDMENT NO. 1

On page 1, line 5, after "Aging;" and before "to provide for powers" insert "to provide for appointments to the board;"

AMENDMENT NO. 2

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

** * **

AMENDMENT NO. 3

On page 2, at the end of line 25, delete "children are either:" and insert "child:"

AMENDMENT NO. 4

On page 2, line 26, after "(1)" change "Employed" to "Is employed"

AMENDMENT NO. 5

On page 3, line 5, after "(3)" delete the remainder of the line and insert "Is a paid employee of a Council on Aging or an Area Agency"

AMENDMENT NO. 6

On page 3, line 7, after "(4)" change "Employed" to "Is employed"

AMENDMENT NO. 7

On page 4, line 20, after "board" and before "In coordination" delete the period "." and insert "in accordance with the Administrative Procedure Act."

AMENDMENT NO. 8

On page 4, line 21, after "advise" and before "on the" insert "the governor, the parish voluntary councils on aging, and other interested parties"

AMENDMENT NO. 9

On page 4, line 23, after "affairs" delete the comma "," and the remainder of the line and delete line 24 in its entirety and insert a period "."

AMENDMENT NO. 10

On page 5, line 4, after "Louisiana" insert a comma "," and the following:

"with the exception of any programs administered by the Department of Social Services or the Department of Health and Hospitals such as the nursing home program."

AMENDMENT NO. 11

On page 5, line 13, after "form" insert a comma "," and the following:

"with the exception of funds for programs administered by the Department of Social Services or the Department of Health and Hospitals such as the nursing home program"

AMENDMENT NO. 12

On page 6, delete line 7 and insert "by the office."

Reported without amendments by the Legislative Bureau.

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 767—
BY SENATOR LENTINI

AN ACT

To amend and reenact R.S. 14:42(C), relative to offenses against the person; to provide with respect to aggravated rape; to provide for noncapital indictment by district attorney; 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 Reengrossed Senate Bill No. 767 by Senator Lentini

AMENDMENT NO. 1

On page 1, at the beginning of line 4, change "indictment" to "verdict"

AMENDMENT NO. 2

On page 2, at the beginning of line 8, change "indictment" to "verdict"

Reported without amendments by the Legislative Bureau.

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 768—
BY SENATOR LENTINI

AN ACT

To amend and reenact R.S. 14:30.1(A)(2), relative to offenses against the person; to provide with respect to homicide involving juveniles; to provide for second degree murder; 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 Engrossed Senate Bill No. 768 by Senator Lentini

AMENDMENT NO. 1

On page 1, at the end of line 16, delete the period "." and insert a semicolon ";" and insert "or"

Reported without amendments by the Legislative Bureau.

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 812—

BY SENATORS HAINKEL, DARDENNE, EWING AND BAGNERIS
AN ACT

To amend and reenact R.S. 15:587(A)(1)(a) and R.S. 46:236.1(D)(1)(a), relative to use of criminal history records and certain motor vehicle and law enforcement systems in connection with support enforcement; to provide with respect to access to such records and systems and use thereof by the Department of Social Services; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Health and Welfare.

Reported with amendments by the Legislative Bureau.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Engrossed Senate Bill No. 812 by Senator Hainkel, et al.

AMENDMENT NO. 1

On page 1, line 9, following "15:587(A)(1)(a)" delete the remainder of the line and insert "is"

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

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

Under the rules, placed on the regular calendar.

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SENATE BILL NO. 894—
BY SENATOR JORDAN

AN ACT

To amend and reenact R.S. 24:11(E), relative to extraordinary sessions of the legislature; to provide that the proclamation for extraordinary sessions of the legislature state in general terms the objects of the session; to provide for the power of the legislature to legislate with regard to such objects; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on House and Governmental Affairs.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 943—
BY SENATORS CASANOVA, JORDAN, LENTINI AND SHORT

AN ACT

To enact R.S. 14:87.3 and R.S. 40:1299.35, relative to abortion; to provide for the crime of partial birth abortion; to provide for penalties; to provide for the prohibition of the performance of partial birth abortions by a physician or any other person except where necessary to preserve the life of the mother; to provide for civil remedies; 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 Engrossed Senate Bill No. 943 by Senator Casanova, et al.

AMENDMENT NO. 1

On page 1, line 2, after "enact R.S." and before "relative" delete "14:87.3 and R.S. 40:1299.35," and insert "14:32.9 and R.S. 40:1299.35.3, and to amend and reenact R.S. 40:1299.35.1(1),"

AMENDMENT NO. 2

On page 1, line 6, after "remedies;" and before "and" insert "to provide definitions; to provide for severability;"

AMENDMENT NO. 3

On page 1, line 9, change "R.S. 14:87.3" to "R.S. 14:32.9"

AMENDMENT NO. 4

On page 1, line 10, change "§87.3." to "§32.9."

AMENDMENT NO. 5

On page 1, line 12 after "the" and before "performance" delete "intentional"

AMENDMENT NO. 6

On page 1, line 15, after "and" and before "then" insert "with specific intent to kill or do great bodily harm is"

AMENDMENT NO. 7

On page 2, at the end of line 4, delete "or any other" and on line 5 delete "person"

AMENDMENT NO. 8

On page 3, line 7, after "action" and before "for" insert "against the licensed physician or any other person who performs a partial birth abortion"

AMENDMENT NO. 9

On page 3, between lines 15 and 16, insert the following:

"Section 3. R.S. 40:1299.35.1(1) is hereby amended and reenacted to read as follows:

§1299.35.1. Definitions

As used in R.S. 40:1299.35.0 through 1299.35.18, the following words have the following meanings:

(1) "Abortion" means the deliberate termination of a human pregnancy after fertilization of a female ovum, by any person, including the pregnant woman herself, with an intention other than to produce a live birth, remove an ectopic pregnancy, or to remove a dead unborn child caused by a spontaneous abortion, missed abortion, or inevitable abortion.

* * *

Section 4. If any provision or item of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this Act which can be given effect without the invalid provisions, items, or applications, and to this end the provisions of this Act are hereby declared severable."

AMENDMENT NO. 10

On page 3, line 16, change "Section 3." to "Section 5."

Reported without amendments by the Legislative Bureau.

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 978—
BY SENATORS IRONS, BAJOIE, CASANOVA, HINES, LANDRY AND SCHEDLER AND REPRESENTATIVE WILLARD-LEWIS

AN ACT

To enact Part L of Chapter 5 of Title 40, to be comprised of R.S. 40:1300.111 through 1300.115, relative to health care for Alzheimer's patients; to require facilities that offer to provide or provide a special care program or special unit for persons with Alzheimer's disease or a related disorder to disclose certain information; to provide for definitions; to provide for promulgation of 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 Reengrossed Senate Bill No. 978 by Senator Irons, et al.

AMENDMENT NO. 1

On page 3, delete line 11 and insert "state licensing agency"

AMENDMENT NO. 2

On page 3, line 14, after "unit," and before "The department" insert "Disclosure may also be made to the state ombudsman."

Reported without amendments by the Legislative Bureau.

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 1067—

BY SENATORS IRONS, BAJOE, CAMPBELL, COX, CRAVINS, DARDENNE, DEAN, FIELDS, GUIDRY, HAINKEL, HEITMEIER, HOLLIS, JOHNSON, JORDAN, ROMERO, SCHEDLER, SMITH, TARVER, AND ULLO

AN ACT

To enact R.S. 14:95.8, relative to offenses affecting the public safety; to provide with respect to possession of handguns by juveniles; to provide for the crime of illegal possession of a handgun by a juvenile; to provide for definition; to provide for exceptions; to provide for penalties; 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 Reengrossed Senate Bill No. 1067 by Senator Irons, et al.

AMENDMENT NO. 1

On page 3, line 5, after "trapping" and before "or" delete the semi colon ";" and insert "pursuant to a valid license issued to such person pursuant to the laws of this state;"

AMENDMENT NO. 2

On page 3, line 9, after "property" and before "with" insert "with the permission of such person's parent or legal guardian and"

AMENDMENT NO. 3

On page 3, line 11, after "(6)" delete the remainder of the line and delete line 12 in its entirety and insert in lieu thereof the following:

"Possessing of a handgun with the permission of such person's parent or legal guardian."

Reported without amendments by the Legislative Bureau.

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 1074—

BY SENATORS ELLINGTON AND SHORT
AN ACT

To amend and reenact R.S. 14:102.1(B) and to enact R.S. 3:2093(9) and R.S. 14:102(7) through (9), relative to animals; to prohibit tampering with livestock; to require the Louisiana State Livestock Sanitary Board to adopt rules to monitor compliance; to define terms; to provide penalties; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Administration of Criminal Justice.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 1106—

BY SENATOR ROBICHAUX
AN ACT

To amend and reenact R.S. 49:214.30(H)(2) and to enact R.S. 49:214.30(H)(3), relative to coastal use permits; to provide for use of certain dredged material; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Natural Resources.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the consent calendar.

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.

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 Reengrossed Senate Bill No. 1153 by Senator Hollis

AMENDMENT NO. 1

On page 1, line 2, after "amend and reenact" delete the remainder of the line and delete lines 3 through 16 and delete page 2, and on page 3, delete lines 1 through 18 and insert the following:

"R.S. 36:610(E), R.S. 50:172(A), and R.S. 56:302.9(G), and to repeal R.S. 3:415(F), 2466, and 3704; 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 and 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; R.S. 17:3453(F); 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; 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) and (s), (B)(9), and (I), 109(I)(3), 209(Q) and (U), 259(J) and (BB)(1), 359(G), 409(K), 509(I), 629(M) and (Q), and 651(G)(2); R.S. 38:291(O), 304.1, 343, and 344; Chapter 18 of Title 38 of the Louisiana Revised Statutes of 1950, comprised of R.S. 38:3341 through 3347; R.S. 39:551.10; 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; R.S. 46:594 and 595; Chapter 41 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2541 through 2545; Chapter 42 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2551 through 2563; 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, 911.46(B), 936(B), 2187, and 2405; Chapter 45 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:2751 through 2758; and Chapter 1 of Title 56 of the Louisiana Revised Statutes of 1950, comprised of R.S. 56:580.1 through 580.6, relative to certain boards, commissions, districts, and authorities; to abolish certain inactive boards, commissions, districts, and authorities; to repeal the functions, duties, powers, and authority of such inactive entities; to provide relative to certain fees for charter boat fishing guide licenses, and nonresident fees dedicated to the inactive Louisiana Recreational Fishing Development Board; and to provide for related matters."

AMENDMENT NO. 2

On page 3, between lines 19 and 20, insert the following:

"Section 1. R.S. 36:610(E) is hereby amended and reenacted to read as follows:

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

* * *

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

* * **

AMENDMENT NO. 3

On page 3, line 20, change "Section 1." to "Section 2."

AMENDMENT NO. 4

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

"Section 3. R.S. 56:302.9(G) is hereby amended and reenacted to read as follows:

§302.9. Charter boat fishing guide license; nonresident fee

* * *

G. The fees derived pursuant to this Section shall be placed in the conservation fund. Fifty Sixty percent of the fees shall be used solely for the enforcement of the laws and regulations governing finfish. Ten percent of the fees shall be used solely for the Louisiana Recreational Fishing Development Board, R.S. 56:580.1 et seq. Forty percent of the fees shall be used for administration.

* * **

AMENDMENT NO. 5

On page 4, delete lines 3 through 27 and delete pages 5 and 6 and insert the following:

"Section 4. R.S. 3:415(F), 2466, and 3704; 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 and 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; R.S. 17:3453(F); 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; 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) and (s), (B)(9), and (I), 109(I)(3), 209(Q) and (U), 259(J) and (BB)(1), 359(G), 409(K), 509(I), 629(M) and (Q), and 651(G)(2); R.S. 38:291(O), 304.1, 343, and 344; Chapter 18 of Title 38 of the Louisiana Revised Statutes of 1950, comprised of R.S. 38:3341 through 3347; R.S. 39:551.10; 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; R.S. 46:594 and 595; Chapter 41 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2541 through 2545; Chapter 42 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2551 through 2563; 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, 911.46(B), 936(B), 2187, and 2405; Chapter 45 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:2751 through 2758; and Chapter 1 of Title 56 of the Louisiana Revised Statutes of 1950, comprised of R.S. 56:580.1 through 580.6, are hereby repealed in their entirety."

Reported without amendments by the Legislative Bureau.

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 1156—

BY SENATOR HINES

AN ACT

To amend and reenact R.S. 17:1979(C)(2), to enact R.S. 36:4(R); and to repeal R.S. 36:651(Z), all relative to the Louisiana Interagency Coordinating Council for Child Net; to transfer the Council from the Department of Education to the office of the governor; and to provide for related matters.

Read by title.

Reported favorably by the Committee on House and Governmental Affairs.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

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.

Reported favorably by the Committee on Health and Welfare.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 1196—

BY SENATOR BAGNERIS

AN ACT

To amend and reenact R.S. 13:2576(H)(2)(g), relative to the sale of property by a municipality pursuant to an order of seizure and possession; to require a municipality with a population in excess of four hundred fifty thousand that sells property pursuant to an order of seizure and possession to follow the procedures governing judicial sales of immovable property; and to provide for related matters.

Read by title.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Dimos, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 1214—

BY SENATOR EWING

AN ACT

To amend and reenact R.S. 40:1841, relative to the Louisiana Liquefied Petroleum Gas Commission; to provide for changes in composition of the commission; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Natural Resources.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the consent calendar.

SENATE BILL NO. 1284—

BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 36:254(F) and 258(G) and R.S. 46:2664(A)(4) and 2665(A), relative to the Capital Area Human Services District; to provide for the functions, powers, and duties of the district; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Health and Welfare.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 1314—

BY SENATOR DARDENNE

AN ACT

To enact R.S. 46:236.10, relative to the payment of a child support obligation; to authorize the imposition of a plan for payment of support on the obligor in cases wherein the child is receiving Title IV-A assistance; to authorize the inclusion of certain work activities in the plan; to provide definitions; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Health and Welfare.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 1549 (Substitute for Senate Bill No. 1448 by Senator Hollis)—

BY SENATOR HOLLIS AND REPRESENTATIVE MCCALLUM, AND COAUTHORED BY SENATORS SCHEDLER AND ULLO AND REPRESENTATIVE CLARKSON

AN ACT

To enact Subpart B of Part II of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2115.11 through 2115.22, and to redesignate R.S. 40:2100 through 2115 as Subpart A of Part II of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, relative to hospitals; to authorize the attorney general to review and approve or disapprove the acquisition of certain hospitals; to provide for criteria for such review and procedures; 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 Reengrossed Senate Bill No. 1549 by Senator Hollis

AMENDMENT NO. 1

On page 2, line 9, after "no" and before "hospital" insert "not for profit"

AMENDMENT NO. 2

On page 2, line 17, after "in a" and before "hospital," insert "not for profit"

AMENDMENT NO. 3

On page 3, line 11, after "acquire a" and before "hospital" insert "not for profit"

AMENDMENT NO. 4

On page 3, line 11, after "without" and before "first" insert "the seller"

AMENDMENT NO. 5

On page 5, delete lines 9 through 12 in their entirety

AMENDMENT NO. 6

On page 6, line 20, after "value of" and before "assets" insert "charitable"

AMENDMENT NO. 7

On page 6, line 25, after "the" and before "exercised" delete "hospital" and insert in lieu thereof "hospital's board of directors"

Reported with amendments by the Legislative Bureau.

The Legislative Bureau amendments were read as follows:

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed Senate Bill No. 1549 by Senator Hollis

AMENDMENT NO. 1

On page 9, line 14, before "No" insert "A." and on line 25, before "Any" insert "B."

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 1550 (Substitute for Senate Bill No. 1046 by Senator Ellington)—
BY SENATOR ELLINGTON

AN ACT

To amend and reenact R.S. 56:305(B)(15) and 320(A)(1) and to enact R.S. 56:8(131), 302.3(B)(6), 305(B)(16), 320(A)(5) and 322(E)(5) relative to fishing gear; to provide definitions; to authorize the use of certain types of gear; to provide for fees; to provide for limitations; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Natural Resources.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Natural Resources to Reengrossed Senate Bill No. 1550 by Senator Ellington

AMENDMENT NO. 1

On page 1, line 2, delete "305(B)(15) and"

AMENDMENT NO. 2

On page 1, line 3, change "305(B)(16)," to "and" and delete "and 322(E)(5)"

AMENDMENT NO. 3

On page 1, line 8, delete "305(B)(15) and" and change "are" to "is"

AMENDMENT NO. 4

On page 1, line 9, change "305(B)(16)," to "and" and at the end of the line delete "and" and on line 10, delete "322(E)(5)"

AMENDMENT NO. 5

On page 2, delete lines 14 through 27 in their entirety

AMENDMENT NO. 6

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

"Recreational wire nets authorized for use under the provisions of this Section shall be used only in the geographical areas located north of Interstate 12 from where it crosses the Louisiana/Mississippi state line westward to the city of Baton Rouge, in the geographical areas located north of US Highway 190 from the city of Baton Rouge westward to the town of Ragley, and in the geographical areas located north of Louisiana Highway 12 from the town of Ragley westward to where it crosses the Louisiana/Texas state line."

AMENDMENT NO. 7

On page 3, delete lines 18 through 27 in their entirety

Reported without amendments by the Legislative Bureau.

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

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

Under the rules, placed on the regular calendar.

Suspension of the Rules

On motion of Rep. Alario, the rules were suspended in order to take up House Bills and Joint Resolutions on Third Reading and Final Passage at this time.

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. 1684—

BY REPRESENTATIVE ALARIO

AN ACT

To amend and reenact R.S. 47:1702(3), relative to the definition of personal or movable property subject to ad valorem taxation; to define personal or movable property as such terms are defined; 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	Gautreaux	Perkins
Alario	Glover	Pinac
Alexander, R.—13th	Green	Powell
Barton	Hammett	Pratt
Baudoin	Heaton	Quezaire
Baylor	Hebert	Riddle
Bowler	Hill	Romero
Bruce	Holden	Rousselle
Brun	Hopkins	Salter
Bruneau	Hudson	Scalise
Carter	Hunter	Schneider
Chaisson	Iles	Shaw
Clarkson	Jenkins	Smith, J.D.—50th
Copelin	Jetson	Stelly
Crane	Johns	Strain
Damico	Kennard	Theriot
Daniel	Kenney	Thomas
Deville	Lancaster	Thompson
DeWitt	Landrieu	Thornhill
Diez	LeBlanc	Travis
Dimos	Long	Triche
Doerge	Marionneaux	Vitter
Donelon	Martiny	Walsworth
Dupre	McCain	Warner
Durand	McCallum	Welch
Farve	McDonald	Weston
Faucheux	McMains	Wiggins
Flavin	Michot	Wilkerson
Fontenot	Montgomery	Willard-Lewis
Forster	Morrell	Windhorst
Frith	Morrish	Winston
Fruge	Murray	Wright
Total—96		

NAYS

Total—0

ABSENT

Alexander, A.—93rd	Guillory	Pierre
Ansardi	Mitchell	Smith, J.R.—30th
Curtis	Odinot	Toomy
Total—9		

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.

Regular Calendar

Speaker Pro Tempore Bruneau in the Chair

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.

Motion

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

Suspension of the Rules

On motion of Rep. LeBlanc, the rules were suspended to limit the author or proponent handling the legislative instrument to ten minutes for opening remarks and all subsequent speakers on the instrument to five minutes.

HOUSE BILL NO. 1232—
BY REPRESENTATIVES MCMAINS AND DEWITT
AN ACT

To amend and reenact R.S. 9:5628(A) and to enact R.S. 9:5628(C), relative to prescription; to provide for prescriptive period applicable to state and private health care providers for actions for medical malpractice; to provide that the peremptive period does not apply in cases of fraud; and to provide for related matters.

Read by title.

Motion

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

HOUSE BILL NO. 1511—
BY REPRESENTATIVES DONELON, BRUCE, DUPRE, HEATON, KENNARD, ROMERO, AND WINDHORST
AN ACT

To amend and reenact R.S. 14:98(B)(introductory paragraph), (C)(introductory paragraph), (D), and (E) and to enact R.S. 14:98(K), relative to driving offenses involving alcoholic beverages; to provide for an increase in penalties for commission of the offense of driving while intoxicated; to provide for mandatory driver's license revocation and imprisonment; to prohibit the suspension of sentence relating to the term of imprisonment; to provide for the seizure and sale of the motor vehicle; to provide for the distribution of the proceeds from the sale; to provide for rules and regulations to institute an administrative hearing process; and to provide for related matters.

Read by title.

Motion

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

HOUSE BILL NO. 1673—
BY REPRESENTATIVE DONELON
AN ACT

To amend and reenact R.S. 22:224(A)(2), (B)(2), and (F)(3)(introductory paragraph), and (H) and to repeal R.S. 22:224(F)(3)(c) and (d), relative to Medicare supplemental insurance; to provide for minimum standards; to provide for notice requirements; and to provide for related matters.

Read by title.

Motion

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

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.

Rep. Downer moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Alexander, A.—93rd Kennard
 Alexander, R.—13th Mitchell
 Total—4

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Downer 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. 1993—

BY REPRESENTATIVE DEWITT

AN ACT

To amend and reenact R.S. 56:263(A) and 307.1(A), relative to fishing and fish industry licensing; to provide resident and nonresident fees for certain licenses required for transport, for alligator parts dealers, and for retailers purchasing for retail sale finished alligator parts; 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	Green	Powell
Alario	Guillory	Pratt
Alexander, A.—93rd	Hammett	Quezaire
Baylor	Heaton	Riddle
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	Jenkins	Smith, J.R.—30th
Crane	Jetson	Stelly
Curtis	Johns	Strain
Damico	Kenney	Theriot
Daniel	Lancaster	Thomas
Deville	Landrieu	Thompson
DeWitt	LeBlanc	Thornhill
Diez	Long	Toomy
Dimos	Marionneaux	Travis
Doerge	McCain	Triche
Donelon	McCallum	Vitter
Dupre	McDonald	Walsworth
Durand	McMains	Warner
Farve	Michot	Weston
Faucheux	Montgomery	Wiggins
Flavin	Morrell	Wilkerson
Fontenot	Morrish	Willard-Lewis
Forster	Murray	Windhorst
Frith	Odinet	Winston
Fruge	Perkins	Wright
Gautreaux	Pierre	
Glover	Pinac	
Total—97		

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NAYS		
Total—0		
ABSENT		
Alexander, R.—13th	Baudoin	Mitchell
Ansardi	Kennard	Welch
Barton	Martiny	
Total—8		

The Chair declared the above bill, having received a two-thirds vote of the elected members, was finally passed.

The title of the above bill was read and adopted.

Rep. 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. 2000—
BY REPRESENTATIVE DEWITT
AN ACT

To amend and reenact R.S. 56:301.2, relative to fishing licenses; to require notification be given to the Department of Wildlife and Fisheries of any changes of licensure information; 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	Green	Powell
Alario	Guillory	Pratt
Alexander, A.—93rd	Hammett	Quezaire
Ansardi	Heaton	Riddle
Barton	Hebert	Romero
Baylor	Hill	Rousselle
Bowler	Holden	Salter
Bruce	Hopkins	Scalise
Brun	Hudson	Schneider
Bruneau	Hunter	Shaw
Carter	Iles	Smith, J.D.—50th
Chaisson	Jenkins	Smith, J.R.—30th
Clarkson	Jetson	Stelly
Copelin	Johns	Strain
Crane	Kenney	Theriot
Curtis	Lancaster	Thomas
Damico	Landrieu	Thompson
Daniel	LeBlanc	Thornhill
Deville	Long	Toomy
DeWitt	Marionneaux	Travis
Diez	Martiny	Triche
Dimos	McCain	Vitter
Doerge	McCallum	Walsworth
Donelon	McDonald	Warner
Dupre	McMains	Welch
Durand	Michot	Weston
Farve	Montgomery	Wiggins
Fauchoux	Morrell	Wilkerson
Flavin	Morrish	Willard-Lewis
Fontenot	Murray	Windhorst
Forster	Odinet	Winston
Frith	Perkins	Wright

Gautreaux	Pierre	
Glover	Pinac	
Total—100		
NAYS		
Total—0		
ABSENT		

Alexander, R.—13th	Fruge	Mitchell
Baudoin	Kennard	
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. 2130—
BY REPRESENTATIVES DONELON AND MCMAINS
AN ACT

To enact R.S. 22:15 and 253.1, relative to funeral service policies; to provide for an advisory commission to the commissioner of insurance; to authorize the commissioner of insurance to promulgate regulations; to provide for the membership of the advisory commission; to provide for the discontinuation of funeral service policies; to authorize the commissioner to promulgate regulations; and to provide for related matters.

Read by title.

