

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

TWELFTH DAY'S PROCEEDINGS

Twenty-sixth Extraordinary Session of the Legislature
Under the Adoption of the
Constitution of 1974

House of Representatives
State Capitol
Baton Rouge, Louisiana

Tuesday, April 7, 1998

The House of Representatives was called to order at 2:00 P.M., by the Honorable H. B. "Hunt" Downer, Jr., Speaker of the House of Representatives.

Morning Hour

ROLL CALL

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

PRESENT

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

| | | |
|-----------|---------|-----------|
| Flavin | Morrell | Willard |
| Fontenot | Morrish | Windhorst |
| Frith | Murray | Winston |
| Fruge | Odinet | Wright |
| Gautreaux | Perkins | |
| Glover | Pierre | |
| Total—103 | | |

ABSENT

| | |
|---------|-------|
| Shaw | Toomy |
| Total—2 | |

The Speaker announced that there were 103 members present and a quorum.

Prayer

Prayer was offered by Mr. Carl Drude.

Pledge of Allegiance

Rep. Landrieu 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. Jetson, the reading of the Journal was dispensed with.

On motion of Rep. Jetson, the Journal of April 6, 1998, was adopted.

Suspension of the Rules

On motion of Rep. Jetson, 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.

Privileged Report of the Legislative Bureau

April 7, 1998

To the Speaker and Members of the House of Representatives:

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

Senate Bill No. 9
Reported without amendments.

Senate Bill No. 10
Reported without amendments.

Senate Bill No. 16
Reported without amendments.

Senate Bill No. 19
Reported with amendments.

Senate Bill No. 24
Reported without amendments.

Senate Bill No. 25
Reported without amendments.

Senate Bill No. 29
Reported without amendments.

Senate Bill No. 30
Reported without amendments.

Senate Bill No. 58
Reported without amendments.

Senate Bill No. 70
Reported without amendments.

Senate Bill No. 78
Reported without amendments.

Senate Bill No. 100
Reported without amendments.

Senate Bill No. 104
Reported without amendments.

Senate Bill No. 121
Reported without amendments.

Senate Bill No. 122
Reported without amendments.

Senate Bill No. 123
Reported without amendments.

Senate Bill No. 137
Reported without amendments.

Senate Bill No. 162
Reported without amendments.

Respectfully submitted,

JIMMY N. DIMOS
Chairman

**Senate Instruments on Second Reading
Returned from the Legislative Bureau**

Rep. Montgomery asked for and obtained a suspension of the rules to take up at this time the following Senate Bills and Joint Resolutions on second reading just returned from the Legislative Bureau, with a view of acting on the same:

SENATE BILL NO. 162—
BY SENATOR CRAVINS AND REPRESENTATIVE MONTGOMERY
AN ACT

To amend and reenact R.S. 27:361(B)(introductory paragraph) and (4) and to enact R.S. 27:353(13) and Part IV of Chapter 7 of Title 27 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 27:391 and 392, relative to the conduct of slot machine gaming at certain live horse race tracks as provided in Act 721 of the 1997 Regular Session of the Legislature; to provide for the definition of "taxable net slot machine proceeds"; to provide for the dedication of a fixed percentage of net slot machine proceeds to supplement purses for races run at the live meetings at an eligible facility, and to the Louisiana Thoroughbred Breeders' Association and the Louisiana Quarter Horse Breeders' Association for use as awards for breeders of accredited Louisiana-bred horses, and for promotion of the Louisiana horse breeding industry; to authorize certain local governing authorities to impose certain taxes; to provide for the collection and disposition of fees and taxes; and to provide for related matters.

Read by title.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

Privileged Report of the Committee on Enrollment

April 7, 1998

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. 13—
BY REPRESENTATIVE MURRAY
A RESOLUTION

To request the House Committee on Commerce to study all aspects and operations of the Louisiana State Board of Cosmetology and to report its findings to the House of Representatives prior to the convening of the 1999 Regular Session.

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

April 7, 1998

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. 58—
BY REPRESENTATIVE DOWNER
A CONCURRENT RESOLUTION

To commend Mr. Jimmy Buquet and the Buquet Distributing Company, Inc., upon its selection as Louisiana's Anheuser-Busch "1997 Wholesaler Of The Year".

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.

**Petitions, Memorials and
Communications**

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

Message from the Senate**SENATE BILLS**

April 7, 1998

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. 22 and 87

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Suspension of the Rules

On motion of Rep. Marionneaux, 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. 22—
BY SENATOR LENTINI

AN ACT

To enact R.S. 32:169(E) and (F), and 171(A)(5), (E), and (F), relative to railroad grade crossings; to require obedience to certain traffic signage at such crossings; to provide for prima facie evidence of failure to yield under certain circumstances; to require installation of warning devices by railroad companies pursuant to certain orders; to authorize installation of warning devices by railroad companies under certain conditions; and to provide for related matters.

Read by title.

SENATE BILL NO. 87 (Duplicate of House Bill No. 45)—
BY SENATOR LANDRY AND REPRESENTATIVE DIEZ AND
COAUTHORED BY REPRESENTATIVES DOWNER, DEWITT, MCMAINS,
BRUCE, QUEZAIRE AND ROUSSELLE

AN ACT

To amend and reenact R.S. 48:757(A), relative to construction or maintenance work performed by the Department of Transportation and Development; to provide for certain exceptions to the prohibition against the department to performing off-system work; to provide for effective date; and to provide for related matters.

Read by title.

Reports of Committees

The following reports of committees were received and read:

Report of the Committee on Civil Law and Procedure

April 7, 1998

To the Speaker and Members of the House of Representatives:

Pursuant to a meeting held on April 6, 1998, I am directed by your Committee on Civil Law and Procedure to submit the following report:

House Concurrent Resolution No. 44, by Salter
Reported with amendments. (10-0)

Senate Bill No. 102, by Dardenne
Reported with amendments. (9-0) (Regular)

Senate Bill No. 129, by Dardenne
Reported with amendments. (9-0) (Regular)

Senate Bill No. 130, by Dardenne
Reported with amendments. (9-0) (Regular)

Senate Bill No. 131, by Dardenne
Reported with amendments. (9-0) (Regular)

Senate Bill No. 132, by Dardenne
Reported with amendments. (9-0) (Regular)

Senate Bill No. 133, by Dardenne
Reported with amendments. (9-0) (Regular)

Senate Bill No. 134, by Dardenne
Reported with amendments. (9-0) (Regular)

F. CHARLES MCMAINS, JR.
Chairman

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

Report of the Committee on Insurance

April 7, 1998

To the Speaker and Members of the House of Representatives:

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

Senate Concurrent Resolution No. 18, by Hainkel
Reported with amendments. (7-0)

JAMES J. DONELON
Chairman

House Bills and Joint Resolutions on Second Reading to be Referred

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

HOUSE BILL NO. 208—
BY REPRESENTATIVE DEWITT

AN ACT

To amend and reenact R.S. 33:4702, 4703(C)(7), 4704, 4705, 4707(H), and 4708(C)(2), (3), and (5) and (D)(introductory paragraph) and (3) and to repeal R.S. 33:4703(C)(13) and (14) and 4708(B)(5), relative to the New Orleans Business and Industrial District; to provide relative to nominations for and appointments to membership on the board of commissioners of the district; to provide relative to terms of members and to officers of the commission; to provide relative to the powers and duties of the board; to provide relative to plans for and execution of activities of the district; to provide relative to

bonds issued for district purposes; to provide relative to a tax exemption program within the district; and to provide for related matters.

Read by title.

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

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. 20—
BY SENATOR LENTINI

AN ACT

To enact R.S. 48:390, relative to trains; to prohibit the obstruction of a roadway at certain railroad grade crossings for more than twenty minutes; to provide for exceptions; to authorize application for variance to such time limitations; to require promulgation of rules and regulations by Department of Transportation and Development; to provide for penalties; to require trains to clear public crossings under certain emergency circumstances; and to provide for related matters.

Read by title.

Motion

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

SENATE BILL NO. 39—
BY SENATORS DARDENNE, EWING, HAINKEL, BARHAM AND ROMERO AND REPRESENTATIVES DOWNER, DEWITT AND MCMAINS
AN ACT

To amend and reenact R.S. 17:3390(E), relative to higher education; to authorize certain institutions of higher education to permit certain private, nonprofit corporations to purchase tickets for events; and to provide for related matters.

Read by title.

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

SENATE BILL NO. 165—
BY SENATOR SMITH

AN ACT

To amend and reenact R.S. 36:801.1(D) and to enact R.S. 36:511, relative to the Department of Transportation and Development; to require that contract and procurement laws applicable to the department shall apply to agencies within the department; 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. 168—
BY SENATOR THEUNISSEN

AN ACT

To enact Chapter 8 of Title 2 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 2:901 through 904, relative to the reorganization and recreation of the Department of

Transportation and Development; to provide for the creation of the General Aviation and Reliever Airport Maintenance Grant Program within the department; to provide for grant eligibility; to provide relative to grant authority of the program; to require the promulgation of rules and regulations; to provide for the creation of the General Aviation and Reliever Airport Maintenance Grant Program Fund within the treasury; to provide for deposit of monies into the fund; to provide for use and distribution of monies in the 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.

House and House Concurrent Resolutions Reported by Committees

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

HOUSE CONCURRENT RESOLUTION NO. 43—
BY REPRESENTATIVE THOMPSON
A CONCURRENT RESOLUTION

To urge and request the Kansas City Southern Railroad to improve its trestle location on Joe's Bayou Lake Road in Madison Parish, Louisiana.

Read by title.

Reported favorably by the Committee on Transportation, Highways and Public Works.

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

House Bills and Joint Resolutions on Second Reading Reported by Committees

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

HOUSE BILL NO. 199—
BY REPRESENTATIVES MARIONNEAUX, QUEZAIRE, BRUCE, AND VITTER
AN ACT

To enact R.S. 48:390, relative to trains; to prohibit the obstruction of a roadway at a railroad grade crossing for an extended period of time; to provide for exceptions; to authorize application for variances to limitations; to require promulgation of rules and regulations by the Department of Transportation and Development; to provide for penalties; to require trains to clear public crossings under certain emergency circumstances; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Transportation, Highways and Public Works.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Transportation, Highways and Public Works to Original House Bill No. 199 by Representative Marionneaux

AMENDMENT NO. 1

On page 1, line 14, change "ten" to "twenty"

AMENDMENT NO. 2

On page 2, line 3, change "ten" to "twenty"

AMENDMENT NO. 3

On page 2, line 4, change "fifteen" to "twenty-five"

AMENDMENT NO. 4

On page 2, at the end of line 6, change "fifteen" to "twenty-five"

AMENDMENT NO. 5

On page 2, line 7, change "twenty" to "thirty"

AMENDMENT NO. 6

On page 2, at the end of line 9, change "twenty" to "thirty"

AMENDMENT NO. 7

On page 2, line 10, change "twenty-five" to "thirty-five"

AMENDMENT NO. 8

On page 2, at the end of line 12, change "twenty-five" to "thirty-five"

AMENDMENT NO. 9

On page 2, line 13, change "thirty" to "forty"

AMENDMENT NO. 10

On page 2, at the end of line 15, change "thirty" to "forty"

AMENDMENT NO. 11

On page 2, line 16, change "thirty-five" to "forty-five"

AMENDMENT NO. 12

On page 2, at the end of line 18, change "thirty-five" to "forty-five"

AMENDMENT NO. 13

On page 2, at the beginning of line 21, change "twenty-five" to "forty-five"

AMENDMENT NO. 14

On page 3, between lines 9 and 10, add the following:

"(3) It shall be the responsibility of any railroad company or carrier operating a railroad, engine, or train within this state to inform the chief law enforcement officer of each parish or municipality in which it operates of the telephone numbers of the railroad dispatch center having jurisdiction over such railroad, engine, or train in the parish or municipality. The information shall be updated within forty-eight hours of any change, but no less than every six months."

AMENDMENT NO. 15

On page 3, line 14, after "require" and before the period "." insert the following:

", provided that this variance shall be limited to situations where the railroad has knowledge of such conditions in advance."

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 205 (Duplicate of Senate Bill No. 156)—
BY REPRESENTATIVE ANSARDI AND SENATOR EWING AND
COAUTHORED BY REPRESENTATIVES DOWNER, DEWITT, MCMAINS,
MICHOT, BAUDOIN, FONTENOT, SCHWEGMANN, AND WADDELL AND
SENATORS DARDENNE, HAINKEL, BARHAM, AND ROMERO

AN ACT

To amend and reenact R.S. 3:4274.1, R.S. 13:2587.1, R.S. 30:2522(3), 2531(A), (E)(1), and (F), 2532(A), 2544(A) and (D), R.S. 32:414(A)(3)(a) and (b), R.S. 33:1236(54), R.S. 48:347(D), R.S. 49:121(A)(2), and R.S. 56:55.2(B) and 70.3(C)(2), and Code of Criminal Procedure Art. 211.3(A), to enact R.S. 30:2531.1 through 2531.6, and to repeal R.S. 13:2586(C)(2) and 2589(B), R.S. 30:2531(D)(4), R.S. 32:289, and R.S. 36:208(H), all relative to litter; to define terms; to provide for certain littering violations; to provide civil and criminal penalties; to provide for enforcement; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Environment.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Environment to Original House Bill No. 205 by Representative Ansardi

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 3:4274.1," and before "R.S. 30:2522(3)," insert "R.S. 13:2587.1,"

AMENDMENT NO. 2

On page 1, line 6, after "through" and before "and" delete "2531.5" and insert "2531.6"

AMENDMENT NO. 3

On page 1, at end of line 6, delete the comma ","

AMENDMENT NO. 4

On page 1, line 7, delete "2587.1,"

AMENDMENT NO. 5

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

"Section 2. R.S. 13:2587.1 is hereby amended and reenacted to read as follows:

§2587.1. Prosecution of litter violations in justice of the peace courts

The constable of the justice of the peace court or his deputy shall act as prosecutor when called upon to do so by the justice of the peace when the justice of the peace exercises his jurisdiction to adjudicate litter violations prohibited by ~~R.S. 25:1111~~ local ordinance. In those cases where the constable has issued the citation or summons or has made the arrest or appears as a witness against the accused, the constable shall designate the deputy constable to

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prosecute the matter. If there is no deputy constable, then the justice of the peace may appoint a special deputy constable to prosecute the case or may authorize a constable from another ward in the parish to prosecute the matter."

AMENDMENT NO. 6

On page 2, line 14, change "Section 2." to "Section 3."

AMENDMENT NO. 7

On page 2, line 14, after "2531" and before "2532(A)" delete "(A), (E)(1), and (F)" and after "2532(A)," insert "and"

AMENDMENT NO. 8

On page 2, line 16, after "through" and before "are" change "2531.5" to "2531.6"

AMENDMENT NO. 9

On page 2, line 25, after "description." add the following:

"Litter shall not include agricultural products that are being transported from the field to a processing facility or to market, if reasonable measures are taken to prevent the agricultural product from leaving the transporting vehicle."

AMENDMENT NO. 10

On page 5, line 25, after "serve" and before "of" delete "forty-eight hours" and insert "not less than forty-eight hours and not more than one hundred hours"

AMENDMENT NO. 11

On page 5, line 25, after "a" and before "work" insert "litter abatement"

AMENDMENT NO. 12

On page 7, line 22, after "D." delete the remainder of the line and delete lines 23 and 24 and insert the following:

"Whoever violates the provisions of this Section shall be assessed the following penalties:

(1) For a first violation, such person shall be fined fifty dollars and shall be given the option of performing eight hours of community service in a litter abatement program in lieu of the assessed fine.

(2) For a second and each subsequent violation, such person shall be fined one hundred dollars and shall be given the option of a fine of fifty dollars and the performance of eight hours of community service in a litter abatement program in lieu of the original fine."

AMENDMENT NO. 13

On page 10, line 5, after "director" and before the period "." insert "in the course and scope of his employment"

AMENDMENT NO. 14

On page 11, line 6, delete "court-approved"

AMENDMENT NO. 15

On page 11, line 7 after "program" and before "may" insert "approved by the court having jurisdiction over the violation being prosecuted"

AMENDMENT NO. 16

On page 11, line 8, after "sheriff" and before the period "." insert "or parish governing authorities"

AMENDMENT NO. 17

On page 11, line 15, delete "court-approved"

AMENDMENT NO. 18

On page 11, line 16, after "program" and before "may" insert "approved by the court having jurisdiction over the violation being prosecuted"

AMENDMENT NO. 19

On page 12, at the beginning of line 14, insert "A." and after "All" and before "violations" insert "criminal"

AMENDMENT NO. 20

On page 12, between lines 16 and 17, insert the following:

"B. Civil violations under the provisions of this Part shall be prosecuted by the district attorney of the judicial district in which the violation occurred, by the municipality having a city court with civil jurisdiction within the municipality in which the violation occurred, or the constable, if brought through a justice of the peace court.

C.(1) Whenever any person is found to be in violation of the provisions of R.S. 30:2531.2 or 2531.3 in which a civil penalty is assessed, the enforcement officer shall take the name and address of the person and, if a violation occurs from a motor vehicle, the license number of the vehicle and shall issue a citation assessing a penalty for such violation in accordance with this Part.

(2) The citation shall be in writing and shall notify the person of the violation and amount of the penalty and direct him to transmit or mail the assessed fine to the office of the district attorney of the judicial district in which the violation occurred or, if the violation occurs within a municipality having a city court with civil jurisdiction to such municipality, or, if issued by a constable, to the justice of the peace having jurisdiction over the constable. In addition, the citation shall also state the date by which the fine shall be paid.

(3) If a person does not pay a penalty assessed under R.S. 30:2531.2, the penalty for each subsequent violation shall be assessed as follows:

(a) Upon second violation, the penalty shall be one hundred dollars.

(b) Upon third violation, the penalty shall be two hundred dollars and the suspension of driving privileges for sixty days. If the person charged does not possess a valid driver's license, the penalty shall be one thousand dollars.