Rep. McMains 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
Baylor	Heaton	Riddle
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	Jenkins	Smith, J.R.—30th
Crane	Johns	Stelly
Curtis	Kenney	Strain
Damico	Lancaster	Theriot
Daniel	Landrieu	Thomas
Deville	LeBlanc	Thompson
DeWitt	Long	Thornhill
Diez	Marionneaux	Toomy
Dimos	Martiny	Travis
Doerge	McCain	Triche
Donelon	McCallum	Vitter
Dupre	McDonald	Walsworth
Durand	McMains	Warner
Farve	Michot	Welch
Fauchoux	Montgomery	Weston

Flavin	Morrell	Wilkerson
Fontenot	Morrish	Willard-Lewis
Forster	Murray	Windhorst
Frith	Odinet	Winston
Fruge	Perkins	Wright

Total—99

NAYS

Jetson

Total—1

ABSENT

Alexander, R.—13th	Kennard	Wiggins
Baudoin	Mitchell	

Total—5

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. McMains moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 1971—

BY REPRESENTATIVES BOWLER, DUPRE, MARIONNEAUX, MCCAIN, AND MORRELL

AN ACT

To amend and reenact R.S. 27:25(B)(1) and (2)(d) and to enact R.S. 27:25(B)(4), (E), and (F), relative to the Louisiana Gaming Control Board; to provide that hearings are conducted in conformity with the Administrative Procedure Act; to provide a time limit for the rendering of a decision by the hearing officer; to prohibit ex parte communication with the hearing officer; to provide for appeals to the appropriate district court; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Marionneaux to Engrossed House Bill No. 1971 by Representative Bowler

AMENDMENT NO. 1

On page 1, line 2, after "reenact" and before "and to" change "R.S. 27:25(B)(1) and (2)(d)" to "R.S. 27:15(B)(2), 18, 25(B)(1), (2)(introductory paragraph) and (d), and (3), and 26"

AMENDMENT NO. 2

On page 1, at the beginning of line 3, change "27:25(B)(4), (E), and (F)," to "27:25(B)(4) and (E),"

AMENDMENT NO. 3

On page 1, line 5, after "Act;" and before "to provide" insert "to provide that decisions are made by the hearing officer rather than by the board;"

AMENDMENT NO. 4

On page 1, line 10, change "R.S. 27:25(B)(1) and (2)(d) are" to "R.S. 27:15(B)(2), 18, 25(B)(1), (2)(introductory paragraph) and (d), and (3), and 26 are hereby"

AMENDMENT NO. 5

On page 1, line 11, after "R.S." and before "are hereby" change "27:25(B)(4), (E), and (F)" to "27:25(B)(4) and (E)"

AMENDMENT NO. 6

On page 1, between lines 11 and 12, insert the following:

"§15. Board's authority, responsibilities

* * *

B. The board shall:

* * *

(2) Exercise its authority sitting as a whole or in panels of three, as provided for by rules adopted by the board. The provisions of this Paragraph shall not prohibit hearing officers from rendering any decision provided for under R.S. 27:25.

* * *

§18. Venue

Notwithstanding any other provision of law to the contrary, except for the provisions of R.S. 27:26 regarding appeals of decisions by hearing officers, the venue for any civil proceeding by or against the board or to which the board is a party shall be the parish of East Baton Rouge.

* * **

AMENDMENT NO. 7

On page 2, line 3, after "Administrative" and before "Act" change "Procedures" to "Procedure"

AMENDMENT NO. 8

On page 2, delete line 10 and insert the following:

"(3) As to every matter on which a hearing is held, the presiding hearing officer shall submit a report to the board which shall contain, at a minimum, the record of the hearing, including all submissions, his finding of the facts that are pertinent to the decision, his conclusions of applicable law related to the decision, and his recommendation regarding the action of the board decision. The submission shall be in writing, shall be provided to all involved applicants prior to the board reaching a decision, and shall be a public record, except for any submitted materials which are confidential pursuant to law."

AMENDMENT NO. 9

On page 2, delete lines 20 through 22, and insert the following:

"§26. Appeals from board, hearing officer decisions

All appeals from any decision of the board shall be filed within ten days of notice of the decision in the Nineteenth Judicial District Court and shall be reviewed solely on the record. However, any person aggrieved by a decision of a hearing officer may appeal that decision to the district court of the domicile of the person."

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

Motion

Rep. Copelin moved the previous question be ordered on the entire subject matter.

Rep. Jenkins objected.

A record vote was asked for and ordered by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Alexander, R.—13th	Green	Quezaire
Ansardi	Guillory	Romero
Barton	Hammett	Rousselle
Baylor	Heaton	Salter
Chaisson	Hebert	Smith, J.D.—50th
Clarkson	Holden	Smith, J.R.—30th
Copelin	Hudson	Stelly
Curtis	Hunter	Theriot
Deville	Iles	Thomas
Dimos	Landrieu	Thornhill
Farve	McCain	Welch
Flavin	McCallum	Wilkerson
Frith	Murray	Willard-Lewis
Fruge	Odinet	Winston
Gautreaux	Pierre	
Glover	Pratt	
Total—46		

NAYS

Alexander, A.—93rd	Hill	Riddle
Baudoin	Jenkins	Scalise
Bowler	Kenney	Schneider
Bruce	Lancaster	Shaw
Brun	Long	Thompson
Bruneau	Marionneaux	Toomy
Crane	Martiny	Triche
Damico	McDonald	Vitter
Daniel	McMains	Walsworth
Diez	Michot	Warner
Doerge	Montgomery	Weston
Donelon	Morrish	Wiggins
Dupre	Perkins	Windhorst
Fontenot	Pinac	Wright
Forster	Powell	
Total—44		

ABSENT

Mr. Speaker	Fauchoux	LeBlanc
Alario	Hopkins	Mitchell
Carter	Jetson	Morrell
DeWitt	Johns	Strain
Durand	Kennard	Travis
Total—15		

The House agreed to order the previous question on the entire subject matter.

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

ROLL CALL

The roll was called with the following result:

YEAS

Alexander, A.—93rd	Forster	Murray
Alexander, R.—13th	Gautreaux	Odinet
Ansardi	Glover	Pierre
Barton	Green	Pinac
Baudoin	Guillory	Pratt
Baylor	Hammett	Quezaire
Bowler	Heaton	Romero
Bruce	Hebert	Rousselle
Brun	Hill	Salter
Bruneau	Holden	Scalise
Carter	Hopkins	Shaw
Chaisson	Hudson	Smith, J.D.—50th
Clarkson	Hunter	Theriot
Copelin	Iles	Thomas
Curtis	Lancaster	Thornhill
Damico	Marionneaux	Toomy
Daniel	Martiny	Warner
Deville	McCain	Welch
DeWitt	McDonald	Wilkerson
Doerge	McMains	Willard-Lewis
Dupre	Michot	Winston
Fauchoux	Montgomery	
Total—65		

NAYS

Crane	Johns	Stelly
Diez	Landrieu	Thompson
Dimos	Long	Triche
Donelon	McCallum	Vitter
Flavin	Morrish	Walsworth
Fontenot	Perkins	Weston
Frith	Powell	Wiggins
Fruge	Riddle	Windhorst
Jenkins	Schneider	Wright
Total—27		

ABSENT

Mr. Speaker	Kennard	Smith, J.R.—30th
Alario	Kenney	Strain
Durand	LeBlanc	Travis
Farve	Mitchell	
Jetson	Morrell	
Total—13		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Marionneaux moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Speaker Downer in the Chair

HOUSE BILL NO. 2127—
BY REPRESENTATIVES THORNHILL AND FAUCHEUX
AN ACT

To enact R.S. 24:59, relative to lobbying; to provide that any person who receives or expends funds in excess of ten thousand dollars in any calendar year for certain purposes related to legislation shall be required to file certain reports; to provide for the filing of reports; to provide for penalties; to provide for definitions; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Copelin to Engrossed House Bill No. 2127 by Representatives Thornhill and Faucheux

AMENDMENT NO. 1

On page 2, line 8, after "organization" delete the remainder of the line in its entirety and insert in lieu thereof a period "."

AMENDMENT NO. 2

On page 2, at the beginning of line 9, before "Organization" delete "organization and its members."

Rep. Copelin moved the adoption of the amendments.

Rep. Thornhill objected.

A record vote was asked for and ordered by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Faucheux	Murray
Alario	Glover	Odinet
Alexander, A.—93rd	Green	Pierre
Ansardi	Guillory	Pratt
Baylor	Hammett	Quezaire
Bruce	Heaton	Rousselle
Carter	Hill	Travis
Copelin	Holden	Warner
Curtis	Hudson	Welch
Damico	Hunter	Weston
DeWitt	Marionneaux	Wilkerson
Doerge	McCain	Willard-Lewis
Farve	Montgomery	
Total—38		

NAYS

Alexander, R.—13th	Hebert	Scalise
Barton	Hopkins	Schneider
Baudoin	Iles	Shaw
Bowler	Jenkins	Smith, J.D.—50th
Brun	Jetson	Smith, J.R.—30th
Bruneau	Johns	Stelly
Chaisson	Kenney	Strain
Clarkson	Lancaster	Theriot
Crane	LeBlanc	Thomas
Daniel	Long	Thompson
Deville	Martiny	Thornhill
Diez	McCallum	Toomy
Dimos	McDonald	Triche
Donelon	McMains	Vitter
Dupre	Michot	Walsworth
Flavin	Morrish	Wiggins
Fontenot	Perkins	Windhorst
Forster	Pinac	Winston
Frith	Powell	Wright
Fruge	Riddle	
Gautreaux	Salter	
Total—61		

ABSENT

Durand	Landrieu	Morrell
Kennard	Mitchell	Romero
Total—6		

The amendments were rejected.

Rep. Thornhill moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Green	Quezaire
Alario	Guillory	Riddle
Ansardi	Heaton	Romero
Barton	Hill	Rousselle
Baudoin	Holden	Salter
Baylor	Hopkins	Schneider
Bruce	Hudson	Shaw
Brun	Hunter	Smith, J.D.—50th
Carter	Iles	Theriot
Chaisson	Jenkins	Thompson
Copelin	Landrieu	Thornhill
Curtis	Long	Travis
Damico	Marionneaux	Vitter
Daniel	McCain	Warner
Deville	McCallum	Welch
DeWitt	McDonald	Weston
Dimos	McMains	Wiggins
Doerge	Montgomery	Wilkerson
Donelon	Murray	Willard-Lewis
Dupre	Odinet	Windhorst
Farve	Perkins	Wright
Faucheux	Pierre	
Glover	Pratt	
Total—67		

NAYS

Alexander, A.—93rd	Hammett	Powell
Alexander, R.—13th	Hebert	Scalise
Bowler	Jetson	Smith, J.R.—30th
Bruneau	Johns	Stelly
Clarkson	Kennard	Strain
Crane	Kenney	Thomas
Diez	Lancaster	Toomy
Flavin	LeBlanc	Triche
Fontenot	Martiny	Walsworth
Forster	Michot	Winston
Fruge	Morrish	
Gautreaux	Pinac	
Total—34		

ABSENT

Durand	Mitchell
Frith	Morrell
Total—4	

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Thornhill 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.

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HOUSE BILL NO. 2303—
BY REPRESENTATIVE COPELIN
AN ACT

To amend and reenact R.S. 24:204(A)(1), (2), (5), (6), and (8), relative to the purposes and duties of the Louisiana State Law Institute; to authorize the institute to recommend or propose certain changes in law only pursuant to specific request or direction of the legislature; and to provide for related matters.

Read by title.

Rep. Copelin moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Alario	Guillory	Pratt
Alexander, A.—93rd	Hammett	Quezaire
Barton	Heaton	Romero
Baudoin	Holden	Rousselle
Baylor	Hopkins	Salter
Bowler	Hudson	Scalise
Clarkson	Hunter	Thomas
Copelin	Iles	Travis
Curtis	Jenkins	Vitter
Damico	Jetson	Warner
DeWitt	LeBlanc	Welch
Doerge	McCain	Weston
Donelon	Montgomery	Wilkerson
Farve	Morrell	Willard-Lewis
Faucheux	Murray	Wright
Glover	Odinot	
Green	Pierre	
Total—49		

NAYS

Mr. Speaker	Frith	Pinac
Alexander, R.—13th	Fruge	Powell
Ansardi	Gautreaux	Riddle
Bruce	Johns	Schneider
Bruneau	Kennard	Shaw
Carter	Kenney	Smith, J.D.—50th
Chaisson	Lancaster	Stelly
Crane	Landrieu	Theriot
Daniel	Long	Thompson
Deville	Martiny	Toomy
Diez	McDonald	Triche
Dimos	McMains	Walsworth
Fontenot	Michot	Wiggins
Forster	Morrish	Winston
Total—42		

ABSENT

Brun	Hill	Smith, J.R.—30th
Dupre	Marionneaux	Strain
Durand	McCallum	Thornhill
Flavin	Mitchell	Windhorst
Hebert	Perkins	
Total—14		

Failed to pass.

Motion to reconsider pending.

HOUSE BILL NO. 2329—
BY REPRESENTATIVE PRATT
AN ACT

To enact R.S. 18:1907, relative to census data; to create the Advisory Commission for Census 2000; to provide for the members, powers, and duties of such commission; to provide for the termination of the commission; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Pratt to Engrossed House Bill No. 2329 by Representative Pratt

AMENDMENT NO. 1

On page 2, at the end of line 1, change "twenty-two" to "twenty-three"

AMENDMENT NO. 2

On page 3, between lines 7 and 8, add the following:

"(p) One member selected by the commissioner of administration from the State Census Data Center in the division of administration."

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

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Farve	Morrell	Willard-Lewis
Faucheux	Morrish	Windhorst
Flavin	Murray	Winston
Fontenot	Odinet	Wright
Forster	Perkins	
Frith	Pierre	
Total—97		

NAYS

Total—0

ABSENT

Baylor	Marionneaux	Shaw
Fruge	Michot	Thornhill
Hill	Mitchell	
Total—8		

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 and was laid on the table.

HOUSE BILL NO. 2383—
BY REPRESENTATIVE ROUSSELLE
AN ACT

To amend and reenact R.S. 56:495(A)(47) through (60), (62), and (100) and to enact R.S. 56:495(A)(46.1), (46.2), (47.1), (47.2), (48.1), (48.2), (51.1), (52.1), (52.2), (52.3), (52.4), (54.1), (54.2), (55.1), (55.2), (56.1), (56.2), (56.3), (56.4), (56.5), (56.6), and (99.1), relative to the boundary between inside and outside waters for purposes of shrimping; to move the boundary line in and around Plaquemines Parish to conform to the current coastline; to provide for an effective date; and to provide for related matters.

Read by title.

Rep. Rousselle moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

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

DeWitt	Landrieu	Toomy
Diez	LeBlanc	Travis
Dimos	Long	Triche
Doerge	Marionneaux	Vitter
Donelon	Martiny	Walsworth
Dupre	McCain	Warner
Durand	McCallum	Welch
Farve	McDonald	Weston
Faucheux	McMains	Wiggins
Flavin	Michot	Wilkerson
Fontenot	Montgomery	Willard-Lewis
Forster	Morrish	Winston
Total—99		

NAYS

Total—0

ABSENT

Mitchell	Shaw	Windhorst
Morrell	Thornhill	Wright
Total—6		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Rousselle 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. 2405—
BY REPRESENTATIVES DIMOS AND TRICHE
AN ACT

To enact R.S. 56:109(E), relative to wildlife management areas; to provide relative to uses of wildlife management areas; to provide relative to trail rides; to provide for the establishment of certain all-terrain vehicle trails; to provide for the uses of such trails under certain terms and conditions; and to provide for related matters.

Read by title.

Rep. Dimos moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

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

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	Morrish	Winston
Forster	Murray	Wright

Total—96

NAYS

Baudoin	Hammett	Toomy
Total—3		

ABSENT

Frith	Morrell	Smith, J.R.—30th
Mitchell	Shaw	Thornhill
Total—6		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Dimos 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. 2413 (Duplicate of Senate Bill No. 1323)—
BY REPRESENTATIVE DEVILLE AND SENATOR EWING
AN ACT

To amend and reenact R.S. 36:4(B)(1)(e) and to enact Part VIII-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:301, relative to access to public data bases; to provide for an advisory council on access by the visually impaired to the Louisiana Data Base Commission; and to provide for related matters.

Read by title.

Motion

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

HOUSE BILL NO. 2419—
BY REPRESENTATIVE WIGGINS
AN ACT

To authorize and provide for the lease of certain state property by the Department of Health and Hospitals to the Family Counseling Agency, Incorporated; and to provide for related matters.

Read by title.

Rep. Wiggins moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

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

Alexander, R.—13th	Green	Pinac
Ansardi	Guillory	Powell
Barton	Hammett	Pratt
Baudoin	Heaton	Quezaire
Baylor	Hebert	Riddle
Bowler	Hill	Romero
Bruce	Holden	Rousselle
Brun	Hopkins	Salter
Bruneau	Hudson	Scalise
Carter	Hunter	Schneider
Chaisson	Iles	Smith, J.D.—50th
Clarkson	Jenkins	Smith, J.R.—30th
Copelin	Jetson	Stelly
Crane	Johns	Strain
Curtis	Kennard	Theriot
Damico	Kenney	Thompson
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	Morrish	Wright
Frith	Murray	

Total—101

NAYS

Total—0

ABSENT

Mitchell	Thomas
Shaw	Thornhill
Total—4	

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Wiggins 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. 2472—
BY REPRESENTATIVE WINDHORST
AN ACT

To amend and reenact R.S. 49:992(D)(1) and (2), relative to the division of administrative law; to provide for the delegation of certain adjudication proceedings to the division of administrative law; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Windhorst to Engrossed House Bill No. 2472 by Representative Windhorst

AMENDMENT NO. 1

On page 1, line 11, delete "Paragraph (2)" and insert "Paragraphs (2) through (7)"

AMENDMENT NO. 2

On page 2, after line 5, insert the following:

** * **

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Green to Engrossed House Bill No. 2472 by Representative Windhorst

AMENDMENT NO. 1

On page 2, at the end of line 5 after the period "." insert "Any agency claiming a federal mandate exemption shall have the burden of proving such exemption."

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Rodney Alexander to Engrossed House Bill No. 2472 by Representative Windhorst

AMENDMENT NO. 1

On page 1, line 2, after "(2)" and before ", relative" insert "and to enact R.S. 49:992(D)(8),"

AMENDMENT NO. 2

On page 1, line 4, after "law;" and before "and to" insert "to provide exemptions;"

AMENDMENT NO. 3

On page 1, line 8, after "reenacted" and before "to read" insert "and R.S. 49:992(D)(8) is hereby enacted"

AMENDMENT NO. 4

On page 1, line 11, after "(2)" insert "through (8)"

AMENDMENT NO. 5

On page 2, after line 5, insert the following:

** * *

(8) The Medical Assistance Program of the Department of Health and Hospitals shall be exempt from the provisions of this Chapter.

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

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

NAYS

Total—0

ABSENT

Mitchell	Thomas	Welch
Strain	Thornhill	
Total—5		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Windhorst 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. 2479—
BY REPRESENTATIVE PERKINS
AN ACT

To enact R.S. 32:398.1(C), R.S. 49:121(I), and Code of Criminal Procedure Article 215.1(D), to provide procedures for the issuance of citations and detention of persons violating provisions of motor vehicle laws; 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. 2479 by Representative Perkins

AMENDMENT NO. 1

On page 1, line 11, after "prohibited." insert the following:

"However, nothing herein shall prohibit a peace officer from issuing a violation ticket which compels or instructs the motorist to comply with administrative or other legal requirements of Title 32 or Title 47 of the Louisiana Revised Statutes of 1950."

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Brun to Engrossed House Bill No. 2479 by Representative Perkins

AMENDMENT NO. 1

On page 2, at the beginning of line 1, delete "Interstate Highway" and insert "highway or road"

Rep. Brun moved the adoption of the amendments.

Rep. Toomy objected.

By a vote of 72 yeas and 29 nays, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Alario	Guillory	Pratt
Alexander, A.—93rd	Heaton	Quezairé
Alexander, R.—13th	Hebert	Riddle
Barton	Hill	Romero
Baylor	Holden	Rousselle
Bowler	Hopkins	Salter
Bruce	Hunter	Scalise
Brun	Iles	Schneider
Bruneau	Jenkins	Shaw
Carter	Jetson	Smith, J.R.—30th
Chaisson	Johns	Stelly
Clarkson	Kennard	Strain
Copelin	Kenny	Thomas
Crane	Lancaster	Thompson
Curtis	Landrieu	Thornhill
Damico	LeBlanc	Travis
Daniel	Long	Triche
Diez	Marionneaux	Vitter
Dimos	McCain	Walsworth
Doerge	McCallum	Warner
Donelon	McDonald	Welch
Dupre	McMains	Weston
Durand	Michot	Wiggins
Farve	Morrish	Wilkerson
Faucheux	Murray	Willard-Lewis

Flavin	Odinot	Windhorst
Fontenot	Perkins	Winston
Forster	Pierre	
Green	Powell	
Total—85		

NAYS

Mr. Speaker	Fruge	Pinac
Baudoin	Gautreaux	Smith, J.D.—50th
Deville	Hammett	Theriot
DeWitt	Martiny	Toomy
Frith	Montgomery	Wright
Total—15		

ABSENT

Ansardi	Hudson	Morrell
Glover	Mitchell	
Total—5		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Perkins 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. 2495—
BY REPRESENTATIVE WALSWORTH
AN ACT

To amend and reenact R.S. 18:55(A)(2) and (3)(a) and (C) and 59(B)(2) and (3)(a), (C)(2) and (3)(a), and (E), relative to the compensation of certain registrars of voters, chief deputy registrars, and confidential assistants; to provide for a salary increase for certain registrars of voters, chief deputy registrars, and confidential assistants; to provide for changes to the pay schedule for each; and to provide for related matters.

Read by title.

Motion

Rep. DeWitt moved that the bill be returned to the calendar subject to call.

Rep. Walsworth objected.

By a vote of 49 yeas and 43 nays, the House returned the bill to the calendar.

HOUSE BILL NO. 2508 (Substitute for House Bill No. 2299 by Representative Thornhill)—
BY REPRESENTATIVE THORNHILL
AN ACT

To enact Chapter 1 of Code Title XIX of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, comprised of R.S. 9:4101 through 4107, to redesignate existing Chapters 1 and 2 of Code Title XIX of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950 as Chapters 2 and 3 thereof, and to rename Code Title XIX thereof, all relative to mediation of claims resulting from vehicular accidents; and to provide for related matters.

Read by title.

Motion

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

HOUSE BILL NO. 2509 (Substitute for House Bill No. 2183 by Representative Donelon)—

BY REPRESENTATIVE DONELON
AN ACT

To amend and reenact R.S. 6:242(A)(6)(a) and R.S. 22:1113(G) and (H) and to enact Chapter 6 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 22:3051 through 3065, relative to insurance; to provide with respect to consumer protections applicable to insurance sales, including licensure requirements, sales, referrals, anti-tying, disclosures, solicitations, discrimination, customer privacy, and maintenance of insurance records by certain companies, agencies, and institutions; and to provide for related matters.

Read by title.

Motion

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

HOUSE BILL NO. 772—

BY REPRESENTATIVE WESTON
AN ACT

To amend and reenact R.S. 51:2131(B) and (D), relative to the Louisiana Film and Video Commission; to provide relative to the membership of the commission; and to provide for related matters.

Read by title.

Motion

Rep. Weston moved that House Bill No. 772 be designated as a duplicate of Senate Bill No. 917.

Which motion was agreed to.

Rep. Dimos, on behalf of the Legislative Bureau, sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Dimos on behalf of the Legislative Bureau to Engrossed House Bill No. 772 by Representative Weston

AMENDMENT NO. 1

On page 3, line 16, following "by" and before the period "." change "R.S. 51:2131(B)(2)" to "Paragraph B(2) of this Section"

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Green	Pinac
Alario	Guillory	Powell
Alexander, A.—93rd	Hammett	Pratt
Barton	Heaton	Quezairé
Baudoin	Hebert	Riddle
Baylor	Hill	Rousselle
Bowler	Holden	Salter

Bruce	Hopkins	Scalise
Brun	Hudson	Schneider
Bruneau	Hunter	Shaw
Carter	Iles	Smith, J.D.—50th
Chaisson	Jenkins	Smith, J.R.—30th
Clarkson	Jetson	Stelly
Copelin	Johns	Strain
Crane	Kenney	Theriot
Curtis	Lancaster	Thomas
Damico	Landrieu	Thompson
Daniel	LeBlanc	Thornhill
Deville	Long	Toomy
DeWitt	Marionneau	Travis
Diez	Martiny	Triche
Dimos	McCain	Vitter
Doerge	McCallum	Walsworth
Donelon	McDonald	Warner
Dupre	McMains	Welch
Durand	Michot	Weston
Farve	Montgomery	Wilkerson
Flavin	Morrell	Willard-Lewis
Fontenot	Morrish	Windhorst
Forster	Murray	Winston
Frith	Perkins	Wright
Gautreaux	Pierre	

Total—95

NAYS

Total—0

ABSENT

Alexander, R.—13th	Glover	Romero
Ansardi	Kennard	Wiggins
Faucheux	Mitchell	
Fruge	Odinet	

Total—10

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Weston 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. 808—

BY REPRESENTATIVE WESTON
AN ACT

To amend and reenact R.S. 36:201(C)(1) and to repeal Chapter 23 of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:1011 through 1016, R.S. 36:208(H), 209(Q), and 802.8, and Subpart B of Chapter 9 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:1271 through 1276, relative to the Department of Culture, Recreation and Tourism; to abolish the Louisiana Governor's Mansion Commission and a program of grants and contracts between the Louisiana Tourism Development Commission and local tourism promotion agencies; to provide relative to certain agencies and offices which have been previously abolished or transferred from the department; and to provide for related matters.

Read by title.

Motion

Rep. Weston moved that House Bill No. 808 be designated as a duplicate of Senate Bill No. 1131.

Which motion was agreed to.

Rep. Weston moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Donelon	Kennard	Thompson
Dupre	Mitchell	Welch
Total—6		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Weston 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. 1011—
BY REPRESENTATIVE PINAC
AN ACT**

To amend and reenact R.S. 11:143(A), relative to state and statewide retirement systems; to allow a member of any public retirement system to transfer service credit from another public retirement system to the system where such member is an active contributing member; to provide for an effective date; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Pinac to Engrossed House Bill No. 1011 by Representative Pinac

AMENDMENT NO. 1

On page 2, line 15, between "system," and "and" insert "and, on the day of the transfer, the member must terminate employment that made him eligible to be a member of the transferring system,"

AMENDMENT NO. 2

On page 3, line 13, after "31," and before "shall" change "1997," to "1998,"

AMENDMENT NO. 3

On page 3, line 15, after "31," and before "may" change "1997," to "1998,"

AMENDMENT NO. 4

On page 3, line 18, after "1," change "1998" to "1999"

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

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Fruge Pierre Wright
Gautreaux Pinac
Total—98

NAYS

Total—0

ABSENT

Alexander, R.—13th Glover Mitchell
Baudoin Kennard
Carter Marionneaux
Total—7

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. 1191—

BY REPRESENTATIVE STRAIN

AN ACT

To amend and reenact R.S. 23:184(introductory paragraph), relative to employment of minors; to require written permission of parent or legal guardi
Read by title.