(c) Upon fourth and subsequent violations, the penalty shall be one thousand dollars and suspension of driving privileges for one hundred twenty days. If the person charged does not possess a valid driver's license, the penalty shall be two thousand dollars.

(4) If a person, corporation, or firm does not pay a penalty assessed under R.S. 30:2531.3, the penalty for each subsequent violation shall be assessed as follows:

(a) Upon second violation, the penalty shall be one thousand dollars.

(b) Upon third violation, the penalty shall be two thousand dollars.

(c) Upon third and subsequent violations, the penalty shall be four thousand dollars.

(5)(a) Any person who protests a penalty assessed under R.S. 30:2531.2 or 2531.3 or the enforcement of any provision thereof, shall pay the amount of the penalty assessed to the office of the district attorney, the municipality, or the justice of the peace indicated on the citation and shall notify such office in writing at the time of payment of his intention to file suit for the recovery of such penalty.

(b) Any person who pays an assessed penalty under protest in accordance with the provisions of this Section shall have a period of ninety days after the date of payment to institute a civil suit against the district attorney of the judicial district in which the violation occurred or, if applicable, the municipality in which the violation occurred, or the justice of the peace issuing the citation to recover the penalty so paid.

(c) The right to sue for recovery of a penalty paid under protest shall afford a legal remedy and right of action in any state district court or city court having civil jurisdiction for a full and complete adjudication of any question arising in the enforcement of a penalty respecting the legality of any penalty assessed or the method of enforcement thereof. Any such suit may be instituted either in the parish in which the violation occurred, a city court having civil jurisdiction within the municipality in which the violation occurred, or in the domicile of the violator, provided the domicile is within the state or in East Baton Rouge Parish. In any such suit, service of process shall be made on the district attorney of the judicial district in which the violation occurred or, where applicable, the municipality with a city court having civil jurisdiction in the municipality in which the violation occurred or the justice of the peace issuing the citation. Such office shall be necessary and proper party defendant in any such suit.

(6) If upon expiration of the ninety-day period provided in Subparagraph 5(b) of this Subsection any penalty assessed remains unpaid, the district attorney in the judicial district in which the violation occurred or, where applicable, the municipality with a city court having civil jurisdiction within the municipality in which the violation occurred or the justice of the peace issuing the citation may institute a civil suit in the parish in which the violation occurred, in the municipality in which the violation occurred, or in the domicile of the person in violation to collect any penalty assessed but unpaid. The district attorney, the officer of the city court, or the justice of the peace shall have one year from the date of expiration of the ninety-day period to institute such a suit.

D. Any suspension of a motor vehicle driver's license as a result of violation of any provision of this Section shall be referred to the Department of Public Safety and Corrections and shall be handled in compliance with the provisions of R.S. 32:414 or any other provision of law or rule or regulation of the department relative to the suspension of driving privileges. Any cost of administering the suspension of drivers' licenses under the provisions of this Section, shall be payable from the receipts of penalties assessed pursuant to this Section.

§2531.6. Rules and regulations

The secretary of the Department of Environmental Quality shall promulgate rules and regulations to provide for a uniform citation which will be used for issuing citations for violations of this Part."

AMENDMENT NO. 21

On page 12, line 24, delete "Twenty" and insert "Thirty"

AMENDMENT NO. 22

On page 13, at the end of line 2, insert the following:

"When the law is enforced by a justice of the peace court, then thirty percent shall go to the parish governing authority for reimbursement of expenses for the justice of the peace court."

AMENDMENT NO. 23

On page 13, line 6, delete "Twenty" and insert "Ten"

AMENDMENT NO. 24

On page 13, line 26, change "Section 3." to "Section 4."

AMENDMENT NO. 25

On page 14, line 15, change "Section 4." to "Section 5."

AMENDMENT NO. 26

On page 15, line 5, change "Section 5." to "Section 6."

AMENDMENT NO. 27

On page 15, line 17, change "Section 6." to "Section 7."

AMENDMENT NO. 28

On page 16, line 4, change "Section 7." to "Section 8."

AMENDMENT NO. 29

On page 17, line 16, change "Section 8." to "Section 9."

AMENDMENT NO. 30

On page 17, line 26, change "Section 9." to "Section 10."

AMENDMENT NO. 31

On page 17, line 26, delete ", 2587.1,"

AMENDMENT NO. 32

On page 18, line 1, change "10" to "11"

AMENDMENT NO. 33

On page 18, line 2, change "11" to "12"

AMENDMENT NO. 34

On page 18, line 3, change "12" to "13"

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 206—

BY REPRESENTATIVES DEWITT, DOWNER, AND MCMAINS AND
SENATORS DARDENNE, EWING, BARHAM, AND ROMERO
AN ACT

To amend and reenact R.S. 39:128(B) and to repeal R.S. 17:3383, relative to certain higher education capital outlay projects; to

exempt certain professional service contracts from provisions of law regulating such contracts; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Ways and Means.

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 209 (Substitute for House Bill No. 200 by Representative Hopkins)—
BY REPRESENTATIVES HOPKINS AND THOMPSON
AN ACT

To amend and reenact R.S. 42:851.5(A)(2), relative to the State Employees' Group Benefits Program fee schedules; to require informing program participants regarding the cost of certain laboratory, radiology, diagnostic, and therapeutic services provided by certain providers; and to provide for related matters.

Read by title.

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

Under the rules, placed on the regular calendar.

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. 8—
BY SENATOR CAIN AND REPRESENTATIVE J.R. SMITH
AN ACT

To enact R.S. 13:996.57, relative to courts and judicial procedure; to provide for the creation of a judicial expense fund for the Thirtieth Judicial District Court; to provide for assessment of a fee in certain civil and criminal cases; to provide for disposition and disbursements from the fund; to provide for annual audits of the fund; to authorize hiring and payment of necessary personnel; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Judiciary.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 55—
BY SENATORS ULLO AND SCHEDLER
AN ACT

To enact R.S. 26:911(B)(3), relative to the sale of tobacco products; to define those retail dealers who qualify as a tobacconist at a particular retail outlet; to authorize the purchase of tobacco products by a tobacconist at a particular retail outlet directly from manufacturers, wholesalers, or other suppliers; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Judiciary.

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. 55 by Senator Ullo

AMENDMENT NO. 1

On page 2, line 5, following "for" and before "purpose" insert "the"

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

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

Under the rules, placed on the consent calendar.

SENATE BILL NO. 81—
BY SENATOR BARHAM
AN ACT

To enact R.S. 33:381(C)(12), relative to municipal officers; to provide that the chief of police of the village of Oak Ridge be appointed; to provide for the qualifications for the chief of police of Oak Ridge; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Municipal, Parochial and Cultural Affairs.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 84—
BY SENATORS BAJOIE AND HAINKEL
AN ACT

To enact R.S. 33:2740.38 relative to special taxing districts; to create a special taxing district for the Garden District in Orleans Parish; to provide for the boundaries, management, powers, and the adoption of rules and regulations for the district's operation; to require an annual plan; to authorize the city of New Orleans to levy and collect an ad valorem tax; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Municipal, Parochial and Cultural Affairs.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Municipal, Parochial and Cultural Affairs to Reengrossed Senate Bill No. 84 by Senators Bajoie and Hainkel

AMENDMENT NO. 1

On page 2, line 12, between "of" and "members" change "nine" to "eleven"

AMENDMENT NO. 2

On page 2, between lines 21 and 22, insert the following:

"(f) The state representative whose representative district is defined in R.S. 24:35.4(A)(91) shall appoint one member from a list of nominations submitted by the Garden District Association.

"(g) The state senator whose senatorial district is defined in R.S. 24:35(5) shall appoint one member from a list of nominations submitted by the Garden District Association."

AMENDMENT NO. 3

On page 5, between lines 15 and 16, insert the following:

"J. The district may enter into a contract with the New Orleans Police Department or with a private security company which has been certified by the superintendent of the New Orleans Police Department for the provision of security patrols of the district."

Reported without amendments by the Legislative Bureau.

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

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

Under the rules, placed on the consent calendar.

SENATE BILL NO. 103—

BY SENATORS DARDENNE, EWING, HAINKEL, BARHAM AND ROMERO AND REPRESENTATIVES DOWNER, DEWITT AND MCMAINS
AN ACT

To amend and reenact R.S. 11:921, 924(2) and (5), 925, 927(B) and (C), 928, 929(D) and (E), and 931, relative to the Teachers' Retirement System of Louisiana; to authorize employees of the Board of Regents, Board of Trustees for State Colleges and Universities, Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, and Board of Supervisors of Southern University and Agricultural and Mechanical College, and any other constitutionally established board which manages institutions of higher education to participate in an optional retirement plan; to rename the Subpart; to provide for an effective date; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Retirement.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Retirement to Engrossed Senate Bill No. 103 by Senator Dardenne, et al.

AMENDMENT NO. 1

On page 2, at the beginning of line 3 add "A." and at the end of line 3, delete "academic" and insert in lieu thereof "the following classes of employees covered by this Section who are eligible for membership in the Teachers' Retirement System of Louisiana:"

AMENDMENT NO. 2

On page 2, at the beginning of line 4, add "(1) The academic" and at the end of line 4 add a period "."

AMENDMENT NO. 3

On page 2, at the beginning of line 5, delete "and" and insert in lieu thereof "(2) The"

AMENDMENT NO. 4

On page 2, line 11, after "education" add a period "." and delete the remainder of the line and delete line 12 in its entirety and insert in lieu thereof the following:

"B. Any person covered by the provisions of Subsection A (2) of this Section shall be required to pay the annual actuarial cost of participating in the optional retirement plan."

Reported without amendments by the Legislative Bureau.

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 105—

BY SENATOR ELLINGTON

AN ACT

To amend and reenact R.S. 11:708(A)(1) relative to the Teachers' Retirement System of Louisiana; to provide for reemployment of retired members who participated in the Deferred Retirement Option Program; to provide for reemployment of such retired members through the qualified teacher shortage provisions; to provide for an effective date; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Retirement.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Retirement to Engrossed Senate Bill No. 105 by Senator Ellington

AMENDMENT NO. 1

On page 1, line 13, after "A.(1)" add "(a)"

AMENDMENT NO. 2

On page 2, line 4, after "retired" delete the remainder of the line and on line 5 delete "months"

AMENDMENT NO. 3

On page 2, line 8, after "system." delete the remainder of the line and between lines 8 and 9 insert the following:

"(b) In order to be eligible for reemployment under the provisions of Subparagraph (a) of this Paragraph, a retired teacher shall have terminated employment for a period of at least twenty-four consecutive months; however, if the teacher retired with a minimum of thirty years of service credit, that teacher need only have terminated such employment for at least twelve consecutive months."

AMENDMENT NO. 4

On page 2, at the beginning of line 9, add "(c) The provisions of R.S."

Reported without amendments by the Legislative Bureau.

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 138—
BY SENATOR ROMERO

AN ACT

To enact R.S. 39:1595.6, relative to certain purchases by political subdivisions; to provide for a five percent preference in certain public purchasing; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Municipal, Parochial and Cultural Affairs.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Municipal, Parochial and Cultural Affairs to Reengrossed Senate Bill No. 138 by Senator Romero

AMENDMENT NO. 1

On page 1, line 11, between "preference" and "as" insert a comma ",."

AMENDMENT NO. 2

On page 1, line 11, between "Subsection B" and "to" insert a comma ",."

AMENDMENT NO. 3

On page 2, line 1, after "equipment" change "do" to "does"

Reported without amendments by the Legislative Bureau.

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

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

Under the rules, placed on the regular calendar.

**House Bills and Joint Resolutions on
Third Reading and Final Passage**

The following House Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

Consent Calendar

HOUSE BILL NO. 188—

BY REPRESENTATIVE FONTENOT
AN ACT

To enact R.S. 13:961(F)(1)(i), relative to court reporters for the Twenty-first Judicial District Court; to authorize a majority of the judges of the judicial district to determine certain fees to be paid to court reporters; and to provide for related matters.

Read by title.

Rep. Fontenot moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

| | | |
|-------------|---------|---------|
| Mr. Speaker | Jenkins | Theriot |
| Chaisson | Shaw | Toomy |
| Total—6 | | |

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. Fontenot 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. 202—

BY REPRESENTATIVE FRITH
AN ACT

To amend and reenact R.S. 47:302.23(B), relative to the proceeds of the state sales tax on hotel occupancy in Vermilion Parish; to provide for the dedication and allocation of certain monies in the Vermilion Parish Visitor Enterprise Fund; and to provide for related matters.

Read by title.

Rep. Frith moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|--------------------|-------------|------------------|
| Mr. Speaker | Glover | Pierre |
| Alario | Green | Pinac |
| Alexander, A.—93rd | Guillory | Powell |
| Alexander, R.—13th | Hammett | Pratt |
| Ansardi | Heaton | Quezaire |
| Barton | Hebert | Riddle |
| Baudoin | Hill | Romero |
| Baylor | Holden | Rousselle |
| Bowler | Hopkins | Salter |
| Bruce | Hudson | Scalise |
| Bruneau | Hunter | Schneider |
| Carter | Iles | Schwegmann |
| Chaisson | Jetson | Smith, J.D.—50th |
| Clarkson | Johns | Smith, J.R.—30th |
| Copelin | Kennard | Stelly |
| Crane | Kenney | Strain |
| Curtis | Lancaster | Theriot |
| Damico | Landrieu | Thomas |
| Daniel | LeBlanc | Thompson |
| Deville | Long | Thornhill |
| DeWitt | Marionneaux | Travis |
| Diez | Martiny | Triche |
| Dimos | McCain | Vitter |
| Doerge | McCallum | Waddell |
| Donelon | McDonald | Walsworth |
| Dupre | McMains | Warner |
| Durand | Michot | Welch |
| Farve | Mitchell | Weston |
| Faucheux | Montgomery | Wiggins |
| Flavin | Morrell | Wilkerson |
| Fontenot | Morrish | Willard |
| Frith | Murray | Windhorst |
| Fruge | Odinet | Winston |
| Gautreaux | Perkins | Wright |
| Total—102 | | |

NAYS

Total—0

ABSENT

| | | |
|---------|------|-------|
| Jenkins | Shaw | Toomy |
| Total—3 | | |

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

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

Regular Calendar

HOUSE BILL NO. 156—
BY REPRESENTATIVES WESTON, DEWITT, DOWNER, AND MCMAINS
AND SENATORS EWING, DARDENNE, HAINKEL, BARHAM, AND
ROMERO

AN ACT

To amend Act No. 28 of the 1997 Regular Session of the Legislature,
relative to the comprehensive capital construction budget, by

adding thereto a new Section, to add a project for the Earl K. Long Medical Center; and to provide for related matters.

Read by title.

Rep. Weston 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 | Quezaire |
| Ansardi | Hebert | Riddle |
| Barton | Hill | Romero |
| Baudoin | Holden | Rousselle |
| Baylor | Hopkins | Salter |
| Bowler | Hudson | Scalise |
| Bruce | Hunter | Schneider |
| Bruneau | Iles | Schwegmann |
| Carter | Jenkins | Smith, J.D.—50th |
| Chaisson | Jetson | Smith, J.R.—30th |
| Clarkson | Johns | Stelly |
| Copelin | Kennard | Strain |
| Crane | Kenney | Theriot |
| Curtis | Lancaster | Thomas |
| Damico | Landrieu | Thompson |
| Daniel | LeBlanc | Thornhill |
| Deville | Long | Travis |
| DeWitt | Marionneaux | Triche |
| Diez | Martiny | Vitter |
| Dimos | McCain | Waddell |
| Doerge | McCallum | Walsworth |
| Donelon | McDonald | Warner |
| Dupre | McMains | Welch |
| Durand | Michot | Weston |
| Farve | Mitchell | Wiggins |
| Faucheux | Montgomery | Wilkerson |
| Flavin | Morrell | Willard |
| Fontenot | Morrish | Windhorst |
| Frith | Murray | Winston |
| Fruge | Odinet | Wright |
| Gautreaux | Perkins | |
| Glover | Pierre | |
| Total—103 | | |

NAYS

Total—0

ABSENT

| | |
|---------|-------|
| Shaw | Toomy |
| Total—2 | |

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. 185—
BY REPRESENTATIVE SCALISE
AN ACT

To enact R.S. 16:546, relative to the district attorney of the Twenty-fourth Judicial District; to provide for additional powers and duties; to authorize the district attorney to enter into certain cooperative endeavors; and to provide for related matters.

Read by title.

Motion

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

HOUSE BILL NO. 191—
BY REPRESENTATIVE TOOMY AND SENATOR HEITMEIER
AN ACT

To amend and reenact R.S. 26:326 and 359 and to repeal R.S. 14:93.20, relative to the sale and shipment of beverage alcohol in Louisiana; to provide for the lawful sale and shipment of certain wines to Louisiana consumers; to provide for registration and payment of fees and taxes on authorized shipments; to provide for certain penalties and exceptions; to allow for the sale of wine by native wineries; to repeal certain provisions of law relating to the unlawful sale and shipment of beverage alcohol in Louisiana; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Toomy to Engrossed House Bill No. 191 by Representative Toomy

AMENDMENT NO. 1

On page 1, line 2, after "reenact" and before "R.S. 26:326" insert "R.S. 14:93.20 and"

AMENDMENT NO. 2

On page 1, line 2, after "and 359" and before the comma "," delete "and to repeal R.S. 14:93.20"

AMENDMENT NO. 3

On page 1, line 3, after "Louisiana;" and before "to" insert "to provide for the crime of unlawful sale and shipment of beverage alcohol to Louisiana consumers;"

AMENDMENT NO. 4

On page 1, between the lines 10 and 11, insert the following:

"Section 1. R.S. 14:93.20 is hereby amended and reenacted to read as follows:

§93.20. Unlawful sale, shipment, or causing to be shipped by out-of-state seller directly to a Louisiana consumer

A. It is unlawful for any wholesaler, retailer, or producer of beverage alcohol domiciled outside the state of Louisiana to ship any alcoholic beverage as defined in R.S. 26:241(1) directly to any consumer in Louisiana, under any of the following circumstances:

(1) The consumer is less than twenty-one years of age.