Rep. Powell moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

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

Fruge Pierre
Gautreaux Pinac
Total—100

NAYS

Total—0

ABSENT

Baudoin Hudson Mitchell
Faucheux Kennard
Total—5

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Powell 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. 1284—

BY REPRESENTATIVE FORSTER

AN ACT

To amend and reenact R.S. 23:1601(4), relative to unemployment compensation; to provide that a claimant shall be disqualified from receiving benefits during a labor strike; to provide that a claimant shall not be disqualified from receiving benefits during a labor lockout; and to provide for related matters.

an prior to issuance of an employment certificate; and to provide for related matters.

Read by title.

Motion

Rep. Forster moved that House Bill No. 1284 be designated as a duplicate of Senate Bill No. 985.

Which motion was agreed to.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Murray to Engrossed House Bill No. 1284 by Representative Forster

AMENDMENT NO. 1

On page 2, line 5, after "strike" and before the period "." insert "if the strike is approved or sanctioned by a labor organization that represents the individual"

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Green	Pinac
Alexander, R.—13th	Guillory	Powell
Ansardi	Hammett	Pratt
Barton	Heaton	Quezaire
Baylor	Hebert	Riddle

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

NAYS

Alario	Alexander, A.—93rd	Baudoin
Total—3		

ABSENT

Mitchell
Total—1

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.

Suspension of the Rules

On motion of Rep. Hudson, and under a suspension of the rules, the above roll call was corrected to reflect him as voting yea.

HOUSE BILL NO. 2509 (Substitute for House Bill No. 2183 by Representative Donelon)—

BY REPRESENTATIVE DONELON

AN ACT

To amend and reenact R.S. 6:242(A)(6)(a) and R.S. 22:1113(G) and (H) and to enact Chapter 6 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 22:3051 through 3065, relative to insurance; to provide with respect to consumer protections applicable to insurance sales, including licensure requirements, sales, referrals, anti-tying, disclosures, solicitations, discrimination, customer privacy, and maintenance of insurance records by certain companies, agencies, and institutions; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Dimos, on behalf of the Legislative Bureau, sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Dimos on behalf of the Legislative Bureau to Engrossed House Bill No. 2509 by Representative Donelon

AMENDMENT NO. 1

On page 5, line 23, following "seq." insert a comma ", "

AMENDMENT NO. 2

On page 6, line 6, following "be" and before "by" change "only conducted" to "conducted only"

AMENDMENT NO. 3

On page 9, line 2, following "A" and before "when" insert "of this Section"

AMENDMENT NO. 4

On page 9, line 5, following "the" and before "obtaining" change "customer" to "customer's"

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Donelon to Engrossed House Bill No. 2509 by Representative Donelon

AMENDMENT NO. 1

On page 1, line 2, after "reenact" delete "R.S. 6:242(A)(6)(a) and"

AMENDMENT NO. 2

On page 1, line 4, after "insurance" insert "sales by financial institutions"

AMENDMENT NO. 3

On page 1, line 5, after "respect to" delete "consumer protections applicable to" and insert in lieu thereof "financial institution"

AMENDMENT NO. 4

On page 1, delete lines 11 through 18 in their entirety

AMENDMENT NO. 5

On page 2, delete lines 1 through 24 in their entirety

AMENDMENT NO. 6

On page 3, line 1, after "Section" change "2" to "1"

AMENDMENT NO. 7

On page 3, line 7, after "subsidiary" delete "affiliate,"

AMENDMENT NO. 8

On page 3, line 19, after "subsidiary" delete "affiliate,"

AMENDMENT NO. 9

On page 4, at the end of line 5, after "subsidiary" delete the comma ","

AMENDMENT NO. 10

On page 4, at the beginning of line 6, delete "affiliate,"

AMENDMENT NO. 11

On page 4, at the beginning of line 16, after "is" delete "for the purpose of regulating" and insert in lieu thereof "to regulate"

AMENDMENT NO. 12

On page 4, at the beginning of line 17, after "and" delete "protecting" and insert in lieu thereof "to protect"

AMENDMENT NO. 13

On page 4, delete lines 20 through 24 in their entirety and insert in lieu thereof the following:

"(1) "Financial institution" means a state or national bank or branch thereof which accepts federally-insured deposits or makes loans from a place of business located in the state of Louisiana or any subsidiary or employee thereof, or a bank holding company or subsidiary or employee thereof, only if the bank holding company owns or controls a state or national bank or branch thereof which accepts federally-insured deposits or makes loans from a place of business located in the state of Louisiana. The term financial institution does not include a bank which was engaged as an insurance agent on January 1, 1984 or an insurance company."

AMENDMENT NO. 14

On page 5, at the beginning of line 7, after "insurance," and before "and debt" insert "travel accident and baggage insurance,"

AMENDMENT NO. 15

On page 5, line 22, after "promulgate" insert "rules and"

AMENDMENT NO. 16

On page 5, line 23, after "et seq." insert a comma "," and "as may be necessary"

AMENDMENT NO. 17

On page 6, line 11, after "any" insert "natural"

AMENDMENT NO. 18

On page 6, line 16, change "Section" to "Chapter"

AMENDMENT NO. 19

On page 6, line 24, after "customer" delete the remainder of the line

AMENDMENT NO. 20

On page 6, at the beginning of line 25, delete "any insurance product"

AMENDMENT NO. 21

On page 6, line 26, after "advice on" change "the" to "any"

AMENDMENT NO. 22

On page 7, line 9, change "Typing" to "Tying"

AMENDMENT NO. 23

On page 10, line 19, after "Impose any" insert "unreasonable"

AMENDMENT NO. 24

On page 11, line 24, after "document" delete the remainder of the line

AMENDMENT NO. 25

On page 12, delete lines 14 through 19 and insert in lieu thereof:

"Section 2. This Act shall take effect and become operative if and when the Act which originated as House Bill No. 1612 of this 1997 Regular Session of the Legislature is enacted and becomes effective."

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

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Fruge
Mitchell
Total—4

Walsworth
Weston

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Donelon moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 1397—
BY REPRESENTATIVES FAUCHEUX, ANSARDI, AND CHAISSON
AN ACT

To enact R.S. 33:4574.10, relative to the parishes of St. Charles, St. John the Baptist, and St. James; to create the River Parishes Convention, Tourist, and Visitors Commission to have jurisdiction within such parishes; to provide for the appointment, powers, and duties of the commission; to authorize the levy and collection of a hotel/motel occupancy tax by the commission for the purpose of funding the activities of the commission; to provide relative to borrowing by the commission and budgetary matters; and to provide for related matters.

Read by title.

Rep. Fauchaux moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Alario	Gautreaux	Pinac
Alexander, A.—93rd	Glover	Powell
Alexander, R.—13th	Green	Pratt
Ansardi	Guillory	Quezairé
Barton	Hammett	Riddle
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	Johns	Stelly
Copelin	Kennard	Strain
Crane	Kenney	Theriot
Curtis	Lancaster	Thomas
Damico	Landrieu	Thompson
Daniel	LeBlanc	Thornhill
Deville	Long	Toomy
DeWitt	Marionneaux	Travis
Diez	Martiny	Triche
Dimos	McCain	Vitter
Doerge	McCallum	Warner
Donelon	McDonald	Welch
Dupre	McMains	Weston
Durand	Michot	Wiggins
Farve	Montgomery	Wilkerson
Fauchaux	Morrell	Willard-Lewis
Flavin	Morrish	Windhorst
Fontenot	Murray	Winston
Forster	Odinet	Wright

Frith
Fruge
Total—100

Perkins
Pierre

NAYS

Jenkins
Total—2

Jetson

ABSENT

Mr. Speaker
Total—3

Mitchell

Walsworth

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Fauchaux 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. 1398—
BY REPRESENTATIVES DUPRE AND DOWNER
AN ACT

To amend and reenact R.S. 13:976(C), relative to court reporters; to provide for fees in civil and criminal cases in the Thirty-second Judicial District Court; and to provide for related matters.

Read by title.

Rep. Dupre moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

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

Forster Frith Total—102	Morrish Murray	Winston Wright
	NAYS	
Total—0	ABSENT	
Mitchell Total—3	Walsworth	Wiggins

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Dupre 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. 1526—

BY REPRESENTATIVE TOOMY

AN ACT

To amend and reenact R.S. 37:2558(A), relative to certified shorthand reporters; to establish fees to be paid to the Board of Examiners of Certified Shorthand Reporters; and to provide for related matters.

Read by title.

Rep. Toomy 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	Riddle
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	Johns	Stelly
Copelin	Kennard	Strain
Crane	Kenney	Theriot
Curtis	Lancaster	Thomas
Damico	Landrieu	Thompson
Daniel	LeBlanc	Thornhill
Deville	Long	Toomy
DeWitt	Marionneaux	Travis
Diez	Martiny	Triche
Dimos	McCain	Vitter
Doerge	McCallum	Walsworth
Donelon	McDonald	Warner
Dupre	McMains	Welch
Durand	Michot	Weston
Farve	Montgomery	Wiggins
Faucheux	Morrell	Wilkerson
Flavin	Morrish	Willard-Lewis
Fontenot	Murray	Windhorst

Forster Frith Total—102	Odinet Perkins	Winston Wright
	NAYS	
Jenkins Total—2	Jetson	
	ABSENT	
Mitchell Total—1		

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. Toomy 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. 1834—

BY REPRESENTATIVE TOOMY

AN ACT

To enact R.S. 37:2560, relative to certified shorthand reporters; to authorize the Board of Examiners of Certified Shorthand Reporters to impose a fine; and to provide for related matters.

Read by title.

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

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Fontenot Murray Winston
Forster Odinet Wright
Frith Perkins
Total—101

NAYS

Total—0

ABSENT

Glover Mitchell
LeBlanc Smith, J.D.—50th
Total—4

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Toomy 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. 2287—
BY REPRESENTATIVE R. ALEXANDER
AN ACT

To enact R.S. 16:15.2, relative to district attorneys; to permit a district attorney to collect certain fees; and to provide for related matters.

Read by title.

Motion

Rep. McCallum moved that House Bill No. 2287 be designated as a duplicate of Senate Bill No. 766.

Which motion was agreed to.

Point of Order

Rep. Green asked for a ruling from the Chair as to whether House Bill No. 2287 levies a new 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 did levy a new 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.

Rep. McCallum moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Alexander, R.—13th Fontenot McCallum
Bruneau Forster McDonald
Chaisson Fruge Powell
Clarkson Gautreaux Smith, J.D.—50th
Damico Hammett Smith, J.R.—30th
Deville Hill Stelly
DeWitt Johns Thomas
Diez Kennard Thompson
Dimos Kenney Toomy
Durand Lancaster Triche

Faucheux LeBlanc Walsworth
Flavin Long
Total—35

NAYS

Mr. Speaker Heaton Pratt
Alario Hebert Quezairé
Alexander, A.—93rd Holden Riddle
Ansardi Hopkins Romero
Barton Hudson Rouselle
Baudoïn Hunter Salter
Baylor Iles Shaw
Bowler Jenkins Theriot
Brun Jetson Thornhill
Carter Landrieu Travis
Copelin Marionneaux Vitter
Crane McCain Warner
Curtis McMains Welch
Daniel Michot Weston
Donelon Morrell Wiggins
Dupre Morrish Wilkerson
Farve Murray Willard-Lewis
Frith Odinet Windhorst
Glover Perkins Winston
Green Pierre Wright
Guillory Pinac

Total—62

ABSENT

Bruce Mitchell Schneider
Doerge Montgomery Strain
Martiny Scalise
Total—8

The chair declared the above bill, not having received a two-thirds vote of the elected members, failed to pass.

Rep. Green 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.

Suspension of the Rules

On motion of Rep. Clarkson, and under a suspension of the rules, the above roll call was corrected to reflect her as voting yea.

HOUSE BILL NO. 2330—
BY REPRESENTATIVE THERIOT
AN ACT

To enact R.S. 33:1421(C), relative to deferred compensation plans; to provide for participation by sheriffs; and to provide for related matters.

Read by title.

Rep. Theriot 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 Quezairé
Barton Hammett Riddle

Baudoin	Heaton	Romero
Baylor	Hebert	Rousselle
Bowler	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	Stelly
Crane	Johns	Theriot
Curtis	Kennard	Thompson
Damico	Landrieu	Thornhill
Daniel	LeBlanc	Toomy
Deville	Long	Travis
DeWitt	Marionneaux	Triche
Diez	Martiny	Vitter
Dimos	McCain	Warner
Doerge	McCallum	Welch
Donelon	McDonald	Weston
Dupre	McMains	Wiggins
Durand	Michot	Wilkerson
Farve	Montgomery	Willard-Lewis
Faucheux	Morrell	Windhorst
Flavin	Morrish	Winston
Fontenot	Murray	Wright
Forster	Odinot	
Frith	Perkins	

Total—97

NAYS

Total—0

ABSENT

Bruce	Lancaster	Thomas
Jetson	Mitchell	Walsworth
Kenney	Strain	

Total—8

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Theriot 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. 2349—
BY REPRESENTATIVE JACK SMITH
AN ACT

To amend and reenact R.S. 46:56(F)(4)(a), relative to the confidentiality of case records pertaining to abuse or neglect of children; to authorize the head of a law enforcement agency originally reporting such case to receive information; and to provide for related matters.

Read by title.

Rep. Jack Smith moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Fruge	Pinac
Alario	Gautreaux	Powell
Alexander, A.—93rd	Green	Pratt
Alexander, R.—13th	Guillory	Quezaire

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

Total—96

NAYS

Total—0

ABSENT

Baudoin	Hill	Mitchell
Bruce	Hopkins	Morrish
Glover	Marionneaux	Strain

Total—9

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Jack Smith 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. 2412—
BY REPRESENTATIVE JACK SMITH
AN ACT

To enact Chapter 33 of Title 13 of the Louisiana Revised Statutes of 1950, comprised of R.S. 13:5301 through 5304, relative to state district courts; to provide for drug and alcohol treatment programs through drug divisions to be operated by the district courts; and to provide for related matters.

Read by title.

Rep. Dimos, on behalf of the Legislative Bureau, sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Dimos on behalf of the Legislative Bureau to Engrossed House Bill No. 2412 by Representative Jack D. Smith

AMENDMENT NO. 1

On page 5, line 5, before the comma "," change "herein" to "of this Subsection"

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AMENDMENT NO. 2

On page 17, line 6, following "(1)" and before "shall" change "herein" to "of this Subsection"

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

Rep. Jack Smith moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. Speaker, Alario, Alexander, A.—93rd, etc. and corresponding names like Green, Guillory, Hammett, etc.

NAYS

Table with 3 columns of names: Bowler, Bruneau, Total—6 and corresponding names like Jenkins, Perkins, Willard-Lewis, Windhorst

ABSENT

Table with 3 columns of names: Baudoin, Bruce, Dimos, Forster, Total—11 and corresponding names like Glover, Heaton, Hopkins, Marionneaux, Mitchell, Schneider, Strain

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Jack Smith 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. 62—

BY REPRESENTATIVES FAUCHEUX, FRITH, HEBERT, MICHOT, AND ROUSSELLE

AN ACT

To appropriate funds out of the General Fund of the state of Louisiana for Fiscal Year 1997-1998 to the Department of Public Safety and Corrections to be used to pay back supplemental pay to certain constables and justices of the peace.

Read by title.

Rep. Fauchaux moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. Speaker, Alario, Alexander, A.—93rd, etc. and corresponding names like Green, Guillory, Hammett, etc.

NAYS

Table with 3 columns of names: Bowler, Total—3 and corresponding names like Clarkson, Fruge

ABSENT

Table with 3 columns of names: Bruce, Marionneaux, Total—5 and corresponding names like Mitchell, Smith, J.D.—50th, Strain

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Faucheux 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. 68—
BY REPRESENTATIVE RIDDLE
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana for Fiscal Year 1997-1998 to be used to pay legal expenses incurred by Jerald W. Gunn and Michael Villejoin relative to their successful defense of criminal charges brought against them, which charges arose from actions taken by them in the course and scope of their employment; to pay legal expenses incurred by Michael Villejoin in the civil claim brought against him relative to actions taken by him in the course and scope of his employment; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative LeBlanc to Engrossed House Bill No. 68 by Representative Riddle

AMENDMENT NO. 1

On page 2, line 5, after "Section 2." delete the remainder of the line and at the beginning of line 6, delete "22/100 (\$10,691.22)" and insert "The sum of Thirteen Thousand One Hundred Twenty and 53/100 (\$13,120.53)"

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative DeWitt to Engrossed House Bill No. 68 by Representative Riddle

AMENDMENT NO. 1

On page 1, line 4, after "Gunn" and before "Michael" delete "and" and insert a comma ","

AMENDMENT NO. 2

On page 1, line 4, after "Villejoin" and before "relative" insert ", and Rex L. Powell,"

AMENDMENT NO. 3

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

"Section 3. The sum of Eight Hundred Seventy-seven and 39/100 (\$877.39) Dollars is hereby appropriated out of the General Fund of the State of Louisiana for Fiscal Year 1997-1998 to the Department of Public Safety and Corrections for payment of legal fees incurred by Rex L. Powell, a state worker, in his successful defense of criminal charges brought against him during the course and scope of his employment with the Department of Public Safety and Corrections, which criminal charges were brought against him before the 9th Judicial District Court, parish of Rapides, Docket No. 96-3064."

AMENDMENT NO. 4

On page 2, at the beginning of line 16, change "Section 3." to "Section 4."

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

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Donelon	Mitchell	Strain
Hopkins	Smith, J.D.—50th	Vitter
Total—6		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Riddle moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

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HOUSE BILL NO. 235—

BY REPRESENTATIVE FLAVIN
AN ACT

To amend and reenact R.S. 30:2205(A)(1), relative to the hazardous waste tax; to provide for the uses of the tax funds; and to provide for related matters.

Read by title.

Motion

Rep. Flavin moved that House Bill No. 235 be designated as a duplicate of Senate Bill No. 617.

Which motion was agreed to.

Rep. Flavin moved the final passage of the bill.

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

Total—99

NAYS

Total—0

ABSENT

Brun	Mitchell	Triche
Hopkins	Strain	Wilkerson

Total—6

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. 240—

BY REPRESENTATIVES MICHOT AND LANCASTER
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay the final judgment in the suit entitled "State of Louisiana vs. Nicholas D. Olivier c/w State of Louisiana vs. Loy Raoul Olivier and Pierre Francois Olivier"; to provide for interest and court costs; and to provide for related matters.

Read by title.

Rep. Michot moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

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

Total—97

NAYS

Total—0

ABSENT

Baudoin	Mitchell	Welch
Brun	Strain	Willard-Lewis
Hopkins	Triche	

Total—8

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Michot 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. 254—

BY REPRESENTATIVE TRAVIS

AN ACT

To amend and reenact R.S. 37:3567(B)(1), relative to licensing of massage therapists; to provide relative to effect of state massage therapy licensing or regulation on local regulations; and to provide for related matters.

Read by title.

Motion

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

HOUSE BILL NO. 995—

BY REPRESENTATIVE MURRAY

AN ACT

To amend and reenact R.S. 23:1021(10)(d), relative to the average weekly wage calculations in workers' compensation claims; to provide for the calculation of average weekly wage of an employee on a unit, piecework, commission, or other basis; 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	Glover	Pinac
Alario	Green	Powell
Alexander, A.—93rd	Guillory	Pratt
Alexander, R.—13th	Hammett	Quezairé
Ansardi	Hebert	Riddle
Barton	Hill	Romero
Baylor	Holden	Rousselle
Bowler	Hudson	Salter
Bruce	Hunter	Scalise
Bruneau	Iles	Schneider
Carter	Jenkins	Shaw
Chaisson	Jetson	Smith, J.D.—50th
Clarkson	Johns	Smith, J.R.—30th
Copelin	Kennard	Stelly
Crane	Kenney	Theriot
Damico	Lancaster	Thomas
Daniel	Landrieu	Thompson
Deville	LeBlanc	Thornhill
DeWitt	Long	Toomy
Diez	Marionneaux	Travis
Dimos	Martiny	Triche
Doerge	McCain	Vitter
Donelon	McCallum	Walsworth
Dupre	McDonald	Warner
Durand	McMains	Welch
Farve	Michot	Wiggins
Fauchoux	Montgomery	Wilkerson

Flavin	Morrell	Willard-Lewis
Fontenot	Morrish	Windhorst
Forster	Murray	Winston
Frith	Odinot	Wright
Früge	Perkins	
Gautreaux	Pierre	

Total—97

NAYS

Total—0

ABSENT

Baudoin	Heaton	Strain
Brun	Hopkins	Weston
Curtis	Mitchell	

Total—8

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. 1233—

BY REPRESENTATIVE MICHOT

AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay the stipulated judgment in the suit entitled "Dr. Ernest M. Yongue, Dr. Charles W. Boustany, Sr., Dr. Joseph C. Musso, and Dr. Bruce Lance Craig versus the State of Louisiana through its treasurer, Ken Duncan", and to provide for related matters.

Read by title.

Rep. Michot moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

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

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Farve	McMains	Welch
Faucheux	Michot	Weston
Flavin	Montgomery	Wiggins
Fontenot	Morrell	Wilkerson
Forster	Morrish	Willard-Lewis
Frith	Murray	Windhorst
Fruge	Odinet	Winston
Gautreaux	Perkins	Wright
Glover	Pierre	
Total—98		

NAYS

Total—0

ABSENT

Barton	Doerge	Strain
Baudoin	Hopkins	
Brun	Mitchell	
Total—7		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Michot 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. 1264—
BY REPRESENTATIVES MCDONALD AND DOWNER
AN ACT

To enact R.S. 42:456.1, relative to public employees; to permit payroll withholding for the deposit of funds into a Louisiana Student Tuition Assistance and Revenue Trust Program education savings account; to provide guidelines for and limitations on such withholdings; to provide for the adoption of certain rules by the Louisiana Tuition Trust Authority; to provide for effectiveness; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative McDonald to Engrossed House Bill No. 1264 by Representatives McDonald and Downer

AMENDMENT NO. 1

On page 2, line 1, change "17:3091 through" to "17:3091 et seq.,"

AMENDMENT NO. 2

On page 2, at the beginning of line 2, delete "3099.2"

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

Rep. McDonald 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	Riddle
Baylor	Hebert	Romero
Bowler	Hill	Rousselle
Bruce	Holden	Salter
Brun	Hudson	Scalise
Bruneau	Hunter	Schneider
Carter	Iles	Shaw
Chaisson	Jenkins	Smith, J.D.—50th
Clarkson	Jetson	Smith, J.R.—30th
Copelin	Johns	Stelly
Crane	Kennard	Theriot
Curtis	Kenney	Thomas
Damico	Lancaster	Thompson
Daniel	Landrieu	Thornhill
Deville	LeBlanc	Toomy
DeWitt	Long	Travis
Diez	Marionneaux	Triche
Dimos	Martiny	Vitter
Doerge	McCain	Walsworth
Donelon	McCallum	Warner
Dupre	McDonald	Welch
Durand	McMains	Weston
Farve	Michot	Wiggins
Faucheux	Montgomery	Wilkerson
Flavin	Morrell	Willard-Lewis
Fontenot	Morrish	Windhorst
Forster	Murray	Winston
Frith	Odinet	Wright
Total—102		

NAYS

Total—0

ABSENT

Hopkins	Mitchell	Strain
Total—3		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. McDonald 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. 1281—
BY REPRESENTATIVE FAUCHEUX AND SENATOR LANDRY
AN ACT

To amend and reenact R.S. 40:1749.12(3), (4), (6), (9), and (10), 1749.13(A) and (B)(1) and (2), 1749.14(C)(1) and (D), 1749.15, 1749.16(4), 1749.17, 1749.19, 1749.20, and 1749.21 and to enact R.S. 40:1749.12(11) and (12), 1749.13(B)(5) and (D), 1749.14(E) and (F), 1749.23, 1749.24, and 1749.25, all relative to the Louisiana Underground Utilities and Facilities Damage Prevention Law; to provide definitions; to provide relative to excavation and demolition notification procedures and requirements; to provide for immunity from civil liability under certain circumstances; to provide relative to marking of facilities; to require certain actions by excavators and demolishers when there has been damage to an underground facility or utility; to provide relative to participation by municipalities or parish governments under certain circumstances; to provide for violations and penalties, including civil penalties and costs; to provide for enforcement by the Department of Public Safety and Corrections; to provide for proceedings and adjudications for the levying of civil penalties;

to provide for the distribution of civil penalties; to create the Underground Damages Prevention Fund within the state treasury and provide for disbursements from such fund; to provide for the uses of monies in such fund; to provide for compliance by the Department of Transportation and Development; and to provide for related matters.

Read by title.

Motion

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

HOUSE BILL NO. 1362—

BY REPRESENTATIVE TRAVIS

AN ACT

To amend and reenact R.S. 6:242(A)(6)(a), and to enact R.S. 6:506(D), relative to the sale of insurance by banks; to permit state-chartered banks to charge fees and commissions for acting as insurance agents; to provide relative to certificates of authority for branch offices; and to provide for related matters.

Read by title.