(2) The consumer does not hold a valid wholesaler's permit issued by the state of Louisiana and resells or attempts to resell the beverage alcohol for pecuniary gain.

(3) The wholesaler, retailer, or producer ships more than sixty bottles of beverage alcohol, in any combination of beer, wine, or liquor as defined pursuant to the provisions of Title 26 of the Louisiana Revised Statutes of 1950, to any consumer in Louisiana within a twelve-month period from the date the wholesaler, retailer, or producer registered with the office of alcohol and tobacco control.

~~B. Notwithstanding Subsection A of this Section, any wholesaler, retailer, or producer of beverage alcohol domiciled outside the state of Louisiana, who holds a valid license from the state of residence, may ship sixty bottles or less of beverage alcohol within a twelve-month period directly to a consumer in Louisiana if the consumer is twenty-one years of age or older and the shipment is for that consumer's personal consumption. The provisions of Subsection A shall not apply to the direct selling or shipping of sparkling wine or still wine to a consumer in Louisiana by a manufacturer or retailer of such beverage domiciled outside of Louisiana, provided all of the following circumstances are met:~~

(1) The consumer is twenty-one years of age or older.

(2) The sparkling wine or still wine is for that consumer's personal consumption.

(3) The total amount of sparkling wine or still wine shipped to any single household address does not exceed forty-eight 750 ml. bottles per calendar year.

(4) The manufacturer or retailer engaging in such direct sales holds a valid manufacturer's or retailer's license issued by the state of its domicile.

(5) The package in which the sparkling wine or still wine is shipped is prominently labeled as containing beverage alcohol.

(6) The package in which the sparkling wine or still wine is shipped is received by a person twenty-one years of age or older.

(7) The package contains an invoice indicating the date of the shipment, providing a full and complete description of all items included in the shipment, and stating the price thereof.

(8) The manufacturer or retailer has timely and appropriately made application and submitted required statements and paid required fees and excise and sales taxes due to the state of Louisiana on the sparkling wine or still wine as provided for in R.S. 26:359(C) and (D).

~~C. Such wholesalers, retailers, and producers shall register annually with the office of alcohol and tobacco control and pay a fee of one hundred dollars prior to shipping any beverage alcohol under the provision of Subsection B of this Section. A copy of the current license held by persons or corporations covered pursuant to the provisions of this Section shall accompany the registration. Each shipment shall be accompanied by an invoice detailing the transaction. A copy of the invoice shall be filed by the shipper with the Department of Revenue.~~

~~D. Wholesalers, retailers, and producers that ship directly to lawful consumers in Louisiana shall file an annual report with the Department of Revenue showing the total number of cases shipped into the state, the type of beverage alcohol shipped and the name brands of such shipments. The report shall be accompanied by a~~

certified check for the excise and sales taxes due to the state for the total amount of alcohol shipped:

E. Upon determination by the commissioner of the office of alcohol and tobacco control that a wine producer holding a basic permit from the Bureau of Alcohol, Tobacco and Firearms has made an illegal shipment to consumers in Louisiana, he shall notify the Bureau of Alcohol, Tobacco and Firearms in writing and by certified mail of his official determination that state law has been violated and request the bureau to take appropriate action.

F. C. Whoever violates the provisions of this Section shall be fined not more than ten thousand dollars or be imprisoned with or without hard labor for not more than two years, or both."

AMENDMENT NO. 5

On page 1, at the beginning of line 11, change "Section 1." to "Section 2."

AMENDMENT NO. 6

On page 2, line 4, after "beverages" and before "by" delete "of low alcoholic content"

AMENDMENT NO. 7

On page 3, line 24, after "make" and before "application" insert "an annual"

AMENDMENT NO. 8

On page 3, line 26, after "pay" and before "fee" delete "a" and insert in lieu thereof "an annual"

AMENDMENT NO. 9

On page 4, line 5, after "make" and before "application" insert "an annual"

AMENDMENT NO. 10

On page 4, line 7, after "pay" and before "fee" delete "a" and insert in lieu thereof "an annual"

AMENDMENT NO. 11

On page 4, line 9, after "The" and before "application" insert "annual"

AMENDMENT NO. 12

On page 4, line 12, after "sales" and before "taxes" insert "or use"

AMENDMENT NO. 13

On page 5, at the end of line 3, after "sales" insert "or use"

AMENDMENT NO. 14

On page 5, at the end of line 15, after "Section" delete the comma "," and the rest of the line in its entirety and insert in lieu thereof a period "."

AMENDMENT NO. 15

On page 5, delete lines 16 and 17 in their entirety

AMENDMENT NO. 16

On page 6, delete line 13 in its entirety

Motion

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

Senate Bills and Joint Resolutions on Third Reading and Final Passage

The following Senate Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

Regular Calendar

SENATE BILL NO. 11—

BY SENATORS COX, BAGNERIS, BAJOIE, BARHAM, BEAN, CAIN, CAMPBELL, CRAVINS, DARDENNE, DYESS, ELLINGTON, EWING, C. FIELDS, W. FIELDS, GREENE, HEITMEIER, HINES, HOLLIS, IRONS, JOHNSON, LAMBERT, LANDRY, LENTINI, MALONE, ROBICHAUX, ROMERO, SCHEDLER, SIRACUSA, SMITH, TARVER, THEUNISSEN AND ULLO

AN ACT

To amend and reenact R.S. 11:2178(D)(III)(1) and (1)(b)(i) and (E)(1) and (2) and to enact R.S. 11:2178(E)(6), relative to the Sheriffs' Pension and Relief Fund; to provide for eligibility for certain survivor benefits; to increase the amount payable to dependents in certain cases; to provide relative to the type of act warranting death benefits; to provide for an effective date; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Stelly to Reengrossed Senate Bill No. 11 by Senator Cox

AMENDMENT NO. 1

Delete Amendment Nos. 2, 3, 5, and 9 of the House Floor Amendments proposed by Representative Stelly and adopted by the House on April 1, 1998.

AMENDMENT NO. 2

On page 1, line 3, change "R.S. 11:2178(E)(6)" to "R.S. 11:2178(F)"

AMENDMENT NO. 3

On page 1, line 10, change "R.S. 11:2178(E)(6)" to "R.S. 11:2178(F)"

AMENDMENT NO. 4

On page 3, line 16, change "(6)" to "(F)" and delete "this Subsection" and insert in lieu thereof "Paragraph (1) and (2) of Subsection E of this Section."

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

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

ROLL CALL

The roll was called with the following result:

Page 14 HOUSE

12th Day's Proceedings - April 7, 1998

YEAS

| | | |
|--------------------|-------------|------------------|
| Mr. Speaker | Green | Pinac |
| Alario | Guillory | Powell |
| Alexander, A.—93rd | Hammett | Pratt |
| Alexander, R.—13th | Heaton | Quezairé |
| Ansardi | Hebert | Riddle |
| Barton | Hill | Romero |
| Baudoin | Holden | Rousselle |
| Baylor | Hopkins | Salter |
| Bowler | Hudson | Scalise |
| Bruce | Hunter | Schneider |
| Bruneau | Iles | Schwegmann |
| Carter | Jenkins | Smith, J.D.—50th |
| Chaisson | Jetson | Smith, J.R.—30th |
| Clarkson | Johns | Stelly |
| Copelin | Kennard | Strain |
| Crane | Kenney | Theriot |
| Curtis | Lancaster | Thomas |
| Damico | Landrieu | Thompson |
| Daniel | LeBlanc | Thornhill |
| Deville | Long | Travis |
| DeWitt | Marionneaux | Triche |
| Diez | Martiny | Vitter |
| Dimos | McCain | Waddell |
| Doerge | McCallum | Walsworth |
| Donelon | McDonald | Warner |
| Dupre | McMains | Welch |
| Durand | Michot | Weston |
| Farve | Mitchell | Wiggins |
| Faucheux | Montgomery | Wilkerson |
| Flavin | Morrell | Willard |
| Fontenot | Morrish | Windhorst |
| Frith | Murray | Winston |
| Fruge | Odinet | Wright |
| Gautreaux | Perkins | |
| Glover | Pierre | |
| Total—103 | | |

NAYS

Total—0

ABSENT

| | |
|---------|-------|
| Shaw | Toomy |
| Total—2 | |

The Chair declared the above bill was finally passed.

Rep. Stelly 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.

SENATE BILL NO. 72—

BY SENATORS EWING, DARDENNE, HAINKEL, BARHAM, ROMERO, BAJOE, CASANOVA, DYESS, HINES, IRONS, LANDRY AND SCHEDLER AND REPRESENTATIVES DOWNER, DEWITT AND MCMAINS

AN ACT

To amend and reenact R.S. 36:4(B)(8), to enact Chapter 45 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:2601 through 2606, and to repeal Chapter 45 of Title 46 of the Louisiana Revised Statutes of 1950, as enacted by Acts 1992, No. 971, as amended by Acts 1993, No. 424, Acts 1995, No. 945 and No. 1232, Acts 1997, No. 883 and No. 1172, relative to the Children's Cabinet; to provide for the establishment of the cabinet and the Children's Cabinet Advisory Board; to provide for the powers, duties, and functions of the cabinet and the advisory board; to provide for actions taken by the cabinet and board; to provide for termination of the

cabinet; to provide for an effective date; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Downer to Engrossed Senate Bill No. 72 by Senator Ewing

AMENDMENT NO. 1

On page 4, line 13, after "Louisiana" and before "Juvenile" insert "Council of"

AMENDMENT NO. 2

On page 4, line 14, after "Judges" and before "appointed" delete "Association"

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

Rep. Rodney Alexander moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|--------------------|-------------|------------------|
| Mr. Speaker | Glover | Pierre |
| Alario | Green | Pinac |
| Alexander, A.—93rd | Guillory | Powell |
| Alexander, R.—13th | Hammett | Pratt |
| Ansardi | Heaton | Quezairé |
| Barton | Hebert | Riddle |
| Baudoin | Hill | Romero |
| Baylor | Holden | Rousselle |
| Bowler | Hopkins | Salter |
| Bruce | Hudson | Scalise |
| Bruneau | Hunter | Schneider |
| Carter | Iles | Schwegmann |
| 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 | Travis |
| Diez | Marionneaux | Triche |
| Dimos | Martiny | Vitter |
| Doerge | McCain | Waddell |
| Donelon | McCallum | Walsworth |
| Dupre | McDonald | Warner |
| Durand | McMains | Welch |
| Farve | Michot | Weston |
| Faucheux | Mitchell | Wiggins |
| Flavin | Montgomery | Wilkerson |
| Fontenot | Morrell | Willard |
| Frith | Morrish | Winston |
| Fruge | Murray | Wright |
| Gautreaux | Odinet | |
| Total—101 | | |

NAYS

Perkins Windhorst
Total—2

ABSENT

Shaw Toomy
Total—2

The Chair declared the above bill was finally passed.

Rep. Rodney Alexander 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.

SENATE BILL NO. 107—
BY SENATOR HEITMEIER

AN ACT

To amend and reenact R.S. 11:791(A)(2) and (3), to enact R.S. 17:16, and to repeal R.S. 11:739 and 791(A)(4) and (5), relative to the Teachers' Retirement System of Louisiana; to provide for the reemployment of members who participated in the Deferred Retirement Option Plan and who have been retired for twenty-four consecutive months; to provide relative to rules; to provide for an effective date; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Downer to Reengrossed Senate Bill No. 107 by Senator Heitmeier

AMENDMENT NO. 1

Delete Amendment No. 6 of the House Floor Amendments proposed by Representative Downer and adopted by the House on April 1, 1998.

AMENDMENT NO. 2

In Amendment No. 8 of the House Floor Amendments proposed by Representative Downer and adopted by the House on April 1, 1998, on page 2, lines 3, 5, and 7, change "person" to "teacher"

AMENDMENT NO. 3

In Amendment No. 8 of the House Floor Amendments proposed by Representative Downer and adopted by the House on April 1, 1998, on page 2, at the end of line 11, delete the period "." and add the following:

": however, if the teacher retired with a minimum of thirty years of service credit, that teacher need only have terminated such employment for at least twelve consecutive months. Neither the twenty-four month nor the twelve-month provision of this Item shall apply to an otherwise eligible teacher who terminated covered employment prior to July 1, 1998."

AMENDMENT NO. 4

Delete Amendment No. 10 of the House Floor Amendments proposed by Representative Downer and adopted by the House on April 1, 1998.

AMENDMENT NO. 5

On page 5, delete lines 4 through 10 in their entirety.

AMENDMENT NO. 6

On page 5, at the beginning of line 11 change "Section 5." to "Section 4."

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Daniel to Reengrossed Senate Bill No. 107 by Senator Heitmeier

AMENDMENT NO. 1

On page 1, line 2, change "R.S. 11:791(A)(2)" to "R.S. 11:737(A) and 791(A)(2)"

AMENDMENT NO. 2

On page 1, at the end of line 4, add "those members who did not participate in the Deferred Retirement Option Plan and those"

AMENDMENT NO. 3

On page 1, line 10, change "R.S. 11:791(A)(2)" to "R.S. 11:737(A) and 791(A)(2) are"

AMENDMENT NO. 4

In Amendment No. 4 of the House Floor Amendments proposed by Representative Downer and adopted by the House on April 1, 1998, delete "and insert in lieu thereof "is""

AMENDMENT NO. 5

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

"§737. Return to active service; suspension of benefits; termination and resumption of benefits

A.(1) Whenever a retiree from this system returns to active service covered by the provisions of this Chapter, his retirement benefits from this system shall be suspended for the duration of such active service, but no further contributions by the individual or by the state on his behalf shall be made to the system. Upon termination of such active service, payment of the retirement benefits shall resume in the same amount as was payable at the time of return to active service, without recomputation but with the inclusion of any cost-of-living or any increase which may have been granted to retirees of the system during the time the benefits were suspended, but these increases shall not be retroactive.

(2)(a) The provisions of Paragraph (1) of this Subsection shall not apply to any retiree who returns to active service as an employee of the Department of Public Safety and Corrections in the capacity of an unclassified teacher, provided such employment is funded primarily by federal funds applied to the literacy program known as "Project Metamorphosis.

(b) During the period of the retiree's return to active service, the retiree and his employer shall make contributions to the retirement system but the retiree shall receive no additional service credit nor

accrue any additional retirement benefits in the retirement system. Upon termination of such active service, the member shall, upon application, be refunded the employee contributions paid since reemployment. The refund shall be without interest. The retirement system shall retain the employer contributions.

* * *

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

Rep. Stelly 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, Alexander, R.—13th, Ansardi, Barton, Baudoin, Baylor, Bowler, Bruce, Bruneau, Carter, Chaisson, Clarkson, Copelin, Crane, Curtis, Damico, Daniel, Deville, DeWitt, Diez, Dimos, Doerge, Donelon, Dupre, Durand, Farve, Faucheux, Flavin, Fontenot, Frith, Fruge, Gautreaux, Glover, Total—103; 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, Schwegmann, Smith, J.D.—50th, Smith, J.R.—30th, Stelly, Strain, Theriot, Thomas, Thompson, Thornhill, Travis, Triche, Vitter, Waddell, Walsworth, Warner, Welch, Weston, Wiggins, Wilkerson, Willard, Windhorst, Winston, Wright.

NAYS

Total—0

ABSENT

Shaw Toomy
Total—2

The Chair declared the above bill was finally passed.

Rep. Stelly 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.

SENATE BILL NO. 116—

BY SENATOR HAINKEL AND REPRESENTATIVES SCALISE AND DEWITT

AN ACT

To amend and reenact R.S. 39:1536 and to enact R.S. 39:1543(C), relative to the office of risk management; to authorize the office of risk management to perform loss prevention audits of its insured agencies of state government; to provide for credits to premiums; to provide for penalties; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Thornhill to Reengrossed Senate Bill No. 116 by Senator Hainkel, et al. (Duplicate of H.B. No. 181)

AMENDMENT NO. 1

On page 1, line 2, between "enact R.S." and "39:1543(C)" insert "24:653(I) and"

AMENDMENT NO. 2

On page 1, line 6, between "penalties;" and "and to" insert "to provide for nullification of penalties;"

AMENDMENT NO. 3

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

"Section 1. R.S. 24:653(I) is hereby enacted to read as follows:

§653. Duties and functions

* * *

(I) The committee shall have the authority to nullify a penalty applied by the office of risk management relative to a state agency which has failed to receive certification after undergoing a loss prevention audit, as provided in R.S. 39:1536(B)."

AMENDMENT NO. 4

On page 1, at the beginning of line 8, change "Section 1." to "Section 2."

AMENDMENT NO. 5

On page 2, at the beginning of line 12, insert the following:

"The office of risk management shall notify such agency of the penalty at least sixty days prior to assessing the penalty. The agency may, within ten days of its receipt of such notification, request that the Joint Legislative Committee on the Budget review the potential impact of the penalty on the agency. If the committee conducts a hearing on the request within forty-five days from receipt of the request, the committee may nullify the penalty for such agency."

AMENDMENT NO. 6

On page 2, line 25, between "management" and the period "." insert "and shall receive a notice of such certification by the office of risk management."