Rep. Travis moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Fruge	Pinac
Alario	Gautreaux	Powell
Alexander, A.—93rd	Glover	Pratt
Alexander, R.—13th	Green	Quezaire
Ansardi	Guillory	Riddle
Barton	Hammett	Romero
Baudoin	Heaton	Rousselle
Baylor	Hebert	Salter
Bowler	Hill	Scalise
Bruce	Holden	Schneider
Brun	Hopkins	Shaw
Bruneau	Hudson	Smith, J.D.—50th
Carter	Hunter	Smith, J.R.—30th
Chaisson	Iles	Stelly
Clarkson	Johns	Theriot
Copelin	Kennard	Thomas
Crane	Kenney	Thompson
Curtis	Lancaster	Thornhill
Damico	Landrieu	Toomy
Daniel	LeBlanc	Travis
Deville	Long	Triche
DeWitt	Marionneaux	Vitter
Diez	Martiny	Walsworth
Dimos	McCain	Warner
Doerge	McCallum	Welch
Donelon	McDonald	Weston
Dupre	McMains	Wiggins
Durand	Michot	Wilkerson
Farve	Montgomery	Willard-Lewis
Faucheux	Morrish	Windhorst
Flavin	Murray	Winston
Fontenot	Odinet	Wright
Forster	Perkins	
Frith	Pierre	
Total—100		

NAYS

Jenkins	Jetson	Morrell
Total—3		

ABSENT

Mitchell	Strain
Total—2	

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Travis moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 1379—

BY REPRESENTATIVES DOWNER, BRUN, MCDONALD, DEWITT, ALARIO, DANIEL, DUPRE, HUDSON, ILES, JOHNS, KENNEY, LEBLANC, MCCAIN, MCMAINS, MICHOT, POWELL, SALTER, SHAW, THOMPSON, WALSWORTH, AND WIGGINS AND SENATORS DARDENNE, HAINKEL, BEAN, SCHEDLER, SMITH, AND THEUNISSEN

AN ACT

To enact R.S. 17:3765, relative to state funds; to provide for creation of the School Leadership Development Fund; to provide for deposit of monies into the fund; to provide for uses of monies in the fund; and to provide for related matters.

Read by title.

Motion

Rep. LeBlanc moved that House Bill No. 1379 be designated as a duplicate of Senate Bill No. 1176.

Which motion was agreed to.

Rep. LeBlanc moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Gautreaux	Pierre
Alario	Glover	Pinac
Alexander, A.—93rd	Green	Powell
Alexander, R.—13th	Guillory	Pratt
Ansardi	Hammett	Quezaire
Barton	Heaton	Riddle
Baudoin	Hebert	Romero
Baylor	Hill	Rousselle
Bowler	Holden	Salter
Bruce	Hopkins	Scalise
Brun	Hunter	Schneider
Bruneau	Iles	Smith, J.D.—50th
Carter	Jenkins	Smith, J.R.—30th
Chaisson	Jetson	Stelly
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	Morrish	Winston
Forster	Murray	Wright
Frith	Odinot	
Fruge	Perkins	
Total—100		

NAYS

Total—0

ABSENT

Diez	Mitchell	Strain
Hudson	Shaw	
Total—5		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. LeBlanc 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. 1380—

BY REPRESENTATIVES DOWNER, BRUN, MCDONALD, LONG, DEWITT, ALARIO, DUPRE, HUDSON, ILES, JOHNS, KENNEY, LEBLANC, MCCAIN, MCMAINS, MICHOT, POWELL, SALTER, SHAW, THOMAS, WALSWORTH, WIGGINS, AND THOMPSON AND SENATORS DARDENNE, HAINKEL, BEAN, ROMERO, SCHEDLER, SMITH, AND THEUNISSEN

AN ACT

To enact R.S. 17:354, relative to state funds; to provide for creation of the Teacher Supplies Fund; to provide for deposit of monies into the fund; to provide for uses of monies in the fund; and to provide for related matters.

Read by title.

Motion

Rep. LeBlanc moved that House Bill No. 1380 be designated as a duplicate of Senate Bill No. 1130.

Which motion was agreed to.

Rep. Dimos, on behalf of the Legislative Bureau, sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Dimos on behalf of the Legislative Bureau to Engrossed House Bill No. 1380 by Representative Downer

AMENDMENT NO. 1

On page 4, line 19, following "this" and before the period "." change "Act" to "Section"

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Downer to Engrossed House Bill No. 1380 by Representative Downer

AMENDMENT NO. 1

On page 3, line 5, after "school," delete the remainder of the line and insert "A minimum of seventy-five percent of"

AMENDMENT NO. 2

On page 3, line 24, after "nature, and that" delete the remainder of the line and insert in lieu thereof "a minimum of seventy-five percent of such"

AMENDMENT NO. 3

On page 4, line 5, change "would" to "shall"

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative LeBlanc to Engrossed House Bill No. 1380 by Representative Downer, et al.

AMENDMENT NO. 1

On page 3, at the beginning of line 12, delete "approved"

AMENDMENT NO. 2

On page 3, line 12, after "schools" delete the period "." and insert "approved by the board which are in compliance with the mandates of Brumfield, et al. v. Dodd, et al., 425 F. Supp. 528."

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

Rep. LeBlanc 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	Riddle
Barton	Hammett	Romero
Baudoin	Heaton	Rousselle
Baylor	Hebert	Salter
Bowler	Hill	Scalise
Bruce	Holden	Schneider
Brun	Hopkins	Shaw
Bruneau	Hudson	Smith, J.D.—50th
Carter	Hunter	Smith, J.R.—30th
Chaisson	Iles	Stelly
Clarkson	Jenkins	Strain
Copelin	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	McCain	Warner
Donelon	McCallum	Welch
Dupre	McDonald	Weston
Durand	McMains	Wiggins
Farve	Michot	Wilkerson
Faucheux	Morrell	Willard-Lewis
Flavin	Morrish	Windhorst
Fontenot	Murray	Winston
Forster	Odinet	Wright
Frith	Perkins	

Total—101

NAYS

Total—0

ABSENT

Martiny	Montgomery
Mitchell	Quezaire

Total—4

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. LeBlanc 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. 1515—
BY REPRESENTATIVES DOWNER, LEBLANC, AND THOMPSON
AN ACT

To enact R.S. 17:3129.6, relative to state funds; to provide for the creation of the Higher Education Initiatives Fund within the state treasury; to provide for deposit of monies into the fund; to provide for use and distribution of monies in the fund; to provide for accounts within the fund; and to provide for related matters.

Read by title.

Motion

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

HOUSE BILL NO. 1612—
BY REPRESENTATIVE TRAVIS
AN ACT

To amend and reenact R.S. 6:121(B)(1) and (2), 242(A)(6)(a) and (b) and (C)(2), 513(3), 941(C), 973, relative to the sale of insurance by banks; to provide parity for state-chartered banks; and to provide for related matters.

Read by title.

Rep. Travis moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Frith	Murray
Alario	Frige	Odinet

Alexander, A.—93rd	Gautreaux	Perkins
Alexander, R.—13th	Glover	Pierre
Ansardi	Green	Pinac
Barton	Guillory	Powell
Baudoin	Hammett	Pratt
Baylor	Heaton	Quezaire
Bowler	Hebert	Riddle
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	Thompson
Daniel	Kenney	Thornhill
Deville	Lancaster	Toomy
DeWitt	Landrieu	Travis
Diez	LeBlanc	Triche
Dimos	Long	Vitter
Doerge	Marionneaux	Walsworth
Donelon	Martiny	Warner
Dupre	McCain	Weston
Durand	McCallum	Wiggins
Farve	McDonald	Wilkerson
Faucheux	McMains	Willard-Lewis
Flavin	Michot	Windhorst
Fontenot	Montgomery	Winston
Forster	Morrell	

Total—98

NAYS

Total—0

ABSENT

Mitchell	Strain	Wright
Morrish	Thomas	
Stelly	Welch	

Total—7

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Travis moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 1911—
BY REPRESENTATIVES DOWNER, BRUN, MCDONALD, LONG, DEWITT, ALARIO, DUPRE, ILES, KENNEY, MCCAIN, MCMAINS, MICHOT, POWELL, SALTER, THOMAS, WALSWORTH, WIGGINS, LEBLANC, RIDDLE, AND THOMPSON AND SENATORS DARDENNE, BEAN, SCHEDLER, SMITH, AND THEUNISSEN
AN ACT

To enact R.S. 17:3921.2, relative to state funds; to provide for creation of the Classroom-based Technology Fund within the state treasury; to provide for deposit of monies into the fund; to provide for use and distribution of monies in the fund; to provide for creation of the State Technology Advisory Committee; to provide for a grant program to help provide educational technologies for Louisiana's elementary and secondary school students; and to provide for related matters.

Read by title.

Motion

Rep. LeBlanc moved that House Bill No. 1911 be designated as a duplicate of Senate Bill No. 1426.

Which motion was agreed to.

Rep. Dimos, on behalf of the Legislative Bureau, sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Dimos on behalf of the Legislative Bureau to Engrossed House Bill No. 1911 by Representative Downer

AMENDMENT NO. 1

On page 2, line 16, following "this" and before the period "." change "Act" to "Section"

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative LeBlanc to Engrossed House Bill No. 1911 by Representative Downer, et al.

AMENDMENT NO. 1

On page 2, line 9, after "Arts; and" delete "approved"

AMENDMENT NO. 2

On page 2, line 10, after "schools" delete the comma "," and insert "approved by the board which are in compliance with the mandates of Brumfield, et al. v. Dodd, et al., 425 F. Supp. 528,"

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative LeBlanc to Engrossed House Bill No. 1911 by Representative Downer, et al.

AMENDMENT NO. 1

On page 5, line 11, after "received," delete the remainder of the line and delete line 12 in its entirety and on line 13, delete "(2) Procedures" and insert the following:

"(f) Demonstration and confirmation that any academic subject-based software purchased with grant funds shall be consistent with the academic standards adopted by the board.

"(g) Demonstration and confirmation that appropriate policies regarding the use of the Internet in the classroom shall be developed and that access to the Internet shall be controlled by trained individuals.

"(2) In addition to the requirements of Paragraph (1) of this Subsection, procedures"

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative LeBlanc to Engrossed House Bill No. 1911 by Representative Downer, et al.

AMENDMENT NO. 1

On page 6, line 5, after "shall" and before "develop" insert "identify materials, equipment, and services for which the quantity to be acquired warrants the development of state contracts, and shall"

AMENDMENT NO. 2

On page 6, line 6, after "schedule" delete the remainder of the line and insert in lieu thereof "for these items and"

AMENDMENT NO. 3

On page 6, line 8, after "grantees," and before "materials" delete "All" and insert in lieu thereof "Such"

AMENDMENT NO. 4

On page 6, line 12, after "adherence to" delete the remainder of the line, and on line 13, delete "Procurement Code" and insert in lieu thereof "applicable statutes governing procurement as found in Title 38 of the Louisiana Revised Statutes of 1950, as amended"

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

Rep. LeBlanc 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
Barton	Guillory	Powell
Baudoin	Hammett	Quezair
Baylor	Heaton	Riddle
Bowler	Hebert	Romero
Bruce	Hill	Rousselle
Brun	Holden	Salter
Bruneau	Hopkins	Scalise
Carter	Hudson	Schneider
Chaisson	Iles	Shaw
Clarkson	Jenkins	Smith, J.D.—50th
Copelin	Jetson	Smith, J.R.—30th
Crane	Johns	Stelly
Curtis	Kennard	Theriot
Damico	Kenney	Thompson
Daniel	Lancaster	Thornhill
Deville	Landrieu	Toomy
DeWitt	LeBlanc	Travis
Diez	Long	Triche
Dimos	Marionneaux	Vitter
Doerge	Martiny	Walsworth
Donelon	McCain	Warner

Dupre	McCallum	Weston
Durand	McDonald	Wiggins
Farve	McMains	Wilkerson
Faucheux	Michot	Willard-Lewis
Flavin	Montgomery	Windhorst
Fontenot	Morrell	Winston
Forster	Morrish	Wright
Frith	Murray	

Total—98

NAYS

Total—0

ABSENT

Ansardi	Pratt	Welch
Hunter	Strain	
Mitchell	Thomas	

Total—7

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. LeBlanc 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. 2493—
BY REPRESENTATIVE THORNHILL
AN ACT

To enact R.S. 22:2.1, relative to recommendations of the commissioner regarding insurance rates; to provide that the commissioner shall make recommendations regarding rates to the House Committee on Insurance and the Senate Committee on Insurance; to provide for the scope of the recommendations; and to provide for related matters.

Called from the calendar.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representatives Thornhill, Alexander, A., Baudoin, Bruce, Brun, Carter, Chaisson, Copelin, Curtis, Daniel, Deville, Doerge, Dupre, Farve, Faucheux, Frith, Glover, Guillory, Heaton, Hebert, Hill, Holden, Hudson, Hunter, Iles, Jetson, Kenney, Lancaster, Landrieu, Marionneaux, McCain, McCallum, Mitchell, Morrell, Murray, Odinet, Pierre, Pratt, Quezaire, Riddle, Romero, Rousselle, Shaw, Smith, Jack, Smith, John, Theriot, Thomas, Travis, Warner, Welch, Weston, Wilkerson, and Willard-Lewis to Engrossed House Bill No. 2493 by Representative Thornhill

AMENDMENT NO. 1

On page 1, line 2, delete "enact R.S. 22:2.1" and insert "amend and reenact R.S. 22:1382(A)(3)(a)(iv), 1401, 1404, 1404.1, 1405(A), (C), (D)(2) and (5), (G), and (I), 1406.2(1) and (2), 1406.3(B) and (C), 1406.6(A), 1406.7(A) and (B), 1406.8(A) and (D), 1406.10, 1406.11, 1406.12, 1407, 1409(A), (B), (D), (E), and (G)(1), 1412(B), 1417 (A) and (B), 1417.1(C), 1422.1, 1423(A), (B), and (E), 1432(1), (2), and (6), 1436 (A) and (B), 1437 (A)(1) and (2)(g) and (B), 1438(A)(1) and (C), 1440, 1441 through 1444, 1446, 1447, 1450.3(4) and (5), and 1459(A) and R.S. 32:863.2(A)(1) and (2), and to enact R.S. 9:4101 through 4112, R.S. 22:2.1 and 635.3, and R.S. 32:863.1(F) and (G)"

AMENDMENT NO. 2

On page 1, line 3, after "regarding" and before "insurance" insert "automobile"

AMENDMENT NO. 3

On page 1, line 6, after "recommendations;" insert "to provide for the mediation of automobile insurance claims, ratemaking of automobile insurance rates, sanctions for failure to maintain automobile insurance, the notice and evidence of automobile insurance;"

AMENDMENT NO. 4

On page 1, between lines 7 and 8, insert the following:

"Section 1. Chapter 1 of Code Title XIX of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:4101 through 4112, is hereby enacted to read as follows:

CODE TITLE XIX-- OF ARBITRATION OF ALTERNATIVE DISPUTE RESOLUTION

CHAPTER 1. LOUISIANA ARBITRATION LAW VEHICULAR ACCIDENT MEDIATION ACT

§4101. Short title; purpose; definitions

A. This Chapter shall be known and may be referred to as the "Louisiana Vehicular Accident Mediation Act".

B. The purpose of this Chapter is to provide encouragement and support for the use of mediation to promote settlement of legal disputes for certain vehicular accident or automobile insurance losses.

C. For purposes of this Chapter:

(1) "ADR Section" means the Louisiana State Bar Association, Alternative Dispute Resolution Section.

(2) "Approved register" means the register of qualified mediators prepared and maintained by the ADR Section.

(3) "Cost of mediation" includes the mediator's fee, administrative fees, and expenses.

(4)(a) "Mediation" is a procedure in which a mediator facilitates communication between the parties concerning the matters in dispute and explores possible solutions to promote reconciliation, understanding, and settlement prior to and after a lawsuit if filed.

(b) The mediation procedure established in this Chapter shall be applicable only to claims arising out of a vehicular accident which occurred in the state and if the amount of each claim is within the amount of available insurance, but not greater than seventy-five thousand dollars, exclusive of interest, applicable penalties, and court costs.

(5) "MCLE Committee" means the Louisiana State Bar Association, Mandatory Continuing Legal Education Committee.

§4102. Discussion of mediation with clients; customers

A. All counsel are encouraged to discuss with their clients the appropriateness of using mediation in any matter prior and during civil cases pending in the courts.

B. Upon receipt of a notice of a claim under an automobile insurance policy, all insurers shall promptly notify all prospective claimants of the availability of mediation proceedings established by this Chapter. The Department of Insurance shall enforce compliance with this Subsection.

§4103. Referral of a case for mediation; exceptions

A.(1) On motion of one party, a court may order the referral of a civil case for mediation under this Chapter.

(2) The motion shall contain a statement that moving counsel has conferred with opposing counsel and whether opposing counsel agrees with or opposes such referral.

B. Any party, within fifteen days after receiving notice of the referral of a case for mediation, may file a written objection to the referral and the court shall grant a hearing on such objection before the mediation can take place. If the court finds a reasonable basis for the objection, it shall rescind its order of referral. A reasonable basis for objection shall include but is not limited to consideration of the amount in controversy relative to the estimated cost of mediation.

C. In determining whether to refer a case for mediation, the court shall consider the nature of the case and its applicability to this Chapter, and, if applicable, the court shall give due weight to the opinion of any party who is opposed to the referral.

D. The following types of proceedings shall not be referred to mediation pursuant to this Chapter:

(1) Actions brought pursuant to the Post Separation Family Violence Relief Act, R.S. 9:361 et seq., or the Domestic Abuse Assistance Act, R.S. 46:2131 et seq.

(2) Actions for child custody or visitation, which are subject to mediation pursuant to the provisions of R.S. 9:332 et seq.

(3) Actions governed by the Code of Criminal Procedure or the Children's Code.

§4104. Selection of mediator

A. Once an order referring a case for mediation has been signed, the parties are encouraged to mutually agree upon a person to be appointed as the mediator. Upon submission of the chosen person's name to the court, the court shall issue an order making such appointment.

B. If the parties do not agree on a mediator within fifteen days after the signing of the referral order, each party shall submit to the opposing party or parties a list of four names of mediators from the approved register, and each party may strike any names on this list. The parties shall then submit the lists to the court. If any names remain after the parties have exercised their strikes, the court shall appoint a mediator from the names not struck. If all names are stricken, the court shall appoint a mediator from the approved register, excluding any person whose name was previously stricken by any party.

C. In complicated or complex cases, a court may appoint as mediator a person who has professional training or experience in the subject matter of the dispute and in dispute resolution procedures.

D. A person appointed pursuant to Subsection A or C hereof need not be listed on the approved register of mediators nor possess the qualifications of a mediator, as required pursuant to R.S. 9:4105 and 4106, respectively, and for purposes of this Chapter, is considered a "mediator" during the tenure of his appointment.

§4105. Approved register of mediators

A. The ADR Section shall prepare and maintain a register of those persons qualified under criteria established pursuant to R.S. 9:4106. A mediator denied listing in the approved register may request a review of that decision by a panel of three members of the ADR Section.

B. The ADR Section shall make available to participating courts and parties the approved register of mediators and a summary of their professional qualifications.

C. The ADR Section may assess such reasonable fees as are necessary to perform the functions associated with administering the provisions of this Chapter and creating and maintaining the approved register of qualified mediators.

§4106. Qualifications of mediators

A. To qualify for appointment as a mediator under this Chapter, a person must have completed a minimum of forty classroom hours of training in mediation in a course conducted by an organization approved by the MCLE Committee and must be licensed to practice law in this state for not less than five years. Any mediation training previously approved by the MCLE Committee can be used to satisfy the requirements of this Section.

B. In order to maintain a listing in the approved register of qualified mediators, a mediator must be willing to accept two annual pro bono appointments and participate in an MCLE Committee approved continuing mediator education as required by the ADR Section.

§4107. Standard of conduct; disclosure

A. The Standards of Conduct for Mediators adopted by the American Arbitration Association, the American Bar Association, and the Society of Professionals in Dispute Resolution shall apply to the professional conduct of mediators appointed under this Chapter unless the ADR Section adopts an alternative code of conduct.

B. Upon receiving notice of appointment as a mediator in a particular proceeding, the mediator shall make available to all parties a list of his professional qualifications, curriculum vitae, and fee schedule and disclose to the parties all past or present conflicts or relationships with the parties or their counsel.

§4108. Required attendance and participation in mediation

A court order referring a case to mediation may require any or all of the following:

(1) Attendance of parties, including those person with authority to negotiate and enter into binding settlement agreements.

(2) Advance submission to other parties and the mediator of a position paper and relevant documents or information.

(3) Minimal meaningful participation by parties and their counsel during the procedure.

§4109. Cost of mediation

A. The cost of mediation shall be agreed in writing by the parties and the mediator prior to commencement of mediation. If there is no agreement on such cost, the court shall rescind the appointment and the selection of a mediator shall commence anew.

B.(1) Unless the parties agree to some other allocation of cost:

(a) The cost of mediation shall be taxed as costs of court, to be shared equally by the parties.

(b) If the case is not settled by mediation, the costs of mediation shall be taxed as costs of court upon rendition of a final judgment.

(2) No later than the conclusion of the mediation, whether or not successful, the parties shall pay the cost of mediation, unless the parties and the mediator have agreed otherwise.

C. Any court filings by the mediator appointed under this Chapter shall be accepted by the clerk of court without a filing fee.

§4110. Nonbinding effect

Mediation procedures shall comply with this Chapter and shall be nonbinding unless all the parties specifically agree otherwise in writing.

§4111. Written settlement agreements

A. If, as a result of a mediation, the parties agree to settle and execute a written agreement disposing of the dispute, the agreement is enforceable as any other transaction or compromise and is governed by the provisions of Title XVII of Book III of the Civil Code, to the extent not in conflict with the provisions of this Chapter.

B. The court, in its discretion, may incorporate the terms of the agreement in the court's final decree disposing of the case.

§4112. Confidentiality

A. Except as provided in this Section, all oral and written communications and records made during mediation conducted pursuant to this Chapter are confidential, are not subject to disclosure, and may not be used as evidence in any judicial or administrative proceeding.

B.(1) The parties, counsel, and other participants therein shall not be required to testify concerning the mediation proceedings and are not subject to process or subpoena, issued in any judicial or administrative procedure, which requires the disclosure of any communications or records of the mediation, except with respect to the following:

(a) Reports made by the mediator to a court, pursuant to that court's order, only as to whether the parties appeared as ordered, whether the mediation took place, and whether a settlement resulted therein.

(b) In connection with a motion for sanctions made by a party to the mediation based on a claim of a party's noncompliance with the court's order to participate in the mediation proceedings; however, the disclosure of any communications and records made during the course of the mediation shall be strictly limited to the issue of noncompliance with the court's order.

(c) A judicial determination of the meaning or enforceability of an agreement resulting from a mediation procedure if the court determines that testimony concerning what occurred in the mediation proceeding is necessary to prevent fraud or manifest injustice.

(2) The mediator is not subject to subpoena and cannot be required to make disclosure through discovery or testimony at trial except in a judicial or administrative procedure with respect to Subparagraph B(1)(a) of this Section.

C. The confidentiality provisions of this Section do not extend to statements, materials and other tangible evidence, or

communications that are otherwise subject to discovery or are otherwise admissible, merely because they were presented in the course of mediation, if they are based on proof independent of any communication or record made in mediation.

D. If this Section conflicts with other legal requirements for disclosure of communications or materials, the issue of confidentiality may be presented to the court having jurisdiction of the proceedings to determine, in camera, whether the facts, circumstances, and context of the communications or materials sought to be disclosed warrant a protective order or whether the communications or materials are subject to disclosure.

E. Confidentiality, in whole or in part, may be waived when all parties and the mediator specifically agree in writing.

Section 2. Chapter 1 of Code Title XIX of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950 is hereby redesignated as Chapter 2 and renamed to read as follows:

CHAPTER 2. LOUISIANA BINDING ARBITRATION LAW

Section 3. Chapter 2 of Code Title XIX of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950 is hereby redesignated as Chapter 3.

Section 4. Code Title XIX of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950 is hereby renamed "CODE TITLE XIX--OF ALTERNATIVE DISPUTE RESOLUTION".

Section 5. The provisions of this Act shall apply to all civil cases pending on, and all civil cases filed on or after, January 1, 1998."

AMENDMENT NO. 5

On page 1, delete line 8 in its entirety and insert in lieu thereof the following:

"Section 6. R.S. 22:1382(A)(3)(a)(iv), 1401, 1404, 1404.1, 1405(A), (C), (D)(2) and (5), (G), and (I), 1406.2(1) and (2), 1406.3(B) and (C), 1406.6(A), 1406.7(A) and (B), 1406.8(A) and (D), 1406.10, 1406.11, 1406.12, 1407, 1409(A), (B), (D), (E), and (G)(1), 1412(B), 1417(A) and (B), 1417.1(C), 1422.1, 1423(A), (B), and (E), 1432(1), (2), and (6), 1436(A) and (B), 1437(A)(1), (2)(g) and (B), 1438(A)(1) and (C), 1440, 1441 through 1444, 1446, 1447, 1450.3(4) and (5), and 1459(A) are hereby amended and reenacted and R.S. 22:2.1 and 635.3 to read as follows:"

AMENDMENT NO. 6

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

** * *

§635.3. Security, required, reduction; recovery of damages and purchase of insurance

A. Any recovery from a cause or right of action for the operator of a vehicle who knowingly operates a motor vehicle whose owner fails to secure or maintain compulsory motor vehicle liability security as required by law shall be reduced by ten thousand dollars for bodily injury and by five thousand dollars for property damages.

B. Nothing in this Section shall preclude a passenger in a vehicle not covered in accordance with the Motor Vehicle Safety Responsibility Law from asserting a claim to recover any damages caused, in whole or in part, by the negligence of another person arising out of the operation or use of a motor vehicle.

C. All automobile insurance carriers who issue policies that provide coverage in the state shall reduce the premiums for each policy issued or renewed by twenty percent on January 1, 1998. Any monies due shall be forwarded to the insured no later than fifteen days after the effective date of this Section.

D. All automobile insurance premiums shall be regulated by the Department of Insurance, subject to the oversight and approval only by a joint meeting of the House Committee on Insurance and Senate Committee on Insurance. The members of the joint meeting shall review the issues of fairness, solvency of any and all insurers, abusive premium-fixing practices, policy coverages, provisions, and claims handling practices.