AMENDMENT NO. 7

On page 2, line 26, after "certification" delete "may, after six months," and insert the following:

"shall receive notification of their noncompliant status by the office of risk management, which notice shall be received by the agency at least sixty days prior to the execution of any penalty under the provisions of R.S. 39:1536(B). Such agency may, after a period of six months from the agency's receipt of the notice of noncompliance,"

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

Rep. Scalise 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 |
| Alexander, R.—13th | Heaton | Quezaire |
| Ansardi | Hebert | Riddle |
| Barton | Hill | Romero |
| Baudoin | Holden | Rousselle |
| Baylor | Hopkins | Salter |
| Bowler | Hudson | Scalise |
| Bruce | Hunter | Schneider |
| Bruneau | Iles | Schwegmann |
| Carter | Jenkins | Smith, J.D.—50th |
| Chaisson | Jetson | Smith, J.R.—30th |
| Clarkson | Johns | Stelly |
| Copelin | Kennard | Strain |
| Crane | Kenney | Theriot |
| Curtis | Lancaster | Thomas |
| Damico | Landrieu | Thompson |
| Daniel | LeBlanc | Thornhill |
| Deville | Long | Travis |
| DeWitt | Marionneaux | Triche |
| Diez | Martiny | Vitter |
| Dimos | McCain | Waddell |
| Doerge | McCallum | Walsworth |
| Donelon | McDonald | Warner |
| Dupre | McMains | Welch |
| Durand | Michot | Weston |
| Farve | Mitchell | Wiggins |
| Faucheux | Montgomery | Wilkerson |
| Flavin | Morrell | Willard |
| Fontenot | Morrish | Windhorst |
| Frith | Murray | Winston |
| Fruge | Odinet | Wright |
| Gautreaux | Perkins | |
| Glover | Pierre | |
| Total—103 | | |

NAYS

Total—0

ABSENT

| | |
|---------|-------|
| Shaw | Toomy |
| Total—2 | |

The Chair declared the above bill was finally passed.

Rep. Scalise 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. McCallum, 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:

Regular Calendar

HOUSE BILL NO. 113—

BY REPRESENTATIVE WIGGINS

AN ACT

To amend and reenact R.S. 47:9025(B)(2) and 9070, relative to gaming; to provide that twenty-one years shall be the minimum age for playing the lottery; and to provide for related matters.

Called from the calendar.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Wiggins to Engrossed House Bill No. 113 by Representative Wiggins

AMENDMENT NO. 1

On page 2, after line 24 insert the following:

"C. Three or more violations of the provisions of Subsection A of this Section within a period of five years shall constitute good cause for the suspension, revocation or termination of the lottery retailer contract under the provisions of R.S. 47:9051(D)."

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Marionneaux to Engrossed House Bill No. 113 by Representative Wiggins

AMENDMENT NO. 1

On page 1, line 2, after "and 9070" delete the remainder of the line and insert "and to enact R.S. 9:3537, relative to the minimum age to participate in certain activities; to provide that persons under the age of twenty-one shall not be issued credit cards; to"

AMENDMENT NO. 2

On page 1, between lines 5 and 6, insert the following:

"Section 1. R.S. 9:3537 is hereby enacted to read as follows:

§3537. Issuance of credit cards to persons under twenty-one years of age: prohibition

No extender of credit shall issue a credit card to any person who is under the age of twenty-one. If an extender of credit issues a credit card in violation of this Section, the credit card agreement is unenforceable by the extender of credit and the consumer, at his option, may rescind the agreement or retain the goods delivered and the benefit of any services performed, without any financial obligation."

AMENDMENT NO. 3

On page 1, at the beginning of line 6, change "Section 1." to "Section 2."

Point of Order

Rep. Jetson asked for a ruling from the Chair as to whether the above amendments were germane to the subject matter contained in the bill as introduced.

Ruling of the Chair

The Chair ruled that the above amendments were not germane to the subject matter contained in the bill as introduced.

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Hebert to Engrossed House Bill No. 113 by Representative Wiggins

AMENDMENT NO. 1

On page 1, line 3, after "provide that" and before "shall be" change "twenty-one years" to "the age for the right to vote"

AMENDMENT NO. 2

On page 1, line 17, change "twenty-one" to "the legal right to vote in accordance with Article I, Section 10 of the Louisiana Constitution"

AMENDMENT NO. 3

On page 1, line 18, change "twenty-one" to "of the legal age to vote"

AMENDMENT NO. 4

On page 2, at the end of line 2, after "under the" delete the remainder of the line and insert "the legal age to vote as provided in Article I, Section 10, of the Louisiana Constitution"

AMENDMENT NO. 5

On page 2, line 4, after "family" delete "who is twenty-one years of age or older" and insert "who is older than the legal age to vote in accordance with Article I, Section 10, of the Louisiana Constitution"

AMENDMENT NO. 6

On page 2, line 12, after "under" change "twenty-one" to "the legal age required for the right to vote under Article I, Section 10, of the Louisiana Constitution" and delete "years of age"

AMENDMENT NO. 7

On page 2, line 16, after "under" delete the remainder of the line and insert "the legal age required to vote under Article I, Section 10, of the Louisiana Constitution"

AMENDMENT NO. 8

On page 2, at the beginning of line 17, delete "age"

Rep. Hebert moved the adoption of the amendments.

Rep. Windhorst objected.

By a vote of 44 yeas and 55 nays, the amendments were rejected.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Daniel to Engrossed House Bill No. 113 by Representative Wiggins

AMENDMENT NO. 1

On page 2, line 19, after "dollars" delete the remainder of the line and delete line 20 in its entirety and insert in lieu thereof a period "."

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

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|--------------------|-----------|------------------|
| Alario | Iles | Salter |
| Alexander, R.—13th | Jenkins | Schneider |
| Baudoin | Jetson | Smith, J.D.—50th |
| Baylor | Johns | Smith, J.R.—30th |
| Bruce | Kennard | Stelly |
| Clarkson | Lancaster | Strain |
| Copelin | Landrieu | Theriot |
| Crane | LeBlanc | Thomas |
| Damico | Long | Thompson |
| Daniel | McCain | Thornhill |
| DeWitt | McCallum | Triche |
| Diez | McDonald | Vitter |
| Dimos | McMains | Waddell |
| Donelon | Michot | Walsworth |
| Durand | Mitchell | Weston |
| Faucheux | Morrish | Wiggins |
| Flavin | Odinot | Wilkerson |
| Fontenot | Perkins | Willard |
| Frith | Powell | Windhorst |
| Hill | Pratt | Winston |
| Hopkins | Riddle | Wright |
| Total—63 | | |

NAYS

| | | |
|--------------------|-----------|---------|
| Mr. Speaker | Gautreaux | Morrell |
| Alexander, A.—93rd | Green | Murray |
| Ansardi | Guillory | Pierre |
| Bowler | Hammett | Pinac |
| Bruneau | Heaton | Quezair |
| Carter | Hebert | Romero |

| | | |
|----------|-------------|------------|
| Chaisson | Holden | Rousselle |
| Curtis | Hudson | Scalise |
| Deville | Hunter | Schwegmann |
| Doerge | Kenney | Travis |
| Farve | Marionneaux | Warner |
| Fruge | Martiny | Welch |
| Total—36 | | |

ABSENT

| | | |
|---------|------------|-------|
| Barton | Glover | Shaw |
| Dupre | Montgomery | Toomy |
| Total—6 | | |

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

Motion to reconsider pending.

HOUSE BILL NO. 191—
BY REPRESENTATIVE TOOMY AND SENATOR HEITMEIER
AN ACT

To amend and reenact R.S. 26:326 and 359 and to repeal R.S. 14:93.20, relative to the sale and shipment of beverage alcohol in Louisiana; to provide for the lawful sale and shipment of certain wines to Louisiana consumers; to provide for registration and payment of fees and taxes on authorized shipments; to provide for certain penalties and exceptions; to allow for the sale of wine by native wineries; to repeal certain provisions of law relating to the unlawful sale and shipment of beverage alcohol in Louisiana; and to provide for related matters.

Called from the calendar.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Toomy to Engrossed House Bill No. 191 by Representative Toomy

AMENDMENT NO. 1

On page 1, line 2, after "reenact" and before "R.S. 26:326" insert "R.S. 14:93.20 and"

AMENDMENT NO. 2

On page 1, line 2, after "and 359" and before the comma "," delete "and to repeal R.S. 14:93.20"

AMENDMENT NO. 3

On page 1, line 3, after "Louisiana;" and before "to" insert "to provide for the crime of unlawful sale and shipment of beverage alcohol to Louisiana consumers;"

AMENDMENT NO. 4

On page 1, between the lines 10 and 11, insert the following:

"Section 1. R.S. 14:93.20 is hereby amended and reenacted to read as follows:

§93.20. Unlawful sale, shipment, or causing to be shipped by out-of-state seller directly to a Louisiana consumer

A. It is unlawful for any wholesaler, retailer, or producer of beverage alcohol domiciled outside the state of Louisiana to ship any alcoholic beverage as defined in R.S. 26:241(1) directly to any consumer in Louisiana. under any of the following circumstances:

(1) The consumer is less than twenty-one years of age.

(2) The consumer does not hold a valid wholesaler's permit issued by the state of Louisiana and resells or attempts to resell the beverage alcohol for pecuniary gain.

(3) The wholesaler, retailer, or producer ships more than sixty bottles of beverage alcohol, in any combination of beer, wine, or liquor as defined pursuant to the provisions of Title 26 of the Louisiana Revised Statutes of 1950, to any consumer in Louisiana within a twelve-month period from the date the wholesaler, retailer, or producer registered with the office of alcohol and tobacco control.