* * *

§1382. Powers and duties of the association

A. The association shall:

* * *

(3)(a)

* * *

(iv) Beginning January 1, 1990, the amount of the assessment shall be offset, in the same manner that an offset is provided against the premium tax liability in Paragraph Subparagraph A(3)(c) of this Section, against the assessment levied by R.S. 22:1419, provided that such offset shall not be applied against any portion of the assessments to be deposited to the credit of the Municipal Police Employees' Retirement System, the Sheriffs' Pension and Relief Fund, and the Firefighters' Retirement System. To qualify for this offset, the payer shall file a sworn statement with the annual report required by Part XXIII of Chapter 1 of Title 22 of the Louisiana Revised Statutes of 1950 showing as of December thirty-first of the reporting period that at least the following amounts of the total admitted assets of the payer, less assets in an amount equal to the reserves on its policies issued in foreign countries in which it is authorized to do business and which countries require an investment therein as a condition of doing business, are invested and maintained in qualifying Louisiana investments as defined in R.S. 22:1068(C). If one-sixth of the total admitted assets of the payer are in qualifying Louisiana investments, then the offset shall be sixty-six and two-thirds percent of the amount otherwise assessed; if at least one-fifth of the total admitted assets of the payer are in qualifying Louisiana investments, then the offset shall be seventy-five percent of the amount otherwise assessed; if at least one-fourth of the total admitted assets of the payer are in qualifying Louisiana investments, the offset shall be eighty-five percent of the amount otherwise assessed; and if at least one-third of the total admitted assets of the payer are in qualifying Louisiana investments, then the offset shall be ninety-five percent of the amount otherwise assessed. If the total of the net premium tax liability and the assessment for the expenses of the Louisiana Insurance Rating Commission paid for the previous year was less than the offset allowed under R.S. 22:1382(A)(3)(c) for the previous year, the member company may reduce its assessment payment to the Louisiana Insurance Guaranty Association for the current year by that difference.

* * *

§1401. Louisiana Insurance Rating Commission; ~~creation, membership, selection, compensation, powers, duties, and functions; budgetary control; use of funds~~ abolition, transition, Department of Insurance, records

A. The Louisiana Insurance Rating Commission is hereby ~~created~~ abolished. ~~The commission shall be composed of seven members, six of whom shall be appointed by the governor and the seventh member shall be the commissioner of insurance. Each appointment by the governor shall be submitted to the Senate for confirmation, and beginning in 1984 every appointment confirmed by the Senate shall again be submitted by the governor to the Senate for confirmation every two years after the initial confirmation. Each appointed member shall serve a term concurrent with that of the governor making the appointment. The members appointed by the governor shall be resident citizens and qualified voters of this state. The commissioner of insurance shall serve as ex officio chairman of the commission.~~

B. ~~The members of the commission shall be paid fifty dollars for each day of actual attendance at meetings of the commission or spent on business of the commission not to exceed twenty days in any month, payable on their own warrant, and in addition shall be paid for necessary expenses incurred in connection with actual attendance at meetings of the commission or while on business of the commission assigned by the commission, but only when properly vouchered.~~

C. ~~Four members of the commission shall constitute a quorum for the transaction of business of the commission.~~

D. ~~The domicile of the commission shall be in the city of Baton Rouge, where it shall maintain its principal office.~~

E. ~~The Fire Insurance Division, the Casualty and Surety Insurance Division and the Marine and Inland Marine Insurance Division are abolished and all of the powers, duties and functions heretofore vested in and exercised by these divisions shall be transferred to and thereafter performed by the Louisiana Insurance Rating Commission.~~

F. B.(1) The powers, duties, functions, and responsibilities provided or authorized to the commission by the constitution or laws which are in the nature of policymaking, rulemaking, licensing, regulation, enforcement, or adjudication and all advisory powers, duties, and functions of the commission shall be transferred to the Department of Insurance. Under the transfer of functions provided for by this Section, any pending or unfinished business of any of said divisions or commission shall be taken over and be completed by the commission Department of Insurance with the same power and authority as the divisions or commission from which the functions are transferred. The commission Department of Insurance shall be the successor in every way to these divisions and commission, and every act done by the commission department in the exercise of such functions shall be deemed to have the same force and effect under any provisions of the constitution and laws in effect on the effective date of this transfer as if done by the divisions and commission from which such functions are transferred.

(2) Whenever any of these divisions or the commission of insurance rating are referred to or designated by any law or contract or other document, such reference or designation on and after September 1, 1972, shall be deemed to apply to the commission department, and the legislature hereby specifically states that the provisions of this Section are in no way and to no extent intended to nor shall they be construed in any manner which will impair the contractual obligations of any of the divisions or commission as they heretofore existed, or of the state of Louisiana with respect to any such divisions or commission.

G. C. All books, papers, records, money, choses in action, and other property of every kind and description, movable and immovable, real and personal, heretofore possessed, controlled, or used by any of the divisions or insurance rating commission affected

by this Section, in the exercise of functions hereby transferred, are hereby transferred to the ~~Louisiana Insurance Rating Commission~~ Department of Insurance.

H. ~~D.~~(1) The ~~Louisiana Insurance Rating Commission~~ Department of Insurance shall continue to collect and receive all dues, fees, or other forms of income as the law may now or hereafter provide for each of the three separate divisions or insurance rating commission and shall remit all such funds to the state treasurer to be received and credited to a special fund designated as the "Louisiana Insurance Rating Commission Temporary Fund".

(2) All necessary operating expenditures of the commission shall be paid out of this special fund for the Fiscal Year ~~1972-1973~~ 1997-1998, after which said special fund shall cease to exist and all unexpended and unencumbered funds remaining in said fund shall be forthwith transferred to the state general fund.

I. The Louisiana Insurance Rating Commission may approve in whole or in part any application for rate change brought by an insurer before the commission, such approval or partial approval to be made pursuant to the commission's analysis of the data presented and any other factors relevant to the application. However, if an application for a rate change brought by an insurer is approved in part by the commission, the insurer shall be given the option to withdraw such application but must exercise such option within fourteen days after the commission's action.

J. No insurer may apply to the commission for a rate change more than once per risk classification in any twelve-month period, unless the modification of the proposed rate is disapproved by the commission.

* * *

§1404. Making of rates

All rates shall be made in accordance with the following provisions:

(1) ~~Due consideration shall be given to past and prospective loss experience within and outside this state, to catastrophic hazards, if any, to a reasonable margin for underwriting profit and contingencies, to dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers, to past and prospective expenses both countrywide and those specially applicable to this state, and to all other relevant factors within and outside this state.~~

(2) ~~Rates shall not be excessive, inadequate or unfairly discriminatory.~~

(3) ~~Rates for casualty insurance to which this Part applies shall also be subject to the following provisions:~~

(a) ~~The systems of expense provisions included in the rates for use by any insurer or group of insurers may differ from those of other insurers or groups of insurers to reflect the requirements of the operating methods of any such insurer or group with respect to any kind of insurance, or with respect to any subdivision or combination thereof for which subdivision or combination separate expense provisions are applicable.~~

(b) ~~Risks may be grouped by classifications for the establishment of rates and minimum premiums. Rates may be established on the basis of any classifications submitted by any insurer or group of insurers, provided such classifications are found to be reasonable. Classification rates may be modified to produce rates for individual risks in accordance with rating plans which~~

~~establish standards for measuring variations in hazards or expense provisions, or both. Such standards may measure any differences among risks that can be demonstrated to have a probable effect upon losses or expenses.~~

(e) ~~A.~~(1) A rate reduction of ten percent may be authorized by the ~~Louisiana Insurance Rating Commission~~ Department of Insurance upon application of a rate filing by the carrier on motor vehicle liability and physical damage insurance where the insured, and principal operator, regardless of age, produces certification from the National Safety Council or its registered cooperating agencies, evidencing successful completion of the National Safety Council Defensive Driving Course. Should an automobile be used by multiple drivers, the ten percent reduction shall not be authorized on that automobile unless all those who drive the automobile successfully complete the course. The reduction provided for in this Section shall also be authorized for one or more motor vehicles owned and operated by parishes, municipalities, or other political subdivisions when the governing authority produces certification evidencing successful completion of the course by all persons who drive said vehicles. The form of certification shall be as determined by the ~~Louisiana Insurance Rating Commission~~ department. The credit shall not apply to experience-rated or assigned risk policies, or to policies subject to a discount for an approved driver education course sanctioned by the Department of Education, or to any person eligible for a preferred rating plan or required to pay a substandard risk surcharge for such insurance, or to any person whose enrollment in the National Safety Council Defensive Driving Course resulted from a court order or sentence directing such enrollment. Such credit shall apply to new and renewal policies effective within a period of thirty-six months subsequent to the date of completion of the course. Following such thirty-six month period, in order to again qualify for such credit, the course must be successfully repeated and evidence again presented. A fee of one dollar or such other sum approved by the ~~Louisiana Insurance Rating Commission~~ department may be charged by the National Safety Council or its registered cooperating agencies for certifying course completion. If the policy insures two or more automobiles, the credit shall apply only to that automobile principally operated by a person who has satisfactorily completed the National Safety Council's Defensive Driving Course.

(2)(a) Notwithstanding any other law to the contrary, any property and casualty insurer may file and use its rates immediately after filing of rates with the Department of Insurance. The department shall review any rates filed pursuant to this Paragraph within ninety days of the initial use of the rates and the effect the rates shall have on the solvency of the insurer. Any disapproval of the rates by the department shall be forwarded to the insurer within one hundred days of its initial use.

(b) The requirements of R.S. 22:1408 shall be used in any disapproval of any rates used under this Paragraph.

(d)(i) B.(1) The provisions of Subparagraph (c) Subsection A notwithstanding, the ~~Louisiana Insurance Rating Commission~~ department shall authorize an actuarially justified rate reduction, as determined by the carrier, upon application of rate filing by the carrier on bodily injury liability, property damage liability, and collision insurance where the named insured and principal operator is over fifty-five years of age or older and produces certification of successful completion of a defensive driving course approved and certified by the Department of Public Safety and Corrections. Should a vehicle be used by multiple drivers, the rate reduction shall not be authorized on that motor vehicle unless all those who drive the vehicle are fifty-five years of age or older and have completed the course.

(ii) (2) The reduction shall not apply to experience-rated or assigned risk policies or to any person eligible for a preferred rating

plan or required to pay a substandard risk surcharge for such insurance or to any person whose enrollment in a defensive driving course resulted from a court order or sentence directing his enrollment.

(iii) (3) Such a reduction shall apply to new and renewal policies effective within a period of twenty-four months subsequent to the date of completion of a course. Following the twenty-four month period, the course shall be successfully repeated and evidence again presented in order to again qualify for such credit. The Department of Public Safety and Corrections shall approve the fee a course provider may charge for certification of successful completion. If the policy insures two or more vehicles, the reduction shall apply only to that vehicle principally operated by the eligible person.

(d)(i) The provisions of Subparagraph (c) notwithstanding, the Louisiana Insurance Rating Commission shall authorize an actuarially justified rate reduction, as determined by the carrier, upon application of rate filing by the carrier on bodily injury liability, property damage liability, and collision insurance where the named insured and principal operator is over fifty-five years of age or older and produces certification from the National Safety Council or its registered cooperating agencies evidencing successful completion of a National Safety Council defensive driving course or a certificate evidencing successful completion of the Louisiana Safe Driving Course offered by the Louisiana State Police and approved by the secretary of the Department of Public Safety and Corrections. The Louisiana Insurance Rating Commission shall determine the form of certification. Should a vehicle be used by multiple drivers, the rate reduction shall not be authorized on that motor vehicle unless all those who drive the vehicle are fifty-five years of age or older and have completed either course.

(ii) The reduction shall not apply to experience-rated or assigned risk policies or to any person eligible for a preferred rating plan or required to pay a substandard risk surcharge for such insurance or to any person whose enrollment in the National Safety Council defensive driving course or Louisiana Safe Driving Course resulted from a court order or sentence directing his enrollment.

(iii) Such a reduction shall apply to new and renewal policies effective within a period of twenty-four months subsequent to the date of completion of the course. Following the twenty-four month period, the course shall be successfully repeated and evidence again presented in order to again qualify for such credit. The National Safety Council or its registered cooperating agencies may charge a fee of one dollar or such other sum approved by the Louisiana Insurance Rating Commission for certification of successful completion. If the policy insures two or more vehicles, the reduction shall apply only to that vehicle principally operated by the eligible person.

(c) C. An insurer who delivers or issues for delivery in this state comprehensive insurance coverage on a motor vehicle shall grant an actuarially justified discount in the amount approved by the Louisiana Insurance Rating Commission department in the premiums charged for the comprehensive insurance for any motor vehicle when the vehicle identification number of the vehicle is etched into all of the windows of such motor vehicle. The letters and numbers of the vehicle identification number shall be no smaller than one-eighth of an inch and shall be nonremovable and permanent.

(4) Rates for fire, marine, and inland marine insurance to which this Part applies shall also be subject to the following provisions:

(a) Manual, minimum class rates, rating schedules or rating plans, shall be made and adopted, except in the case of specific inland marine rates on risks specially rated:

(b) Due consideration shall be given to the conflagration and other catastrophic hazards, and in the case of fire insurance rates consideration shall be given to the experience of the fire insurance business during a period of not less than the most recent five-year period for which such experience is available.

(c) For fire insurance rates, all insurers shall assign the fire protection grade of the fire servicing area where the property of the insured is located, provided that the property is located within seven road miles of the nearest responding fire department.

(5) Except to the extent necessary to meet the provisions of paragraph (2) of this Section, uniformity among insurers in any matters within the scope of this Section is not required nor prohibited. Nothing in this Code shall be construed to prohibit any insurer from deviating upon proper approval under this Part from any rate established by a rating organization or any division, provided the rate used is adequate, or to prevent any insurer upon proper approval under this Part by the proper division from issuing policies for periods of time and at rates approved by the divisions; or from charging in addition to the premium a separate initial membership, policy, inspection fee, interim title insurance binder fee or other similar charge.

(6) D. The term "rate" as used in this Part shall include, as the context may require, either the premium to be paid by or charged to the insured for insurance, including fees and charges referred to in paragraph (5) of this Section, such as a separate initial membership, policy, inspection fee, interim title insurance binder fee, or similar charge, or the elements and factors forming the basis for the determination of the premium, including fees and charges referred to in paragraph (5) of this Section, such as a separate initial membership, policy, inspection fee, interim title insurance binder fee, or other similar fee.

§1404.1. Disclosure of financial condition for determination of rate increase

Prior to granting any the use of any rate increase to by an insurer whose rates are regulated under the provisions of this Part, the office of insurance rating in the Department of Economic Development, or its successor, may require the department may require any insurer to furnish to it any financial information which it may request concerning the financial condition of the insurer. The Insurance Rating Commission Department of Insurance may inspect records of an insurer or a rating organization at the home office or any branch office of such an insurer or rating organization.

* * *

§1405. Fire insurance rates; the Property Insurance Association of Louisiana

A. Every insurance company authorized to write fire insurance in this state shall may adhere to the rates promulgated by the Property Insurance Association of Louisiana as provided in this Section, and approved by the Louisiana Insurance Rating Commission Department of Insurance, except that any such insurer may deviate from such rates in accordance with R.S. 22:1410. Nothing in this Section shall be construed to require adherence to association rates by companies insuring special or particular kinds or classes of risks in connection with which an inspection or engineering service is maintained, provided rates for such risks are filed with the Louisiana Insurance Rating Commission department through a duly licensed company or through a rating organization licensed under R.S. 22:1409.

* * *

C. The ~~Louisiana Insurance Rating Commission~~ department shall be notified of all meetings of the association and shall be privileged to attend and observe all proceedings or to send a representative of the ~~commission~~ department. The ~~Louisiana Insurance Rating Commission~~ department shall review the rates promulgated by the association or other rating organization, to determine whether they meet the requirements of this Part. Such review shall be made in the same manner and subject to the same procedure as is provided in R.S. 22:1407.

D. The powers and duties of the association shall be:

* * *

(2) To ~~make~~ promulgate any rules for rates on fire and extended coverage insurance as defined in Paragraphs (10) and (11) of R.S. 22:6 and on such other coverages as are usually written by fire insurers on property other than motor vehicle insurance located in this state, in accordance with the provisions of this Part. Provided, however, that by and with the approval of the ~~commission~~ department, other rating organizations created for the purpose of ~~making and~~ promulgating rates for special or particular kinds or classes of business written by fire insurance companies may be licensed under the terms or conditions of this Part.

* * *

(5) To file fire insurance rating schedules with the ~~Louisiana Insurance Rating Commission~~ department.

* * *

G.(1) Debit fire insurance policies are defined as policies issued by companies which write fire insurance through debit agents operating on the debit agency system and which meet the other requirements of this Section. The method of premium payment for debit fire insurance in the state of Louisiana shall be only on a monthly or more frequent basis from the date this Act becomes effective. No debit insurance policy shall be issued for an annual or less frequent premium.

Rates for debit fire insurance and allied lines shall be filed directly with the ~~Louisiana Insurance Rating Commission~~ and shall be approved and supervised as to both initial filings and requested changes only by the said ~~Louisiana Insurance Rating Commission~~.

(2) In all other respects, the commissioner of insurance shall have sole supervision and regulation of the operation of debit fire insurance and allied lines in the state of Louisiana, such insurers being specifically exempt from the assessments levied by the association.

* * *

I.(1) Every insurance company authorized to write fire insurance in this state shall ~~may~~ adhere to the rates promulgated by the Property Insurance Association of Louisiana and approved by the ~~Louisiana Insurance Rating Commission~~ department in accordance with Subsection A of this Section; however, whenever a public protection classification is changed to reflect improved fire protection in an area or for a governmental entity, the insurer shall reduce its premium for that policy. This reduction shall be granted prior to the next policy renewal or within sixty days from the effective date of the change in the public protection classification, whichever occurs first.

(2) The ~~commission~~ department shall ~~may~~ assess a penalty fine against any insurer which does not reduce its premium within the time periods specified in Paragraph (1) of this Subsection. The penalty shall be in an amount assessed by the ~~commission~~ department

but it shall be not less than one thousand dollars and not more than five thousand dollars per violation.

* * *

§1406.2. Definitions

In this Part unless the context otherwise requires:

(1) "Designated area" means all of that area of the state designated in the plan on file with the ~~Louisiana Insurance Rating Commission~~ Department of Insurance and designated as FAIR (Fair Access to Insurance Requirements) Plan area.

(2) "Essential property insurance" means any of the following coverages against direct loss to property as defined by the plan approved by the ~~Louisiana Insurance Rating Commission~~ Department of Insurance:

* * *

§1406.3. Louisiana Joint Reinsurance Plan; immunity from liability; ~~Louisiana Insurance Rating Commission~~ Department of Insurance

* * *

B. The ~~Louisiana Insurance Rating Commission~~ Department of Insurance is hereby authorized to issue rules and regulations for the purpose of carrying out the provisions of this Part.

C. There shall be no liability on the part of and no cause of action of any nature shall arise against the ~~Louisiana Insurance Rating Commission~~ Department of Insurance or any of its staff, or against the governing committee of the Louisiana Joint Reinsurance Plan or anyone acting on its behalf, or against any servicing carrier or carriers, or against any participating insurer, for any inspections made hereunder or any statements made in good faith by them in any reports or communications concerning risks submitted to the governing committee of the plan or at any administrative hearings conducted in connection therewith under the provisions of this Part.

* * *

§1406.6. Functions of participants in the plan

A. All participants in the plan shall participate in the writings, expenses, profits, and losses in the proportion that the net direct premium of such participant written in this state during the preceding calendar years bears to the aggregate net direct premiums written in this state by all participants in the plan in the preceding calendar year as certified to the governing committee of the plan after review of annual statements, other reports, and other statistics necessary to provide the information herein required and which the ~~Louisiana Insurance Rating Commission~~ Department of Insurance is hereby authorized and empowered to obtain from any participant in the plan.

* * *

§1406.7. Plan

A.(1) The plan as filed and approved by the ~~Louisiana Insurance Rating Commission~~ Department of Insurance shall continue. The plan shall set forth the number, qualifications, terms of office, and manner of election of the members of the governing committee. The plan may include the assessment procedures of all participants for expenses necessary to the operation; the establishment of necessary facilities; management of the plan; plan for assessment of participants to defray losses and expenses;

underwriting standards; procedures for the acceptance and cession of reinsurance on behalf of the participants; procedures for determining the amounts of insurance to be provided to specific risks; procedures for processing applicants for insurance; and such other provisions as may be deemed necessary to carry out the purposes of this Part.

(2) The plan shall be filed with the ~~Louisiana Insurance Rating Commission department~~ and the ~~Louisiana Insurance Rating Commission department~~ may, in its discretion, consult with the governing committee of the plan and may seek any further information which it deems necessary for a decision.

B. The governing committee of the plan may, subject to the approval of the ~~Louisiana Insurance Rating Commission department~~, amend the plan at any time. The ~~Louisiana Insurance Rating Commission department~~ may review the plan at any time it deems prudent, but not less than once in each calendar year. After review of the plan, the ~~Louisiana Insurance Rating Commission department~~ may amend it after consultation with the governing committee of the plan, and upon certification to the governing committee of such amendment.

§1406.8. Eligibility; application

A. Any person having an insurable interest in insurable property is entitled to apply to the governing committee of the plan, directly or through a representative, for such coverage and for an inspection of the property. Every such application shall be submitted on forms prescribed by the governing committee of the plan and on file with the Louisiana Insurance Rating Commission Department of Insurance.

* * *

D. If the governing committee of the plan for any reason denies an application and refuses to cause to be issued an insurance policy on insurable property to any applicant, or takes no action on an application within the time prescribed in the plan, such applicant may appeal to the ~~Louisiana Insurance Rating Commission department~~ and the ~~said commission department~~ or a ~~member of the commission's staff~~ an employee of the department designated by it, after reviewing the facts, may direct the governing committee of the plan to issue, or cause to be issued, an insurance policy to the applicant. In carrying out its duties pursuant to this Section, the ~~Louisiana Insurance Rating Commission department~~ may request and the governing committee of the plan shall provide any information which the ~~Louisiana Insurance Rating Commission department~~ deems necessary to a determination concerning the reason for the denial or delay of the application.

* * *

§1406.10. Rates, rating plans, and rate rules applicable

Rates shall be in accordance with the rating plans approved by the ~~Louisiana Insurance Rating Commission Department of Insurance~~ for use by the Property Insurance Association of Louisiana; however, such rates may include rules for classification of risks insured hereunder and rate modifications hereof.

§1406.11. Reports of inspection

All reports of inspection performed by the governing committee of the plan shall be made available to the participants in the plan and the ~~Louisiana Insurance Rating Commission Department of Insurance~~. An applicant or his representative shall be entitled to a copy of any inspection report on property in which the applicant has an insurable interest.

§1406.12. Annual report

The governing committee of the plan shall file in the office of the ~~Louisiana Insurance Rating Commission Department of Insurance~~ each year a statement which shall summarize the transactions, conditions, operations, and affairs of the plan during the preceding fiscal year ending September thirtieth.

* * *

§1407. Rate filing; assigned risk depopulation

~~A.(1) Every insurer whose rates are subject to regulation under the provisions of this Part shall file with the respective divisions, except as to inland marine risks which by general custom of the business are not written according to manual rates or rating plans, every manual, minimum, class rate, rating schedule or rating plan and every other rating rule, and every modification of any of the foregoing which it proposes to use. Every such filing shall state the proposed effective date thereof and shall indicate the character and extent of the coverage contemplated. Specific inland marine rates on risks specifically rated, made by a rating organization, shall be filed with the Marine and Inland Marine Insurance Division.~~

~~(2) When a filing made pursuant to this Subsection is not accompanied by the information upon which the insurer or rating organization supports such filing, and the division does not have sufficient information to determine whether such filing meets the requirements of this Part, it shall require such insurer or rating organization to furnish the information upon which it supports such filing, and in such event the waiting period shall commence as of the date such information is furnished. The information furnished in support of a filing may include:~~

- ~~(a) The experience or judgment of the insurer or rating organization making the filing;~~
- ~~(b) Its interpretation of any statistical data it relies upon;~~
- ~~(c) The experience of other insurers or rating organizations; or~~
- ~~(d) Any other relevant facts;~~
- ~~(e) A filing and all information pertaining thereto shall be open to public inspection when filed.~~

~~(3) The Louisiana Insurance Rating Commission is authorized to verify statistical data included in any filing made pursuant to this Section either by requiring substantiating written documentation or by inspecting records of insurers or rating organizations at home or branch offices of such organizations.~~

~~B. Each insurer shall satisfy its obligation to make such filings by filing its rate requests individually with the Louisiana Insurance Rating Commission. A specific rate for an insurer may only be filed by that insurer, except as designated or authorized by the Louisiana Insurance Rating Commission because of lack of credibility of data in the statistical base. Informational filings may be made by a licensed rating organization but such informational filings shall not include specific rates, except as provided in R.S. 22:1409(G). An insurer may become a member of, or a subscriber to, a licensed rating organization which makes informational filings; provided, that, except with respect to mandatory membership in the Louisiana rating and fire prevention bureau as provided in R.S. 22:1405, nothing contained in this Part shall be construed as requiring any insurer to become a member of or a subscriber to any rating organization.~~

~~C. The division shall review filings as soon as reasonably possible after they have been made with it in order to determine~~

whether they meet the requirements of this Part, and no such filings shall become effective except as provided in this Part.

~~D.~~ Subject to the exceptions specified in Subsection E and Subsection F of this Section, each filing shall be on file for a waiting period of forty-five days before it becomes effective. Upon written application by such insurer or rating organization, the division may authorize a filing which it has reviewed to become effective before the expiration of the waiting period. A filing shall be deemed to meet the requirements of this Part unless disapproved by the division within the waiting period in accordance with R.S. 22:1408.

~~E.~~ Specific inland marine rates on risks specially rated by a rating organization shall become effective when filed and shall be deemed to meet the requirements of this Part until such time as the division reviews the filing and so long thereafter as the filing remains in effect.

~~F.~~ When a filing of adjustments of rates for existing classifications of risks (1) does not involve a change in the relationship between such rates and the expense portion thereof, and (2) does not involve a change in rate relativities among such classifications on any basis other than loss experience, such filing shall become effective upon the date or dates specified in the filing and shall be deemed to meet the requirements of this Part; provided that this Subsection shall not apply to public property rates as provided for under R.S. 22:1421, nor to surety or worker's compensation insurance.

~~G.~~ Under such rules and regulations as the division shall adopt, the division may, by written order, suspend or modify the requirements of filing as to any kind of insurance, subdivision or combination thereof, or as to classes of risks, the rates for which cannot practicably be filed before they are used. Such order, rules and regulations shall be made known to insurers and to rating organizations affected thereby. The division may make such examination as it may deem advisable to ascertain whether any rates affected by such order meet the requirement of filing as to any kind of insurance, subdivision, or combination thereof, or as to classes of risks, the rates for which can not practicably be filed before they are used. Such orders, rules and regulations shall be made known to insurers and rating organizations affected thereby. The division may make such examination as it may deem advisable to ascertain whether any rates affected by such order meet the standards set forth in Paragraph (2) of R.S. 22:1404.

~~H.~~ A. Upon the written application of the insured, stating his reasons therefor, filed with and approved by the division, a rate in excess of that provided by a filing an insurer otherwise applicable may be used on any specific risk.

~~I.~~ B. Any rate being legally utilized by an insurer on September 1, 1988, shall remain in full force and effect until changed by the insurer through a rate filing approved by submitted to the Louisiana Insurance Rating Commission Department of Insurance.

~~J.~~ C. The Insurance Rating Commission department shall adopt, within ninety days of the effective date of this Subsection, a voluntary depopulation program to encourage insurers to underwrite risks in the voluntary market by accomplishing the following:

(1) An insurance company, or its affiliates or assignees, which removes employers from the Louisiana Worker's Compensation Assigned Risk Plan by voluntarily writing that employer's worker's compensation insurance shall be entitled to a credit against the assigned risk deficit assessment base of the Louisiana Worker's Compensation Assigned Risk Plan by the amount of premium attributable to such employers, provided that the credit shall not reduce the provider's deficit base below zero. The insurer shall

receive a deficit assessment base credit for each year that the provider retains the employer in its voluntary book of business.

(2) Any insurance company that removes its insureds from the Louisiana Worker's Compensation Assigned Risk Plan, and participated and paid the assessments of the plan, for the policy year commencing November 15, 1991, to September 30, 1992, may apply to the commissioner of insurance and shall be granted a premium tax credit of ten percent of the worker's compensation premium tax paid pursuant to R.S. 22:1065 to the state for that policy year. The premium tax credit granted herein to an insurance company shall be applied against taxes due in equal increments over a ten-year period.

~~K.~~ D.(1) Notwithstanding any law to the contrary, after the effective date of this Subsection, any insurance company licensed to issue workers' compensation insurance policies in the state of Louisiana, and the Louisiana Workers' Compensation Assigned Risk Plan, may file rates on an actuarially justified class code basis with the Louisiana Insurance Rating Commission department and use the rates ninety days after the filing immediately, pursuant to R.S. 22:1404(A)(2). However, the Louisiana Worker's Compensation Assigned Risk Plan shall not file and use any increase in rates in excess of an average of twenty-five percent annually of its worker's compensation insurance rates in the state, without prior approval of the Insurance Rating Commission. Insurance companies licensed to issue worker's compensation policies, other than pursuant to the Louisiana Worker's Compensation Assigned Risk Plan for each of the calendar years 1991, 1992, and 1993, shall not file and use any rates in excess of an average of twenty percent annually of its worker's compensation insurance rates in the state without prior approval of the Insurance Rating Commission.

(2) Notwithstanding any law to the contrary, after the effective date of this Subsection, any insurance company and its policyholder may mutually consent to modify the rates for that policyholder's workers' compensation policy, provided the insurance company files notice of same with the Insurance Rating Commission policy.

~~E.~~ If upon review by the Louisiana Insurance Rating Commission within the ninety-day period of R.S. 22:1407(J), a rate filed by an insurance company under this Subsection issuing such policies, is determined to be inadequate, excessive, or unfairly discriminatory by the commission, the commission may disapprove or approve in whole or in part the rates, pursuant to R.S. 22:1401 et seq.

* * *

§1409. Other rating organizations

A. A corporation, an unincorporated association, a partnership, or an individual, whether located within or outside this state, may make application to the proper division Department of Insurance for license as a rating organization for such kinds of insurance, or subdivision or class of risk or a part or combination thereof as are specified in its application and shall file therewith (1) a copy of its constitution, its articles of agreement or association, or its certificate of incorporation, and of its bylaws, rules, and regulations governing the conduct of its business, (2) a list of its members and subscribers, (3) the name and address of a resident of this state upon whom notices or orders of the commission or a division or process affecting such rating organization may be served, and (4) a statement of its qualifications as a rating organization. If the division finds that the applicant is competent, trustworthy, and otherwise qualified to act as a rating organization and that the public interest would be served by issuing a license to such organization, not heretofore licensed, for a kind or class of insurance subject to this Part, and that its constitution, articles of agreement or association, or certificate of incorporation, and its bylaws, rules, and regulations governing the

conduct of its business conform to the requirements of law, the division shall issue a license specifying the kinds of insurance, or subdivision or class of risk or part or combination thereof for which the applicant is authorized to act as a rating organization. Every such application shall be granted or denied in whole or in part by the division within sixty days of the date of its filing with it. Licenses issued pursuant to this Section shall remain in effect for three years unless sooner suspended or revoked by the division. Licenses issued pursuant to this Section may be suspended or revoked by the division after hearing upon notice, in the event the rating organization ceases to meet the requirements of this Subsection. Every rating organization shall notify the division promptly of every change in (1) its constitution, its articles of agreement, or association, or its certificate of incorporation, and its bylaws, rules, and regulations governing the conduct of its business, (2) its list of members and subscribers, and (3) the name and address of the resident of this state designated by it upon whom notices or orders of the ~~commission~~ or appropriate division or process affecting such rating organization may be served.

B. Subject to rules and regulations which have been approved by the proper division of the ~~department~~ as reasonable, each rating organization, including the Louisiana Rating and Fire Prevention Bureau, shall permit any insurer, not a member to be a subscriber to its rating services for any kind of insurance, subdivision, or class of risk or a part or combination thereof for which it is authorized to act as a rating organization. Notice of proposed changes in such rules and regulations shall be given to subscribers. Each rating organization shall furnish its rating services without discrimination to its members and subscribers. The reasonableness of any rule or regulation in its application to subscribers, or the refusal of any rating organization to admit an insurer as a subscriber, shall, at the request of any subscriber or any such insurer, be reviewed by the proper division at a hearing held upon at least ten days' written notice to such rating organization and to such subscriber or insurer. If the division finds that such rule or regulation is unreasonable in its application to subscribers, the division shall order that such rule or regulation shall not be applicable to subscribers. If the rating organization fails to grant or reject an insurer's application for subscribership within thirty days after it was made, the insurer may request a review by the division as if the application had been rejected. If the division finds that the insurer has been refused admittance to the rating organization as a subscriber without justification, the division shall order the rating organization to admit the insurer as a subscriber. If the division finds that the action of the rating organization was justified, the division shall make an order affirming its action.

* * *

D. Cooperation among rating organizations or among rating organizations and insurers in ratemaking or in other matters within the scope of this Part is hereby authorized, provided the filings resulting from such cooperation are subject to all the provisions of this Part which are applicable to filing generally. The ~~commission~~ or the proper division of the ~~department~~ may review such cooperative activities and practices and if, after a hearing, it finds that any such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this Part, the ~~commission~~ or the proper division shall issue a written order specifying in what respects such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this Part, and requiring the discontinuance of such activity or practice.

E. Any rating organization may provide for the examination of policies, daily reports, binders, renewal certificates, endorsements, or other evidences of insurance, or the cancellation thereof, and may make reasonable rules governing their submission. Such rules shall contain a provision that in the event any insurer does not within sixty

days furnish satisfactory evidence to the rating organization of the correction of any error or omission previously called to its attention by the rating organization it shall be the duty of the rating organization to notify the ~~Louisiana Insurance Rating Commission~~ department thereof. No such notification need be furnished the ~~Louisiana Insurance Rating Commission~~ department unless it is apparent that a hearing will be required. All information so submitted for examination shall be confidential.

* * *

G.(1) Notwithstanding any contrary provision of this Title, a rating organization shall make informational filings only and shall not promulgate rates, except as otherwise provided in this Subsection, or as designated or authorized by the ~~Louisiana Insurance Rating Commission~~ department because of lack of credibility of data in the statistical base. All such filings shall be subject to actuarial interpretation by the ~~Louisiana Insurance Rating Commission~~ department and shall in no case include specific rates. Each insurer who is a subscriber to a rating organization shall file its rates individually.

* * *

§1412. Information to be furnished insureds; hearings and appeals of insureds

* * *

B. Every rating organization and every insurer which makes its own rates shall provide within this state reasonable means whereby any person aggrieved by the application of its rating system may be heard in person or by his authorized representative, on his written request to review the manner in which such rating system has been applied in connection with the insurance afforded him. If the rating organization or insurer fails to grant or reject such request within thirty days after it is made, the applicant may proceed in the same manner as if his application had been rejected. Any party affected by the action of such rating organization or such insurer, except for a workers' compensation insurer, on such request may, within thirty days after written notice of such action, appeal to the ~~Louisiana Insurance Rating Commission~~ Department of Insurance, which, after a hearing held upon not less than ten days' written notice to the appellant and to such rating organization or insurer, may affirm or reverse such action. Except as provided in R.S. 23:1395(A), any party affected by the action of a workers' compensation insurer may appeal in accordance with the procedures adopted by the ~~Louisiana Insurance Rating Commission~~ department and thereafter to the Nineteenth Judicial District Court in accordance with the provisions of the Louisiana Code of Civil Procedure. In the event that this Section is in conflict with R.S. 23:1395(A), the provisions of R.S. 23:1395(A) shall control.

* * *

§1417. Assigned risks; governing committee

A. With respect to casualty insurance to which this Part applies, agreement may be made among insurers with respect to the equitable apportionment among them of insurance which may be afforded applicants who are in good faith entitled to, but who are unable to procure such insurance through ordinary methods, and such insurers may agree among themselves on the use of reasonable rate modifications for such insurance, such agreements and rate modifications to be subject to the approval of the ~~Louisiana Insurance Rating Commission~~ Department of Insurance. No domestic insurance company shall be denied servicing carrier status.

B. ~~Effective on August 15, 1993, the~~ The governing committee of the assigned risks, or "Louisiana Automobile Insurance Plan", shall consist of the following nine members:

(1) ~~One member shall be the commissioner of insurance or his designee.~~ Two members approved by the commissioner of insurance.

(2) ~~One member shall be a representative designated by the Louisiana Insurance Rating Commission.~~

(3) ~~(2) One member shall be a representative designated by the Louisiana Association of Fire and Casualty Insurance Companies.~~

(4) ~~(3) One member shall be appointed by the president of the Senate.~~

(5) ~~(4) One member shall be appointed by the speaker of the House of Representatives.~~

(6) ~~(5) The remaining four members shall consist of representatives~~ Four members selected from and by the membership subject to final approval by the commissioner of insurance.

* * *

§1417.1. Apportioning fire and extended coverage insurance; feasibility study; programs for certain applicants

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C. Copies of the study hereinabove directed to be made shall be transmitted to the governor and the commissioner of insurance and the chairman of the Fire Insurance Division of the Louisiana Insurance Rating Commission immediately upon completion of said study.

* * *

§1422.1. Consumer representation; attorney general

In all proceedings before the ~~Insurance Rating Commission, Department of Insurance,~~ the attorney general shall have the right to represent the interest of the people of the state of Louisiana. The attorney general or his designee shall have the right to question witnesses, including industry or company representatives and all others appearing before the ~~commission, department,~~ and shall have the right to issue subpoenas to compel the attendance of witnesses and the production of documents.

§1423. Workers' compensation insurers; longshoremen and harbor workers' compensation insurers; annual reports

A. The ~~Louisiana Insurance Rating Commission Department of Insurance,~~ hereafter referred to as the "~~commission, department,~~" shall promulgate additional rules and regulations which shall require each insurer licensed to write workers' compensation insurance in this state, as a supplement to Schedule T of its annual statement, to submit a report by May ~~+~~ first of each year showing its direct writings in this state. The ~~commission department~~ shall furnish the form. The ~~commission department~~ shall designate one or more rate service organizations to gather and compile such experience and data.

B. The ~~commission department~~ shall also promulgate rules and regulations which require each insurer licensed to write longshoremen and harbor workers' compensation insurance in this state, as a supplement to Schedule T of its annual statement, to submit a report by May ~~+~~ first of each year showing its direct writings in this state. The ~~commission department~~ shall furnish the form. The

~~commission department~~ may designate one or more rate service organizations to gather and compile such experience and data.

* * *

E. The ~~commission department~~ shall annually compile and review all reports submitted by insurers pursuant to this Section for the purpose of facilitating the determination of the appropriateness of premium rates for workers' compensation insurance in this state and for longshoremen's and harbor workers' compensation insurance in this state. The ~~commission's department's~~ findings and the filings shall be published and made available to any interested insured or citizen and shall be retained by the ~~commission department~~ for a period of not less than ten years.

* * *

§1432. Definitions

In this Part, unless the context otherwise requires:

(1) "Coastal area" means all of that area of the state designated in the "plan" approved by the ~~Louisiana Insurance Rating Commission~~ Department of Insurance.

(2) "Essential property insurance" means any of the following coverages against direct loss to property as defined by the plan approved by the ~~Louisiana Insurance Rating Commission~~ Department of Insurance:

* * *

(6) "Plan" means the document setting the rules of operation approved or promulgated by the ~~Louisiana Insurance Rating Commission~~ Department of Insurance pursuant to the provisions of this Part.

* * *

§1436. Functions of the plan

A. All participants in the plan shall participate in its writings, expenses, profits, and losses in the proportion that the net direct premium of such participant written in this state during the preceding calendar year bears to the aggregate net direct premiums written in this state by all participants in the plan during the preceding calendar year as certified to the governing committee of the plan by the ~~Louisiana Insurance Rating Commission~~ Department of Insurance after review of annual statements, other reports, and other statistics the ~~Louisiana Insurance Rating Commission~~ department shall deem necessary to provide the information herein required and which the ~~Louisiana Insurance Rating Commission~~ department is hereby authorized and empowered to obtain from any participant in the plan.

B. A participant shall, in accordance with the plan approved by the ~~Louisiana Insurance Rating Commission~~ department, be entitled to receive credit for essential property insurance voluntarily written in the coastal areas and its participation in the writings in the plan shall be reduced in accordance with the provisions of the plan.

* * *

§1437. Plan; review and approval

A.(1) The plan shall set forth the number, qualifications, terms of office, and manner of election of the members of the governing committee and a participant shall, in accordance with the plan approved by the ~~Louisiana Insurance Rating Commission~~ Department of Insurance, be entitled to receive credit annually for essential

property insurance voluntarily written in the coastal areas and shall provide for the efficient, economical, fair, and nondiscriminatory administration of the plan and for the prompt and efficient provision of essential property insurance in the coastal areas of the state so as to promote orderly community development in those areas and to provide means for the adequate maintenance and improvement of the property in such areas.

(2) The plan also may provide for:

* * *

(g) Time limits and procedures for processing applications for insurance and for such other provisions as may be deemed necessary by the Louisiana Insurance Rating Commission department to carry out the purposes of this Part.

B. The governing committee of the plan may, subject to the approval of the Louisiana Insurance Rating Commission department, amend the plan at any time. The Louisiana Insurance Rating Commission department may review the plan at any time it deems expedient or prudent, but not less than once in each calendar year. After review of the plan the Louisiana Insurance Rating Commission department may amend it after consultation with the governing committee, or its designee, of the plan, and upon certification to the governing committee of the plan of such amendment.

§1438. Eligibility; application

A.(1) Any person having an insurable interest in insurable property is entitled to apply to the governing committee of the plan, directly or through a representative, for such coverage and for an inspection of the property. Every such application shall be submitted on forms prescribed by the governing committee of the plan and approved by the Louisiana Insurance Rating Commission Department of Insurance, which application shall contain a statement as to whether or not there are any unpaid premiums due from the applicant for fire insurance on the property.

* * *

C. If the governing committee of the plan, for any reason, denies an application and refuses to cause to be issued an insurance policy on insurable property to any applicant or takes no action on an application within the time prescribed in the plan, such applicant may appeal to the Louisiana Insurance Rating Commission department and said commission or a member of the commission's staff the department or an employee of the department designated by it, after reviewing the facts, may direct the governing committee of the plan to issue or cause to be issued an insurance policy to the applicant. In carrying out its duties pursuant to this Section, the Louisiana Insurance Rating Commission department may request, and the governing committee of the plan shall provide, any information the Louisiana Insurance Rating Commission department deems necessary to a determination concerning the reasons for the denial or delay of the application.

* * *

§1440. Rates, rating plans, and rate rules applicable

The rates, rating plans, and rating rules applicable to the insurance written pursuant to the plan shall be those approved by the Louisiana Insurance Rating Commission Department of Insurance; however, such rates may include rules for classification of risks insured hereunder and rate modifications thereof.

§1441. Appeal to the Louisiana Insurance Rating Commission Department of Insurance; appeal to the court from the Louisiana Insurance Rating Commission Department of Insurance

Any person insured pursuant to R.S. 22:1431 through 1445 or his representative, or any affected insurer, who may be aggrieved by an act, ruling, or decision of the governing committee of the plan may, within thirty days after such ruling, appeal to the Louisiana Insurance Rating Commission Department of Insurance. Any hearings held by the Louisiana Insurance Rating Commission department pursuant to such an appeal shall be in accordance with the procedure set forth in the insurance laws of Louisiana. Provided, however, the Louisiana Insurance Rating Commission department is authorized to appoint a member of its staff for the purpose of hearing such appeals and a ruling based upon such hearing shall have the same effect as if heard by the Louisiana Insurance Rating Commission department. All persons or insureds aggrieved by any order or decision of the Louisiana Insurance Rating Commission department may appeal as is provided by the provisions of the insurance laws of the state of Louisiana.

§1442. Reports of inspection

All reports of inspection performed by or on behalf of the governing committee of the plan shall be made available to the participants in the plan and the Louisiana Insurance Rating Commission Department of Insurance. An applicant or his representative shall be entitled to a copy of any inspection report on property in which the applicant has an insurable interest.

§1443. Immunity from liability

There shall be no liability on the part of and no cause of action of any nature shall arise against the Louisiana Insurance Rating Commission Department of Insurance or any of its staff, or against the governing committee of the plan or anyone acting on its behalf, or against any servicing carrier or carriers of the plan, or against any participating insurer, for any inspections made hereunder or any statements made in good faith by them in any reports or communications concerning risks submitted to the governing committee of the plan or at any administrative hearings conducted in connection therewith under the provisions of this Code.

§1444. Annual report

The governing committee of the plan or its designee shall file in the office of the Louisiana Insurance Rating Commission Department of Insurance on or before September first of each year a statement which shall summarize the transactions, conditions, operations, and affairs of the plan during the preceding fiscal year ending June thirtieth. Such statement shall contain such matters and information as are prescribed by the Louisiana Insurance Rating Commission department and shall be in such form as is required by it. The Louisiana Insurance Rating Commission department may at any time require the governing committee of the plan to furnish to it any additional information with respect to its transactions or any other matter which the Louisiana Insurance Rating Commission department deems to be material to assist it in evaluating the operation and experience of the plan.

* * *

§1446. Rules and regulations

Subject to the oversight and approval of joint meetings of the House Committee on Insurance and the Senate Committee on Insurance, The Louisiana Insurance Rating Commission the Department of Insurance shall have authority to make reasonable

rules and regulations, not inconsistent with law, to enforce, carry out, and make effective the provisions of this Part.

§1447. Failure to comply with written orders or directives; penalties

If any insurance company or rating organization fails to comply with a written directive or order issued by the ~~Louisiana Insurance Rating Commission~~ Department of Insurance pursuant to this Part within thirty days of the issuance thereof, the ~~Louisiana Insurance Rating Commission~~ department may levy and receive a fine of up to twenty-five thousand dollars. The penalty shall not be imposed until such time that the ~~Louisiana Insurance Rating Commission~~ department makes a finding that the penalty is warranted in a proper hearing, held in the manner provided in Part XXIX of Chapter 1 of this Title.

* * *

§1450.3. Duties

The committee shall recommend to the legislature such changes in the insurance laws as may be needed in order to:

* * *

(4) Provide for uniform handling of all legal matters relative to the Department of Insurance ~~and the Insurance Rating Commission~~, including procedures, proceedings, hearings, liquidation, conservation, rehabilitation, trials, appeals, and other legal or administrative proceedings as well as legal policy.

(5) Make a comprehensive study of the type of companies licensed or otherwise doing business in Louisiana and various lines of business or risk takers, self-insurers, and their products compulsory insurance, insurance needs of state and local governments and all agencies or instrumentalities thereof, all aspects of the financial solvency, incorporation procedures and requirements, insurance filings and ratings, including the office of insurance commissioner, ~~and the Department of Insurance, and the Insurance Rating Commission~~, membership and qualifications of members thereof, adequate and proper staffing procedures, rating bureaus, hearings, and deviations, the taxation of insurance companies and/or insurance company products, the cost of premiums, rating factors, actuaries, management of state and local insurance matters, problems experienced by the consuming public, premiums paid, all types of bonds and bonding, insurance agents, brokers, salesmen and stockholders, executives, employees and personnel, including experts, claims processing payment and associated procedures, assignment of claims to professionals, hospitals, standardization, investments of insurance companies, lending, admitted assets, and all matters relating to financial solvency, reserves or capital of insurance companies, licensing and capitalization of companies, various products and offerings of any person or entity, which products have attributes and characteristics of insurance, securities, or any hybrid or blended product, and the assessment of regulatory and related costs, or any matter relating to insurance or insurance companies.

* * *

§1459. Agents' compensation

A. In order to prevent unfair discrimination by any stock fire insurer in the compensation to be paid to its local agents in this state, each stock fire insurer shall annually on or before the first day of December of each year file with the fire insurance division of the ~~Louisiana Insurance Rating Commission~~ Department of Insurance a schedule of rates as well as all other compensation whatever which each insurer will pay its respective local agents within this state for the ensuing calendar year, provided that the said rate of commission,

as well as all other compensation to be paid by each insurer shall be uniform and equal as to all of the local agents of said insurer throughout this state.

* * *

Section 7. R.S.32:863.2(A)(1) and (2) are hereby amended and reenacted and R.S. 32:863.1(F) and (G) are hereby enacted to read as follows:

§863.1. Evidence of compulsory motor vehicle liability security contained in vehicle; enforcement; penalty; fees

* * *

F. In the case where the driver of the car is a minor child, the owner of the vehicle shall be responsible under this Section. If the owner of the vehicle is the minor child, the parent(s) of the minor child shall be jointly subject to the provisions of this Section along with the minor child, unless said minor has been adjudicated emancipated or is in the sole custody of another or only one parent under the law. If the minor child is in the sole custody of another or only one parent, under the law, then the other person or parent in whose sole custody the minor child has been placed will be jointly responsible with the minor child under this Section.

G.(1) In addition to the other requirements of this Section, every insurer issuing policies on motor vehicles in Louisiana or in the case of self-insured vehicles pursuant to R.S. 32:851 et seq., the Department of Public Safety and Corrections shall be required to issue stickers to those persons owning valid and current insurance as required in R.S. 32:851 et seq., within five working days of binding coverage, in compliance with rules and regulations promulgated by the commissioner in consultation with the Department of Insurance. The Department of Public Safety and Corrections, in consultation with the Department of Insurance, shall adopt rules and regulations to implement the provisions of this Subsection.

(2) The insured shall be required to place the decal in the upper left corner of the windshield of the driver's side of the insured motor vehicle or in such other location on the motor vehicle as set forth by rules and regulations that shall be established by the Department of Public Safety and Corrections. The failure to display the decal in an approved location on the vehicle or the displaying of an expired decal may subject the vehicle to being towed and impounded pursuant to the rules and regulations promulgated by the Department of Public Safety and Corrections and the Department of Insurance, unless the driver can show that the vehicle is covered by a valid policy of insurance in place pursuant to this Chapter at the administrative hearing provided for in this Section. The only acceptable means of proof of a valid policy of insurance shall be those provided in this Section.

(3) If the operator of the motor vehicle is unable to show compliance with the provisions of this Part by producing acceptable proof of insurance when requested to do so, the operator shall be issued a notice of noncompliance with the provisions of this Part on a form developed by the department. The notice of noncompliance shall serve as a notice of administrative hearing rights.

(4) The law enforcement officer enforcing the provision of this Section shall seize the license plate and issue a temporary sticker valid for ten days or until the hearing is commenced, if later than ten days. The vehicle may not be driven until the owner has complied with the requirements of this Section other than the impoundment of the vehicle.

(5) The administrative hearing shall be limited to a review of the issue of whether the vehicle was covered by a valid policy of insurance and facts and circumstances related to the alleged violation.

(6)(a) If it is determined at the administrative hearing that the vehicle was covered by a valid policy of insurance at the time of the violation, but that such proof was not presented to the law enforcement officer at the time, then the vehicle owner shall be required to pay costs associated with the proceedings.

(b) The department or other agency that conducts the hearings, shall promulgate such rules and regulations as are necessary to implement the requirements of this Section. Any action for judicial review of the decision from the administrative hearing shall be in the same manner and under the same conditions as provided in R.S. 32:414. No court shall issue an injunction, stay, or other process preventing the enforcement of the sanctions required by this Part pending the hearing provided for in this Part, except as provided by R.S. 49:964.

(7)(a) If at the administrative hearing the owner is unable to show proof of compliance by way of a valid insurance policy or other financial security required by law in effect on the vehicle impounded at the time of the violation, and if the owner has not purchased such insurance within thirty days of the date of the issuance of the notice of noncompliance, then the owner of the vehicle may have his driver's license suspended until such time as proof of purchase of a valid policy of insurance is provided to the Department of Public Safety and Corrections and the vehicle may be impounded. The impounded vehicle shall remain impounded until such time as proof of valid insurance is given to the Department of Public Safety and Corrections.

(b) If the owner purchases automobile insurance between the violation and date of the hearing, the insurance policyholder shall be paid up for a minimum period of six months.

(8) There shall be a fifteen-day grace period on the expiration of a decal before any law enforcement action may be taken. All penalties and exceptions contained in this Section shall be applicable to this Subsection, and the sticker required herein shall be required in addition to the other requirements contained in this Section.

§863.2. Notification of the cancellation or issuance of security; penalties

A.(1) Beginning July 1, ~~1988~~ 1998, all entities providing security in compliance with R.S. 32:861 et seq., hereinafter referred to as "security providers", whether admitted or nonadmitted (surplus line underwriter) insurance companies providing automobile liability policies, or sales representatives or agents of surety companies issuing motor vehicle liability bonds, or the state treasurer holding deposits, shall notify the secretary of the effective dates of each liability policy, liability bond, deposit, or other security within ~~forty-five~~ three days from the date such policy, bond, deposit, or other security was issued or made.

(2) Except as otherwise provided for motor carriers in R.S. 32:900(M), in addition, all such security providers, beginning July 9, ~~1987~~ 1998, shall notify the secretary when any policy, bond, deposit, or other item of security is terminated, withdrawn, canceled, lapsed, or otherwise made ineffective within ~~forty-five calendar~~ three days of the date the security became ineffective.

* * *

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Green to Engrossed House Bill No. 2493 by Representative Thornhill

AMENDMENT NO. 1

In Amendment No. 6 proposed by Representative Thornhill and adopted by the House on May 30, 1997, on page 6, line 24, after "who" and before "operates" delete "knowingly"

AMENDMENT NO. 2

In Amendment No. 6 proposed by Representative Thornhill and adopted by the House on May 30, 1997, on page 6, line 30, after "Law" and before "from" insert "or the operator of the vehicle who did not know or have reason to know that the vehicle was uninsured"

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Deville to Engrossed House Bill No. 2493 by Representative Thornhill

AMENDMENT NO. 1

On page 1, line 2 after "To" insert "amend and reenact R.S. 22:2406D(1)(a)(i) and"

AMENDMENT NO. 2

On page 1, line 6 after "recommendations;" insert "to require the offering of an economic only uninsured motorist policy;"

AMENDMENT NO. 3

On page 2, after line 6 insert the following:

* * *

§1406. Specific duties of casualty and surety division; uninsured motorist coverage; temporary substitute vehicles and rental vehicles

* * *

D. The following provisions shall govern the issuance of uninsured motorist coverage in this state:

(1)(a)(i) No automobile liability insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle shall be delivered or issued for delivery in this state with respect to any motor vehicle designed for use on public highways and required to be registered in this state or as provided in this Subsection unless coverage is provided therein or supplemental thereto, in not less than the limits of bodily injury liability provided by the policy, unless economic only coverage is selected as authorized herein, under provisions filed with and approved by the commissioner of insurance, for the protection of persons insured thereunder who are legally entitled to recover nonpunitive damages from owners or operators of uninsured or underinsured motor vehicles because of bodily injury, sickness, or disease, including death resulting therefrom; however,

the coverage required under this Subsection shall not be applicable where any insured named in the policy shall reject in writing, as provided herein, the coverage or selects lower limits. In no event shall the policy limits of an uninsured motorist policy be less than the minimum liability limits required under R.S. 32:900, unless economic only coverage is selected as authorized herein. Such coverage need not be provided in or supplemental to a renewal, reinstatement, or substitute policy where the named insured has rejected the coverage or selected lower limits in connection with a policy previously issued to him by the same insurer or any of its affiliates. The coverage provided under this Subsection may exclude coverage for punitive or exemplary damages by the terms of the policy or contract. Insurers shall also make available, at a reduced premium, the coverage provided under this Subsection with both an exclusion for all noneconomic loss and provisions which make this coverage secondary to all other first party recoveries of economic loss. This coverage shall be known as "economic-only" uninsured motorist coverage. Noneconomic loss means any loss other than economic loss and includes but is not limited to pain, suffering, inconvenience, mental anguish, and other noneconomic damages otherwise recoverable under the laws of this state.

* * *

Section 2. If any provision or item of this Act or the application thereof is held to be invalid or unconstitutional by a final and definitive judgment, the mandatory percentage rate reduction shall be null and void."

On motion of Rep. Deville, the amendments were withdrawn.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Deville to Engrossed House Bill No. 2493 by Representative Thornhill

AMENDMENT NO. 1

On page 1, line 2 after "To" insert "amend and reenact R.S. 22:2406D(1)(a)(i) and"

AMENDMENT NO. 2

On page 1, line 6 after "recommendations;" insert "to require the offering of an economic only uninsured motorist policy;"

AMENDMENT NO. 3

On page 2, after line 6 insert the following:

"* * *

§1406. Specific duties of casualty and surety division; uninsured motorist coverage; temporary substitute vehicles and rental vehicles

* * *

D. The following provisions shall govern the issuance of uninsured motorist coverage in this state:

(1)(a)(i) No automobile liability insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle shall be delivered or issued for delivery in this state with respect to any motor vehicle designed for use on public highways and required to be registered in this state or as provided in this Subsection

unless coverage is provided therein or supplemental thereto, in not less than the limits of bodily injury liability provided by the policy, unless economic only coverage is selected as authorized herein, under provisions filed with and approved by the commissioner of insurance, for the protection of persons insured thereunder who are legally entitled to recover nonpunitive damages from owners or operators of uninsured or underinsured motor vehicles because of bodily injury, sickness, or disease, including death resulting therefrom; however, the coverage required under this Subsection shall not be applicable where any insured named in the policy shall reject in writing, as provided herein, the coverage or selects lower limits. In no event shall the policy limits of an uninsured motorist policy be less than the minimum liability limits required under R.S. 32:900, unless economic only coverage is selected as authorized herein. Such coverage need not be provided in or supplemental to a renewal, reinstatement, or substitute policy where the named insured has rejected the coverage or selected lower limits in connection with a policy previously issued to him by the same insurer or any of its affiliates. The coverage provided under this Subsection may exclude coverage for punitive or exemplary damages by the terms of the policy or contract. Insurers shall also make available, at a reduced premium, the coverage provided under this Subsection with both an exclusion for all noneconomic loss and provisions which make this coverage secondary to all other first party recoveries of economic loss. This coverage shall be known as "economic-only" uninsured motorist coverage. Noneconomic loss means any loss other than economic loss and includes but is not limited to pain, suffering, inconvenience, mental anguish, and other noneconomic damages otherwise recoverable under the laws of this state.

* * *

Section 8. If the mandatory rate reduction of this Act is held to be invalid or unconstitutional by a final and definitive judgment, R.S. 22:635.3 shall be null and void."

Motion

Rep. Dimos moved the previous question be ordered on the entire subject matter.

As a substitute motion, Rep. Jenkins moved that the previous question be ordered on the amendments.

Rep. Dimos objected.

The vote recurred on the substitute motion.

By a vote of 35 yeas and 62 nays, the House refused to order the previous question on the amendments.

Rep. Dimos insisted on his motion that the previous question be ordered on the entire subject matter.

By a vote of 72 yeas and 16 nays, the House agreed to order the previous question on the entire subject matter.

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Alario Green Pinac

Alexander, A.—93rd	Guillory	Powell
Alexander, R.—13th	Heaton	Pratt
Ansardi	Hebert	Quezairé
Barton	Hill	Riddle
Baudoin	Holden	Romero
Baylor	Hopkins	Rousselle
Bruce	Hudson	Salter
Brun	Hunter	Scalise
Bruneau	Iles	Schneider
Carter	Jetson	Shaw
Chaisson	Kennard	Smith, J.D.—50th
Clarkson	Kenney	Smith, J.R.—30th
Copelin	Lancaster	Strain
Curtis	Landrieu	Theriot
Damico	LeBlanc	Thomas
Daniel	Long	Thompson
Deville	Marionneaux	Thornhill
Dimos	Martiny	Toomy
Doerge	McCain	Travis
Dupre	McCallum	Triche
Durand	McDonald	Warner
Farve	Michot	Welch
Fauchoux	Montgomery	Weston
Flavin	Morrell	Wilkerson
Fontenot	Murray	Willard-Lewis
Frith	Odinet	Windhorst
Gautreaux	Perkins	Winston
Glover	Pierre	Wright
Total—87		

NAYS

Mr. Speaker	Forster	Morrish
Bowler	Fruge	Stelly
Crane	Hammett	Vitter
DeWitt	Jenkins	Walsworth
Diez	Johns	Wiggins
Donelon	McMains	
Total—17		

ABSENT

Mitchell
Total—1

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Thornhill moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Suspension of the Rules

On joint motion of Reps. Schneider and Perkins and under a suspension of the rules, the above roll call was corrected to reflect their voting yea.

**HOUSE BILL NO. 2513 (Substitute for House Bill No. 401 by Representative Donelon)—
BY REPRESENTATIVES DONELON, MCMAINS, CLARKSON, JOHNS,
AND WIGGINS**

AN ACT

To enact the Omnibus Premium Reduction Act of 1997, to amend and reenact Civil Code Articles 2323(A), 2324(B), and 2924(B), and R.S. 22:1406(D)(1)(a) and (d)(introductory paragraph) and (2)(b), and to enact Civil Code Article 2324.3, Code of Evidence Article 416, and R.S. 32:866, all relative to civil liability for damages and procedures related to the recovery thereof; to provide for comparative fault and apportionment of

damages; to provide for the rate of judicial interest; to provide for the reduction of damages by an amount paid or payable from collateral sources and for the admissibility of the payment of expenses or costs from a collateral source; to provide for conditions for issuance of liability insurance; to provide for liability insurance of uninsured motorists; to provide for waivers of litigation rights for failure to maintain liability insurance coverage; to require the reduction in automobile liability insurance rates; to provide for the filing of insurance rate reductions; to provide for contingency rules for premium rate filings; to provide with respect to the severability of provisions hereof; to authorize the taking of a default judgment; to provide an effective date; and to provide for related matters.

Read by title.

Suspension of the Rules

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Donelon to Engrossed House Bill No. 2513 by Representatives Donelon, McMains, Clarkson, Johns, and Wiggins

AMENDMENT NO. 1

On page 1, line 3, change "Articles" to "Article" and delete "2323(A), 2324(B), and" and after "2924(B)," and before "R.S." delete "and"

AMENDMENT NO. 2

On page 1, line 4, delete "and (d)(introductory paragraph) and (2)(b)," and insert in lieu thereof a comma "," and "and R.S. 32:863.1(C)(1)(b) and 863.2(A)(1) and (2)"

AMENDMENT NO. 3

On page 1, line 6, change "R.S. 32:866," to "R.S. 32:863.1(F) and 866," and after "to" and before "civil" insert "the recovery of certain" and delete "liability for" and delete "procedures" and insert in lieu thereof "other factors which relate to the availability and cost of obtaining security to cover such damages;"

AMENDMENT NO. 4

On page 1, delete line 7 and at the beginning of line 8, delete "apportionment of damages;"

AMENDMENT NO. 5

On page 1, line 9, after "damages" and before "by" insert "arising out of a motor vehicle accident"

AMENDMENT NO. 6

On page 1, line 11, delete "to provide for conditions for"

AMENDMENT NO. 7

On page 1, delete lines 12 and 13 in their entirety and insert in lieu thereof "to authorize the issuance of "economic-only" uninsured motorists coverage; to provide with respect to proof of compulsory

motor vehicle liability security; to provide for the seizure and sequestration of vehicles which are operated without proof of insurance; to provide for the redemption of those vehicles; to provide for notification of issuance and cancellation of insurance; to reduce otherwise recoverable damages for"

AMENDMENT NO. 8

On page 2, line 1, change "default" to "declaratory"

AMENDMENT NO. 9

On page 2, line 19, change "Articles" to "Article" and delete "2323(A), 2324(B), and" and at the end of the line delete ", are" and insert in lieu thereof "is"

AMENDMENT NO. 10

On page 2, delete lines 22 through 26 in their entirety

AMENDMENT NO. 11

On page 3, delete lines 1 through 26 in their entirety

AMENDMENT NO. 12

On page 4, delete lines 1 through 7 in their entirety

AMENDMENT NO. 13

On page 4, at the end of line 8, add "; motor vehicle accidents"

AMENDMENT NO. 14

On page 4, line 9, after "loss" and before "shall" insert "arising out of the operation, maintenance, or use of a motor vehicle"

AMENDMENT NO. 15

On page 7, at the end of line 21, add "; motor vehicle accidents"

AMENDMENT NO. 16

On page 7, at the beginning of line 22, add "A." and after "loss" and before the comma "," insert "arising out of the operation, maintenance, or use of a motor vehicle"

AMENDMENT NO. 17

On page 8, between lines 2 and 3, insert the following:

"B. In a jury trial, in accordance with Code of Civil Procedure Article 1812, the court shall submit to the jury written interrogatories on the issue of fact and amount of collateral source recovery. The court shall decrease any award of damages to the applicable plaintiff by the amount recovered from any collateral source as provided in this Article.

C. In a matter tried before the bench, the court shall determine from the evidence whether any plaintiff has recovered from any collateral source, as provided in this Article, and shall decrease any award of damages to the applicable plaintiff by the amount recovered from such collateral source."

AMENDMENT NO. 18

On page 8, line 3, delete "and (d)(introductory paragraph) and"

AMENDMENT NO. 19

On page 8, line 4, delete "(2)(b) are" and insert in lieu thereof "is"

AMENDMENT NO. 20

On page 8, delete lines 11 through 26 in their entirety and insert in lieu thereof the following:

"(1)(a)(i) No automobile liability insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle shall be delivered or issued for delivery in this state with respect to any motor vehicle designed for use on public highways and required to be registered in this state or as provided in this Subsection unless coverage is provided therein or supplemental thereto, in not less than the limits of bodily injury liability provided by the policy, unless economic-only coverage is selected as authorized herein, under provisions filed with and approved by the commissioner of insurance, for the protection of persons insured thereunder who are legally entitled to recover nonpunitive damages from owners or operators of uninsured or underinsured motor vehicles because of bodily injury, sickness, or disease, including death resulting therefrom; however, the coverage required under this Subsection shall not be applicable where any insured named in the policy shall reject in writing, as provided herein, the coverage or selects lower limits. In no event shall the policy limits of an uninsured motorist policy be less than the minimum liability limits required under R.S. 32:900, unless economic-only coverage is selected as authorized herein. Such coverage need not be provided in or supplemental to a renewal, reinstatement, or substitute policy where the named insured has rejected the coverage or selected lower limits in connection with a policy previously issued to him by the same insurer or any of its affiliates. The coverage provided under this Subsection may exclude coverage for punitive or exemplary damages by the terms of the policy or contract. Insurers may also make available, at a reduced premium, the coverage provided under this Subsection with both an exclusion for all noneconomic loss and provisions which make this coverage secondary to all other first party recoveries of economic loss. This coverage shall be known as "economic-only" uninsured motorist coverage. Noneconomic loss means any loss other than economic loss and includes but is not limited to pain, suffering, inconvenience, mental anguish, and other noneconomic damages otherwise recoverable under the laws of this state.

(ii) After September 1, 1987, such rejection or selection of lower limits shall be made only on a form designed by each insurer prescribed by the commissioner of insurance. The prescribed form shall be provided by the insurer and signed by the named insured or his legal representative. The form signed by the named insured or his legal representative which initially rejects such coverage or selects lower limits shall be conclusively presumed to become a part of the policy or contract when issued and delivered, irrespective of whether physically attached thereto."

AMENDMENT NO. 21

On page 9, delete lines 1 through 26 in their entirety

AMENDMENT NO. 22

On page 10, delete lines 1 through 3 in their entirety and lines 16 through 26 in their entirety

AMENDMENT NO. 23

On page 11, delete lines 1 through 22 in their entirety

AMENDMENT NO. 24

On page 11, line 23, change "R.S. 32:866 is" to "R.S. 32:863.1(C)(1)(b) and 863.2(A)(1) and (2) are hereby amended and reenacted and R.S. 32:863.1(F) and 866 are"

AMENDMENT NO. 25

On page 11, after line 23, insert the following:

"§863.1. Evidence of compulsory motor vehicle liability security contained in vehicle; enforcement; penalty; fees

* * *

C.(1)

* * *

(b) The owner of the vehicle shall have ten working days from the date that the notice of noncompliance was issued to present to the office of motor vehicles proof of insurance coverage or security in effect at the time of the issuance of the notice of noncompliance. If the vehicle was properly insured at the time the notice was issued, any valid license plate shall be returned within forty-eight hours, exclusive of legal holidays, to the owner of the vehicle at no cost to the owner. However, if the owner fails to provide proof of the fact that the vehicle was properly insured at the time the notice of noncompliance was issued, the chief administrative officer of the office of motor vehicles shall destroy, or shall cause to be destroyed, the license plate removed from that owner's vehicle and shall notify the secretary that the owner of the vehicle is not in compliance with the compulsory liability law. Upon receipt of such notification, the secretary shall revoke the registration of such vehicle for thirty days. If, within ten business days from the date on which the plate was removed, the owner of the vehicle fails to present proof of insurance coverage or security in effect at the time the notice of noncompliance was issued, the office of motor vehicles shall destroy the license plate which was removed from the vehicle and notify the appropriate law enforcement agency. Such law enforcement agency shall seize and sequester the vehicle and take such actions as are necessary to enable the appropriate prosecuting agency to initiate prosecution of the offense. Any law enforcement officer observing a vehicle with an expired temporary use sticker operating on any public roadway shall cause the vehicle to be impounded. Any law enforcement officer observing a vehicle without a license plate or an expired temporary use sticker shall stop the vehicle and determine if the owner or lessee is in compliance with the provisions of this Section which require evidence of liability insurance or other security to be contained in the vehicle. If the owner or lessee is not in compliance with those provisions, the law enforcement officer shall cause the vehicle to be impounded. Redemption of an impounded vehicle shall require that the owner or lessee show that the civil sanctions for noncompliance of the Compulsory Motor Vehicle Liability Security Act, if any, have been resolved; that the owner or lessee has complied with the security requirements of R.S. 32:861; however, if the vehicle is covered by an automobile liability policy, the owner or lessee shall provide proof of a prepaid insurance policy effective for a minimum of six months; that the owner or lessee show proof that no damages have been caused by the vehicle while the vehicle was not covered by insurance or security or, if damages were caused, that he has the ability to pay the damages; and that the owner pay all costs of the towing and impoundment of the vehicle. The Department of Public Safety and Corrections, office of state police, subject to the provisions of the Administrative Procedure Act, shall adopt rules and regulations governing the issuance of a clearance letter to be issued to the owner of a vehicle impounded pursuant to this Subparagraph. Nothing herein shall be deemed to impair any rights, interests, privileges, or remedies of any secured party or lessor of any vehicle affected by the provisions of this Paragraph. When any vehicle is seized and sequestered or impounded under the provisions of this Paragraph, the

law enforcement agency taking such action shall notify the holder of any lien or security interest in the vehicle or the lessor of the vehicle, within ten days of such action. Said notice shall inform the secured party or lessor of the action taken with regard to the vehicle. The secured party or the lessor shall be entitled to seek any available remedies in order to protect its interests, and shall not be required to fulfill the obligations of the owner or lessee under this Paragraph in order to enforce those remedies.

* * *

F. In the case where the driver of the car is a minor child, the owner of the vehicle shall be responsible under this Section. If the owner of the vehicle is the minor child, the parent(s) of the minor child shall be jointly subject to the provisions of this Section along with the minor child, unless the minor has been emancipated or is in the sole custody of another or only one parent under the law. If the minor child is in the sole custody of another or only one parent, under the law, then the other person or parent in whose sole custody the minor child has been placed shall be jointly responsible with the minor child under this Section.

§863.2. Notification of the cancellation or issuance of security; penalties

A.(1) ~~Beginning July 1, 1988, all~~ All entities providing security in compliance with R.S. 32:861 et seq., hereinafter referred to as "security providers", whether admitted or nonadmitted (surplus line underwriter) insurance companies providing automobile liability policies, or sales representatives or agents of surety companies issuing motor vehicle liability bonds, or the state treasurer holding deposits, shall notify the secretary of the effective dates of each liability policy, liability bond, deposit, or other security within ~~forty-five~~ five business days from the date such policy, bond, deposit, or other security was issued or made.

(2) Except as otherwise provided for motor carriers in R.S. 32:900(M), in addition, all such security providers, ~~beginning July 9, 1987,~~ shall notify the secretary when any policy, bond, deposit, or other item of security is terminated, withdrawn, canceled, lapsed, or otherwise made ineffective within ~~forty-five calendar~~ five business days of the date the security became ineffective.

* * *

AMENDMENT NO. 26

On page 12, delete lines 3 through 11 in their entirety

AMENDMENT NO. 27

On page 12, line 12, change "(2)" to "A.(1)"

AMENDMENT NO. 28

On page 12, line 13, delete "economic damages," and insert in lieu thereof "bodily injury and no recovery for the first ten thousand dollars of property damage"

AMENDMENT NO. 29

On page 12, line 14, delete "injuries, death, or loss" and insert in lieu thereof "such injury or damages"

AMENDMENT NO. 30

On page 12, delete lines 17 through 19 in their entirety and insert in lieu thereof the following:

"(2) For purposes of this Section, the meaning of "bodily injury" and "property damage" is governed by the applicable motor vehicle liability insurance policy or, in the event of security other than an insurance policy, the meaning of such terms is that which is commonly ascribed thereto."

AMENDMENT NO. 31

On page 12, line 21, after "vehicle" delete the remainder of the line and insert in lieu thereof a colon ":"

AMENDMENT NO. 32

On page 12, delete line 22 in its entirety

AMENDMENT NO. 33

On page 12, at the end of line 23, delete the period "." and add "as a result of the accident and is subsequently convicted of or pleads nolo contendere to such offense."

AMENDMENT NO. 34

On page 12, line 24, change "an" to "the"

AMENDMENT NO. 35

On page 12, line 25, after "accident" insert a period "." and delete the remainder of the line and delete line 26 in its entirety

AMENDMENT NO. 36

On page 13, line 1, delete "Is" and insert in lieu thereof "At the time of the accident, is"

AMENDMENT NO. 37

On page 13, line 8, after "Section" insert a period "." and delete the remainder of the line and delete lines 9 and 10 in their entirety

AMENDMENT NO. 38

On page 14, line 13, change "twenty" to "fifteen"

AMENDMENT NO. 39

On page 14, line 20, change "(B)(1)" to "(B)"

AMENDMENT NO. 40

On page 14, line 23, after "coverage" and before "by" insert ", for insureds which select a policy which provides economic-only uninsured motorist coverage,"

AMENDMENT NO. 41

On page 14, line 24, after "rate" and before "in" insert "of its uninsured/underinsured motorist coverage"

AMENDMENT NO. 42

On page 15, delete lines 4 through 12 in their entirety

AMENDMENT NO. 43

On page 17, at the end of line 15, delete the period "." and add "and the provisions of Act ___ which originated as House Bill 530 of the 1997 Regular Session."

AMENDMENT NO. 44

On page 18, line 7, after "Act," and before "then" insert "all as determined and certified by the commissioner of the Department of Insurance within ten days of the rate approval,"

Rep. Marionneaux asked for and obtained a division of the question.

On motion of Rep. Donelon, Amendment Nos. 1 through 16, 18 through 37, and 39 through 44 were adopted.

Rep. Donelon moved adoption of Amendment No. 17.

Rep. Marionneaux objected.

By a vote of 56 yeas and 44 nays, the amendment was adopted.

Rep. Donelon moved adoption of Amendment No. 38.

Rep. Marionneaux objected.

By a vote of 62 yeas and 37 nays, the amendment was adopted.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Green to Engrossed House Bill No. 2513 by Representative Donelon, et al.

AMENDMENT NO. 1

On page 2, line 33 of Amendment No. 17 proposed by Representative Donelon, et al and adopted by the House of Representatives on May 30, 1997, after "Article" insert a comma "," and "less the total amount of premiums paid for the insurance or benefits for which there is a collateral source, and which were paid by the injured party after payment of the last claim by the collateral source"

AMENDMENT NO. 2

On page 3, line 5 of Amendment No. 17 proposed by Representative Donelon, et al and adopted by the House of Representatives on May 30, 1997, after "source" insert a comma "," and "less the total amount of premiums paid for the insurance or benefits for which there is a collateral source, and which were paid by the injured party after payment of the last claim by the collateral source"

AMENDMENT NO. 3

On page 4, between lines 16 and 17 insert the following:

"B. Damages shall include, however, the recovery of the total amount of premiums paid for the insurance or benefits for which there is a collateral source, and which were paid by the injured party after payment of the last claim by the collateral source."

AMENDMENT NO. 4

On page 4, line 17, change "B." to "C."

AMENDMENT NO. 5

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On page 6, line 44 of Amendment No. 29 proposed by Representative Donelon, et al and adopted by the House of Representatives on May 30, 1997, after "damages" insert "not resulting in death"

AMENDMENT NO. 6

On page 14, line 5, after "vehicle" and before "from" insert "or the operator of the vehicle who did not know or have reason to know that the vehicle was uninsured"

AMENDMENT NO. 7

On page 14, line 8, after "passenger" and before "who" insert ", or operator of the vehicle who did not know or have reason to know that the vehicle was uninsured."

Rep. Green moved the adoption of the amendments.

Rep. Donelon objected.

A record vote was asked for and ordered by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Table listing names of representatives under the YEAS category, including Baudoin, Heaton, Pierre, Baylor, Hill, Quezaire, Bruce, Holden, Riddle, Carter, Hudson, Romero, Chaisson, Hunter, Rousselle, Copelin, Iles, Smith, J.D.—50th, Curtis, Jenkins, Theriot, Daniel, Jetson, Thornhill, Deville, Landrieu, Travis, Durand, Long, Warner, Faucheux, Marionneaux, Welch, Frith, McCain, Weston, Glover, Morrell, Wilkerson, Green, Murray, Willard-Lewis, Guillory, Odinet.

Total—44

NAYS

Table listing names of representatives under the NAYS category, including Mr. Speaker, Forster, Pinac, Alario, Fruge, Powell, Alexander, R.—13th, Gautreaux, Salter, Ansardi, Hammett, Scalise, Barton, Hebert, Schneider, Bowler, Hopkins, Shaw, Brun, Johns, Smith, J.R.—30th, Bruneau, Kennard, Stelly, Clarkson, Kenney, Thomas, Crane, Lancaster, Thompson, Damico, Martiny, Toomy, DeWitt, McCallum, Triche, Diez, McDonald, Vitter, Dimos, McMains, Walsworth, Doerge, Michot, Wiggins, Donelon, Montgomery, Windhorst, Flavin, Morrish, Winston, Fontenot, Perkins, Wright.

Total—54

ABSENT

Table listing names of representatives under the ABSENT category, including Alexander, A.—93rd, LeBlanc, Dupre, Mitchell, Strain.

Farve Pratt
Total—7

The amendments were rejected.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representatives Murray and Riddle to Engrossed House Bill No. 2513 by Representative Donelon, et al.

AMENDMENT NO. 1

On page 14, between lines 9 and 10, insert the following:

"F. Notwithstanding any provision of law to the contrary, no insurer shall lose any rights of subrogation for claims paid under the applicable insurance policy.

G. In claims where no suit is filed, the third party insurer shall have all rights to recover through the insured any amount paid by the third party insurer."

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representatives Murray and Riddle to Engrossed House Bill No. 2513 by Representative Donelon, et al.

AMENDMENT NO. 1

On page 14, between lines 9 and 10, insert the following:

"F. Notwithstanding any provision of law to the contrary, no insurer shall lose any rights of subrogation for claims paid under the applicable insurance policy.

G. In claims where no suit is filed, the claimant's insurer shall have all rights to recover any amount paid by the claimant's insurer on behalf of the insured."

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Table listing names of representatives under the YEAS category, including Mr. Speaker, Glover, Powell, Alario, Green, Pratt, Alexander, R.—13th, Guillory, Quezaire, Ansardi, Hammett, Riddle, Barton, Heaton, Romero, Baylor, Hebert, Rousselle, Bowler, Hopkins, Salter, Bruce, Hudson, Scalise, Brun, Hunter, Schneider, Bruneau, Iles, Shaw, Clarkson, Johns, Smith, J.D.—50th, Copelin, Kennard, Smith, J.R.—30th.

Crane	Kenney	Stelly
Curtis	Lancaster	Strain
Damico	LeBlanc	Thomas
Daniel	Long	Thompson
DeWitt	Martiny	Toomy
Diez	McCallum	Triche
Dimos	McDonald	Vitter
Doerge	McMains	Walsworth
Donelon	Michot	Warner
Durand	Montgomery	Wiggins
Faucheux	Morrish	Wilkerson
Flavin	Murray	Willard-Lewis
Fontenot	Odinet	Windhorst
Forster	Perkins	Winston
Fruge	Pierre	Wright
Gautreaux	Pinac	
Total—83		

NAYS

Baudoin	Holden	Morrell
Carter	Jenkins	Theriot
Chaisson	Jetson	Thornhill
Deville	Landrieu	Travis
Farve	Marionneaux	Welch
Hill	McCain	Weston
Total—18		

ABSENT

Alexander, A.—93rd	Frith
Dupre	Mitchell
Total—4	

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Donelon moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Suspension of the Rules

On motion of Rep. Deville, the rules were suspended in order to take up Petitions, Memorials and Communications at this time.

Petitions, Memorials and Communications

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

Message from the Senate

HOUSE BILLS

May 30, 1997

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

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

House Bill No. 38
Returned without amendments.

House Bill No. 293
Returned without amendments.

House Bill No. 294
Returned without amendments.

House Bill No. 399
Returned without amendments.

House Bill No. 413
Returned without amendments.

House Bill No. 416
Returned without amendments.

House Bill No. 435
Returned without amendments.

House Bill No. 552
Returned without amendments.

House Bill No. 636
Returned without amendments.

House Bill No. 687
Returned with amendments.

House Bill No. 847
Returned without amendments.

House Bill No. 895
Returned without amendments.

House Bill No. 925
Returned with amendments.

House Bill No. 1083
Returned without amendments.

House Bill No. 1084
Returned without amendments.

House Bill No. 1120
Returned without amendments.

House Bill No. 1121
Returned without amendments.

House Bill No. 1123
Returned without amendments.

House Bill No. 1157
Returned with amendments.

House Bill No. 1184
Returned without amendments.

House Bill No. 1185
Returned without amendments.

House Bill No. 1239
Returned without amendments.

House Bill No. 1241
Returned without amendments.

House Bill No. 1283
Returned without amendments.

House Bill No. 1305
Returned without amendments.

House Bill No. 1306
Returned with amendments.

House Bill No. 1349
Returned with amendments.

House Bill No. 1352
Returned without amendments.

House Bill No. 1363
Returned without amendments.

House Bill No. 1400
Returned with amendments.

House Bill No. 1432
Returned with amendments.

House Bill No. 1446
Returned with amendments.

House Bill No. 1503
Returned with amendments.

House Bill No. 1532
Returned with amendments.

House Bill No. 1602
Returned with amendments.

House Bill No. 1609
Returned without amendments.

House Bill No. 1671
Returned with amendments.

House Bill No. 1696
Returned without amendments.

House Bill No. 1762
Returned with amendments.

House Bill No. 1764
Returned with amendments.

House Bill No. 1833
Returned without amendments.

House Bill No. 1888
Returned without amendments.

House Bill No. 1955
Returned without amendments.

House Bill No. 1962
Returned without amendments.

House Bill No. 1968
Returned without amendments.

House Bill No. 2024
Returned with amendments.

House Bill No. 2052
Returned without amendments.

House Bill No. 2058
Returned without amendments.

House Bill No. 2211
Returned with amendments.

House Bill No. 2212
Returned without amendments.

House Bill No. 2293
Returned without amendments.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

HOUSE CONCURRENT RESOLUTIONS

May 30, 1997

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

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

House Concurrent Resolution No. 2
Returned with amendments.

House Concurrent Resolution No. 10
Returned without amendments.

House Concurrent Resolution No. 15
Returned with amendments.

House Concurrent Resolution No. 17
Returned with amendments.

House Concurrent Resolution No. 25
Returned without amendments.

House Concurrent Resolution No. 34
Returned with amendments.

House Concurrent Resolution No. 35
Returned without amendments.

House Concurrent Resolution No. 38
Returned with amendments.

House Concurrent Resolution No. 40
Returned without amendments.

House Concurrent Resolution No. 42
Returned without amendments.

House Concurrent Resolution No. 43
Returned with amendments.

House Concurrent Resolution No. 51
Returned without amendments.

House Concurrent Resolution No. 65
Returned without amendments.

House Concurrent Resolution No. 72
Returned without amendments.

House Concurrent Resolution No. 75
Returned without amendments.

House Concurrent Resolution No. 80
Returned without amendments.

House Concurrent Resolution No. 84
Returned without amendments.

House Concurrent Resolution No. 109
Returned with amendments.

House Concurrent Resolution No. 112
Returned without amendments.

House Concurrent Resolution No. 124
Returned with amendments.

House Concurrent Resolution No. 127
Returned without amendments.

House Concurrent Resolution No. 128
Returned without amendments.

House Concurrent Resolution No. 136
Returned without amendments.

House Concurrent Resolution No. 141
Returned without amendments.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

**ASKING CONCURRENCE IN
SENATE CONCURRENT RESOLUTIONS**

May 30, 1997

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

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

Senate Concurrent Resolution Nos. 109, 129, and 130

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

SENATE BILLS

May 30, 1997

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

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

Senate Bill Nos. 442, 454, 547, 1063, 1133, and 1561

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Suspension of the Rules

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

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

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

SENATE BILL NO. 442—
BY SENATORS HAINKEL AND SCHEDLER
AN ACT

To amend and reenact the introductory paragraph of Code of Civil Procedure Art. 561(A) and to enact Code of Civil Procedure Art. 561(C), relative to abandonment; to reduce the period in which an action can be dismissed for lack of prosecution or defense; and to provide for related matters.

Read by title.

SENATE BILL NO. 454—
BY SENATOR ROMERO
AN ACT

To provide for special uses of certain properties within Lake Fausse Pointe State Park located in Iberia and St. Martin parishes and to provide for related matters.

Read by title.

SENATE BILL NO. 547—
BY SENATORS HAINKEL, DARDENNE, EWING AND ROMERO
AN ACT

To amend and reenact R.S. 56:328(B), relative to the transportation of certain noxious aquatic plants; to prohibit the transportation of certain noxious aquatic plants from one earthen body of water to another; and to provide for related matters.

Read by title.

SENATE BILL NO. 1063—
BY SENATOR DEAN
AN ACT

To amend and reenact the introductory paragraph of R.S. 25:671(B) and (B)(4) and to enact R.S. 25:671(B)(5), relative to the composition of the Council for Development of Spanish in Louisiana; to add a member from the Canary Island Descendants Association; and to provide for related matters.

Read by title.

SENATE BILL NO. 1133—
BY SENATOR LANDRY
AN ACT

To amend and reenact R.S. 48:251, 252, 253, 255, 255.1 and 256.1(A) and to enact R.S. 48:250, 251.2, 251.3, 251.4, 251.5, 251.6, 251.7, 251.8, 251.9, 252.1, 255.3, 255.4, 255.5, 255.6, 255.7, 256.1(D), and Subpart C of Part XIII of Chapter 1 of Title 48 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 48:256.3 through 256.12, relative to the Department of Transportation and Development; to provide relative to contracts for construction and maintenance projects;

to provide for prescription of such contracts; to provide relative to conflict of interests of certain professionals; to provide for invalidation of contracts in certain instances; to provide for definitions; to provide relative to advertisement for bids; to determine contract limits relative to bidding requirements; to provide for advertisements for bids; to provide for plan changes; to provide for disqualification of bidders; to provide for awarding contract; to prohibit certain contracts; to provide for commencement and delays of work; to provide for bond requirements of contractors for public work; to provide for acceptance of completed work by department; to provide for claims of subcontractors; and to provide for related matters.

Read by title.

SENATE BILL NO. 1561 (Substitute for Senate Bill No. 95 by Senator Landry)—
BY SENATOR LANDRY

AN ACT

To amend and reenact R.S. 32:1(93), 2(C), 3, 388(E) and (F)(1), and 389(A) and R.S. 47:718(B)(1) and (C)(1), 809(A), and 812(C) and to enact R.S. 32:1(99), and 2(D), and R.S. 36:408(B)(3) and 409(C)(8) and R.S. 40:1379.8, all relative to the Weights and Standards Mobile Police; to transfer such police force to the office of state police; to provide for a special fund for penalty fines; and to provide for related matters.

Read by title.

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

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

HOUSE RESOLUTION NO. 70—

BY REPRESENTATIVE MURRAY
A RESOLUTION

To commend St. Paul's Catholic Church in eastern New Orleans on its fiftieth anniversary.

Read by title.

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

HOUSE RESOLUTION NO. 71—

BY REPRESENTATIVE MURRAY
A RESOLUTION

To express the condolences and the sincere regrets of the House of Representatives of the Legislature of Louisiana upon the death of Mr. Louis Mitchell Mack, Sr.

Read by title.

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

HOUSE RESOLUTION NO. 72—

BY REPRESENTATIVE ALARIO
A RESOLUTION

To commend and congratulate the Westwego Volunteer Fire Company No. 1 on their 75th anniversary and to recognize them for their outstanding service to the community.

Read by title.

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

HOUSE RESOLUTION NO. 73—

BY REPRESENTATIVE WILLARD-LEWIS
A RESOLUTION

To commend and congratulate Mr. and Mrs. Harry Perrault, Jr. of New Orleans for their service to their community in the area of quality child care.

Read by title.

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

HOUSE CONCURRENT RESOLUTION NO. 201—

BY REPRESENTATIVES MURRAY, COPELIN, WILLARD-LEWIS, MORRELL, HEATON, ODINET, WINDHORST, FORSTER, FARVE, LANDRIEU, SCALISE, A. ALEXANDER, CLARKSON, AND PRATT
A CONCURRENT RESOLUTION

To proclaim Tuesday, June 3, 1997, as New Orleans Day in the Louisiana Legislature and to provide for suitable observance of this special day.

Read by title.

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

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 202—

BY REPRESENTATIVE JOHN SMITH
A CONCURRENT RESOLUTION

To memorialize the United State Congress to make the determination that the preferable route for the construction of Interstate 69 between Memphis, Tennessee and Houston, Texas is the shortest and most direct route between the two cities.

Read by title.

Lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 203—

BY REPRESENTATIVE WINDHORST
A CONCURRENT RESOLUTION

To amend the Department of Public Safety and Corrections, office of state police, division of charitable gaming control rule (LAC 42:I.1757(A)), which provides for the timely payment for charitable gaming supplies, and to direct the Louisiana Register to print the amendment in the Louisiana Administrative Code.

Read by title.

Lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 204—

BY REPRESENTATIVES CURTIS, ALARIO, A. ALEXANDER, R. ALEXANDER, ANSARDI, BARTON, BAUDOIN, BAYLOR, BOWLER, BRUCE, BRUN, BRUNEAU, CARTER, CHAISSON, CLARKSON, COPELIN, CRANE, DAMICO, DANIEL, DEVILLE, DEWITT, DIEZ, DIMOS, DOERGE, DONELON, DOWNER, DUPRE, DURAND, FARVE, FAUCHEUX, FLAVIN, FONTENOT, FORSTER, FRITH, FRUGE, GAUTREAU, GLOVER, GREEN, GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HOLDEN, HOPKINS, HUDSON, HUNTER, ILES, JENKINS, JETSON, JOHNS, KENNARD, KENNEY, LANCASTER, LANDRIEU, LEBLANC, LONG, MARIONNEAUX, MARTINY, MCCAIN, MCCALLUM, MCDONALD, MCMAINS, MICHOT, MITCHELL, MONTGOMERY, MORRELL, MORRISH, MURRAY, ODINET, PERKINS, PIERRE, PINAC, POWELL, PRATT, QUEZAIRE, RIDDLE, ROMERO, ROUSSELLE, SALTER, SCALISE, SCHNEIDER, SHAW, JACK SMITH, JOHN SMITH, STELLY, STRAIN, THERIOT, THOMAS, THOMPSON, THORNHILL, TOOMY, TRAVIS, TRICHE, VITTER, WALSWORTH, WARNER, WELCH, WESTON, WIGGINS, WILKERSON, WILLARD-LEWIS, WINDHORST, WINSTON, AND WRIGHT AND

SENATORS BAGNERIS, BAJOIE, BARHAM, BEAN, BRANCH, CAIN, CAMPBELL, CASANOVA, COX, CRAVINS, DARDENNE, DEAN, DYESS, ELLINGTON, EWING, FIELDS, GREENE, GUIDRY, HAINKEL, HEITMEIER, HINES, HOLLIS, IRONS, JOHNSON, JONES, JORDAN, LAMBERT, LANDRY, LENTINI, MALONE, ROBICHAUX, ROMERO, SCHEDLER, SHORT, SIRACUSA, SMITH, TARVER, THEUNISSEN, AND ULLO

A CONCURRENT RESOLUTION

To express the condolences and the sincere regrets of the Legislature of Louisiana upon the death of Mr. Howard McCormick.

Read by title.

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

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 205—

BY REPRESENTATIVE DURAND

A CONCURRENT RESOLUTION

To request the House Committees on Health and Welfare and Education and the Senate Committees on Health and Welfare and Education to meet and to function as a joint committee to study the feasibility of implementing a program in the public schools which authorizes the incorporation of the Baby Think It Over simulator infant into the high school curriculum, and to report the findings of the joint committee to the legislature prior to the convening of the 1998 Regular Session.

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 Education

May 30, 1997

To the Speaker and Members of the House of Representatives:

Pursuant to a meeting held on May 29, 1997, I am directed by your Committee on Education to submit the following report:

House Bill No. 2226, by Brun
Reported favorably. (12-0) (Regular)

Senate Bill No. 19, by Cain
Reported with amendments. (12-0) (Regular)

Senate Bill No. 344, by Greene
Reported favorably. (10-0) (Regular)

Senate Bill No. 423, by Campbell
Reported favorably. (10-0) (Regular)

Senate Bill No. 850, by Short
Reported with amendments. (9-0) (Regular)

Senate Bill No. 852, by Short
Reported favorably. (9-0) (Regular)

Senate Bill No. 1068, by Greene
Reported with amendments. (9-0) (Regular)

Senate Bill No. 1310, by Hainkel
Reported favorably. (10-0) (Regular)

ROY BRUN
Chairman

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

Suspension of the Rules

On motion of Rep. Brun, the rules were suspended in order to place House Bill No. 2226 on the consent calendar.

Report of the Committee on Insurance

May 30, 1997

To the Speaker and Members of the House of Representatives:

Pursuant to a meeting held on May 29, 1997, I am directed by your Committee on Insurance to submit the following report:

House Bill No. 2210, by Donelon
Reported with amendments. (9-0) (Regular)

House Bill No. 2446, by Murray
Reported with amendments. (6-4) (Regular)

Senate Bill No. 1388, by Jones
Reported favorably. (10-0) (Regular)

Senate Bill No. 1473, by Bean
Reported favorably. (7-0) (Regular)

Senate Bill No. 1520, by Dardenne
Reported with amendments. (7-2) (Regular)

Senate Bill No. 1526, by Barham
Reported favorably. (9-0) (Regular)

JAMES DONELON
Chairman

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

Report of the Committee on Labor and Industrial Relations

May 30, 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:

Senate Bill No. 1506, by Ellington
Reported with amendments. (9-0) (Regular)

GAREY FORSTER
Chairman

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

Report of the Committee on Municipal, Parochial and Cultural Affairs

May 30, 1997

To the Speaker and Members of the House of Representatives:

Pursuant to a meeting held on May 29, 1997, I am directed by your Committee on Municipal, Parochial and Cultural Affairs to submit the following report:

House Bill No. 1135, by Brun
Reported favorably. (7-0) (Regular)

House Bill No. 2142, by Holden
Reported favorably. (8-0) (Regular)

Senate Bill No. 51, by Hines
Reported favorably. (9-0) (Consent)

Senate Bill No. 782, by Fields
Reported favorably. (9-0) (Consent)

Senate Bill No. 1432, by Hines
Reported favorably. (10-0) (Consent)

Senate Bill No. 1511, by Bajoie
Reported favorably. (9-0) (Consent)

SHARON WESTON
Chairman

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

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

May 30, 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:

Senate Bill No. 74, by Landry
Reported favorably. (7-0) (Regular)

Senate Bill No. 262, by Romero
Reported favorably. (5-1) (Regular)

Senate Bill No. 468, by Bagneris
Reported favorably. (7-0) (Regular)

Senate Bill No. 523, by Robichaux
Reported with amendments. (7-0) (Regular)

Senate Bill No. 527, by Guidry
Reported favorably. (7-0) (Consent)

Senate Bill No. 599, by Romero
Reported favorably. (7-0) (Regular)

Senate Bill No. 754, by Romero
Reported favorably. (7-0) (Regular)

Senate Bill No. 781, by Cox
Reported favorably. (9-0) (Regular)

Senate Bill No. 861, by Cox
Reported favorably. (9-0) (Regular)

Senate Bill No. 885, by Romero
Reported favorably. (7-0) (Regular)

Senate Bill No. 945, by Ewing

Reported favorably. (6-0) (Regular)

Senate Bill No. 1302, by Theunissen
Reported with amendments. (6-0) (Regular)

Senate Bill No. 1393, by Johnson
Reported with amendments. (8-0) (Regular)

Senate Bill No. 1412, by Ewing
Reported favorably. (6-0) (Regular)

Senate Bill No. 1443, by Theunissen
Reported favorably. (6-0) (Regular)

Senate Bill No. 1451, by Johnson
Reported favorably. (8-0) (Regular)

Senate Bill No. 1464, by Lambert
Reported favorably. (7-0) (Regular)

Senate Bill No. 1494, by Schedler
Reported favorably. (6-0) (Regular)

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 30, 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. 237, by Hebert
Reported favorably. (7-0) (Regular)

House Bill No. 443, by Hudson
Reported with amendments. (8-0) (Regular)

House Bill No. 571, by Warner
Reported favorably. (7-0) (Regular)

House Bill No. 573, by Warner
Reported favorably. (7-0) (Regular)

House Bill No. 1090, by Wilkerson
Reported with amendments. (8-0) (Regular)

House Bill No. 1554, by Daniel
Reported favorably. (7-0) (Consent)

House Bill No. 1555, by Daniel
Reported favorably. (7-0) (Consent)

House Bill No. 1626, by Daniel
Reported favorably. (7-0) (Regular)

House Bill No. 1660, by DeWitt
Reported without action. (7-1)

House Bill No. 2484, by McDonald
Reported with amendments. (7-0) (Consent)

VICTOR T. STELLY
Chairman

Privileged Report of the Committee on Enrollment

May 30, 1997

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

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

The following House Resolutions have been properly enrolled:

HOUSE RESOLUTION NO. 40—
BY REPRESENTATIVE JETSON

A RESOLUTION

To urge and request the House Committee on Commerce to study the process of employment, levels of income, rates of pay, benefits, granting of tax exemptions, licensing, and related matters concerning the Louisiana maritime industry and make recommendations with respect thereto.

HOUSE RESOLUTION NO. 42—
BY REPRESENTATIVE WINSTON

A RESOLUTION

To urge and request the House Committee on Ways and Means to study the state and local tax systems to determine the appropriate structure to encourage retirees to live in Louisiana; to evaluate the economic impact of any proposed changes; and to establish an advisory committee to assist the Ways and Means Committee in the study.

HOUSE RESOLUTION NO. 58—
BY REPRESENTATIVES DOWNER, DUPRE, GAUTREAU, AND TRICHE

A RESOLUTION

To express the opposition of the House of Representatives of the Legislature of Louisiana to the siting of an oilfield waste dump facility in Gibson, Louisiana, Terrebonne Parish.

HOUSE RESOLUTION NO. 61 (Substitute for House Resolution No. 55 by Representative Copelin)—
BY REPRESENTATIVE COPELIN

A RESOLUTION

To amend and readopt House Rules 14.13 and 14.42 of the Rules of Order of the House of Representatives to require a favorable vote of two-thirds of the members of a committee present and voting in order to reschedule certain legislative instruments which have been deferred by the committee; to provide that a motion to suspend such provision is debatable; to provide for the attachment of a list of involuntarily deferred instruments to the committee report; to provide relative to the scheduling of such an instrument; to remove provisions relative to the tabling of matters in committee; and to provide for related matters.

HOUSE RESOLUTION NO. 64—
BY REPRESENTATIVE SHAW

A RESOLUTION

To commend the Reverend Dr. James J. Stewart on becoming the pastor of Broadmoor Christian Church in Shreveport.

HOUSE RESOLUTION NO. 66—
BY REPRESENTATIVE WILLARD-LEWIS

A RESOLUTION

To commend the National Association of Senior Friends for its public spirit in establishing May 29, 1997, as Legislative Action Day and for its effective programs for seniors.

HOUSE RESOLUTION NO. 67—
BY REPRESENTATIVE DONELON

A RESOLUTION

To express the condolences of the House of Representatives of the Legislature of Louisiana upon the passing of Richard L. Katten, and to pay tribute to his many contributions to this state.

HOUSE RESOLUTION NO. 68—

BY REPRESENTATIVES DOWNER, DUPRE, GAUTREAU, AND TRICHE
A RESOLUTION

To commend and congratulate Miss Robin Davis upon winning the state social studies competition.

Respectfully submitted,

DONALD RAY KENNARD
Chairman

The above House Resolutions contained in the report were signed by the Speaker of the House and taken by the Clerk of the House to the Secretary of State in accordance with the rules of the House.

Privileged Report of the Committee on Enrollment

May 30, 1997

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

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

The following House Concurrent Resolutions have been properly enrolled:

HOUSE CONCURRENT RESOLUTION NO. 198—
BY REPRESENTATIVE SCHNEIDER

A CONCURRENT RESOLUTION

To recognize and congratulate Jeanne Marie "Mimi" Melancon upon her one hundredth birthday, to commend her for her contributions to her community, and to wish her many more happy birthdays.

Respectfully submitted,

DONALD RAY KENNARD
Chairman

The above House Concurrent Resolutions contained in the report were signed by the Speaker of the House and taken to the Senate by the Clerk of the House and were signed by the President of the Senate and taken by the Clerk of the House to the Secretary of State in accordance with the rules of the House.

Leave of Absence

Rep. Mitchell - 1 day

Adjournment

On motion of Rep. Thompson, at 6:00 P.M., the House agreed to adjourn until Monday, June 2, 1997, at 1:00 P.M.

The Speaker of the House declared the House adjourned until 1:00 P.M., Monday, June 2, 1997.

ALFRED W. SPEER
Clerk of the House

C. Wayne Hays
Journal Clerk, *Emeritus*