~~B. Notwithstanding Subsection A of this Section, any wholesaler, retailer, or producer of beverage alcohol domiciled outside the state of Louisiana, who holds a valid license from the state of residence, may ship sixty bottles or less of beverage alcohol within a twelve-month period directly to a consumer in Louisiana if the consumer is twenty-one years of age or older and the shipment is for that consumer's personal consumption. The provisions of Subsection A shall not apply to the direct selling or shipping of sparkling wine or still wine to a consumer in Louisiana by a manufacturer or retailer of such beverage domiciled outside of Louisiana, provided all of the following circumstances are met:~~

(1) The consumer is twenty-one years of age or older.

(2) The sparkling wine or still wine is for that consumer's personal consumption.

(3) The total amount of sparkling wine or still wine shipped to any single household address does not exceed forty-eight 750 ml. bottles per calendar year.

(4) The manufacturer or retailer engaging in such direct sales holds a valid manufacturer's or retailer's license issued by the state of its domicile.

(5) The package in which the sparkling wine or still wine is shipped is prominently labeled as containing beverage alcohol.

(6) The package in which the sparkling wine or still wine is shipped is received by a person twenty-one years of age or older.

(7) The package contains an invoice indicating the date of the shipment, providing a full and complete description of all items included in the shipment, and stating the price thereof.

(8) The manufacturer or retailer has timely and appropriately made application and submitted required statements and paid required fees and excise and sales taxes due to the state of Louisiana on the sparkling wine or still wine as provided for in R.S. 26:359(C) and (D).

~~C. Such wholesalers, retailers, and producers shall register annually with the office of alcohol and tobacco control and pay a fee of one hundred dollars prior to shipping any beverage alcohol under the provision of Subsection B of this Section. A copy of the current license held by persons or corporations covered pursuant to the provisions of this Section shall accompany the registration. Each shipment shall be accompanied by an invoice detailing the transaction. A copy of the invoice shall be filed by the shipper with the Department of Revenue.~~

D. Wholesalers, retailers, and producers that ship directly to lawful consumers in Louisiana shall file an annual report with the Department of Revenue showing the total number of cases shipped into the state, the type of beverage alcohol shipped and the name brands of such shipments. The report shall be accompanied by a certified check for the excise and sales taxes due to the state for the total amount of alcohol shipped.

E. Upon determination by the commissioner of the office of alcohol and tobacco control that a wine producer holding a basic permit from the Bureau of Alcohol, Tobacco and Firearms has made an illegal shipment to consumers in Louisiana, he shall notify the Bureau of Alcohol, Tobacco and Firearms in writing and by certified mail of his official determination that state law has been violated and request the bureau to take appropriate action.

F. C. Whoever violates the provisions of this Section shall be fined not more than ten thousand dollars or be imprisoned with or without hard labor for not more than two years, or both."

AMENDMENT NO. 4

On page 1, at the beginning of line 11, change "Section 1." to "Section 2."

AMENDMENT NO. 5

On page 2, line 4, after "beverages" and before "by" delete "of low alcoholic content"

AMENDMENT NO. 6

On page 3, line 24, after "make" and before "application" insert "an annual"

AMENDMENT NO. 7

On page 3, line 26, after "pay" and before "fee" delete "a" and insert in lieu thereof "an annual"

AMENDMENT NO. 8

On page 4, line 5, after "make" and before "application" insert "an annual"

AMENDMENT NO. 9

On page 4, line 7, after "pay" and before "fee" delete "a" and insert in lieu thereof "an annual"

AMENDMENT NO. 10

On page 4, line 9, after "The" and before "application" insert "annual"

AMENDMENT NO. 11

On page 4, line 12, after "sales" and before "taxes" insert "or use"

AMENDMENT NO. 12

On page 5, at the end of line 3, after "sales" insert "or use"

AMENDMENT NO. 13

On page 5, at the end of line 15, after "Section" delete the comma ",," and the rest of the line in its entirety and insert in lieu thereof a period ".".

AMENDMENT NO. 14

On page 5, delete lines 16 and 17 in their entirety

AMENDMENT NO. 15

On page 6, delete line 13 in its entirety

Rep. McCallum moved the adoption of the amendments.

Rep. Copelin objected.

By a vote of 48 yeas and 53 nays, the amendments were rejected.

Rep. McCallum moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|--------------------|-------------|------------------|
| Mr. Speaker | Fruge | Morrish |
| Alario | Gautreaux | Murray |
| Alexander, A.—93rd | Glover | Pinac |
| Alexander, R.—13th | Guillory | Powell |
| Ansardi | Hammett | Pratt |
| Barton | Heaton | Riddle |
| Baudoin | Hebert | Romero |
| Baylor | Hill | Rousselle |
| Bruce | Holden | Salter |
| Bruneau | Hopkins | Scalise |
| Carter | Hudson | Schneider |
| Chaisson | Hunter | Schwegmann |
| Clarkson | Iles | Smith, J.R.—30th |
| Copelin | Jetson | Stelly |
| Crane | Johns | Strain |
| Curtis | Kennard | Thomas |
| Damico | Kenney | Thompson |
| Daniel | Lancaster | Thornhill |
| DeWitt | Landrieu | Travis |
| Diez | LeBlanc | Triche |
| Dimos | Long | Vitter |
| Doerge | Marionneaux | Waddell |
| Donelon | Martiny | Walsworth |
| Dupre | McCain | Warner |
| Durand | McCallum | Welch |
| Farve | McDonald | Wiggins |
| Faucheux | McMains | Wilkerson |
| Flavin | Mitchell | Willard |
| Fontenot | Montgomery | Winston |
| Frith | Morrell | Wright |
| Total—90 | | |

NAYS

| | | |
|----------|------------------|-----------|
| Bowler | Odinet | Theriot |
| Deville | Perkins | Weston |
| Green | Pierre | Windhorst |
| Jenkins | Quezaire | |
| Michot | Smith, J.D.—50th | |
| Total—13 | | |

ABSENT

| | |
|---------|-------|
| Shaw | Toomy |
| Total—2 | |

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. McCallum 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. Hunter, the rules were suspended in order to take up Senate Concurrent Resolutions on Third Reading for Final Consideration at this time.

Senate Concurrent Resolutions on Third Reading for Final Consideration

The following Senate Concurrent Resolutions on third reading for final consideration were taken up and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 25—
BY SENATOR JONES

A CONCURRENT RESOLUTION

To urge and request the Louisiana Housing Finance Authority and other housing agencies or authorities to target the economically depressed area of Northeast Louisiana for assistance.

Read by title.

On motion of Rep. Hunter, the resolution was concurred in.

House Bills and Joint Resolutions Returned from the Senate with Amendments

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

HOUSE BILL NO. 48 (Duplicate of Senate Bill No. 32)—
BY REPRESENTATIVE DIEZ AND SENATOR LANDRY AND COAUTHORED BY REPRESENTATIVES DOWNER, DEWITT, MCMAINS, BRUCE, AND QUEZAIRE AND SENATORS EWING, DARDENNE, HAINKEL, BAGNERIS, AND BARHAM

AN ACT

To amend and reenact R.S. 48:252(I)(2)(b), relative to projects of the Department of Transportation and Development; to provide relative to the issuance of addenda modifying such projects; and to provide for related matters.

Read by title.

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

SENATE FLOOR AMENDMENTS

Conforming Amendments proposed by Senator Landry to Engrossed House Bill No. 48 by Representative Diez (Duplicate of Senate Bill No. 32)

AMENDMENT NO. 1

On page 2, line 9, between "shall" and "of receipt" delete "be conclusive evidence" and insert in lieu thereof the following:

"create a rebuttable presumption"

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|--------------------|-------------|------------------|
| Mr. Speaker | Glover | Perkins |
| Alario | Green | Pierre |
| Alexander, A.—93rd | Guillory | Pinac |
| Alexander, R.—13th | Hammett | Powell |
| Ansardi | Heaton | Pratt |
| Barton | Hebert | Quezaire |
| Baudoin | Hill | Riddle |
| Baylor | Holden | Romero |
| Bowler | Hopkins | Rousselle |
| Bruce | Hudson | Salter |
| Bruneau | Hunter | Scalise |
| Carter | Iles | Schneider |
| Chaisson | Jenkins | Schwegmann |
| 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 | Travis |
| Diez | Marionneaux | Triche |
| Dimos | Martiny | Vitter |
| Doerge | McCain | Waddell |
| Donelon | McCallum | Walsworth |
| Dupre | McDonald | Warner |
| Durand | McMains | Welch |
| Farve | Michot | Weston |
| Faucheux | Mitchell | Wiggins |
| Flavin | Montgomery | Wilkerson |
| Fontenot | Morrell | Willard |
| Frith | Morrish | Windhorst |
| Fruge | Murray | Winston |
| Gautreaux | Odinet | Wright |
| Total—102 | | |

NAYS

Total—0

ABSENT

| | | |
|---------|--------|-------|
| Shaw | Strain | Toomy |
| Total—3 | | |

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

HOUSE BILL NO. 77—
BY REPRESENTATIVES THORNHILL AND BRUCE AND SENATOR SHORT

AN ACT

To enact R.S. 38:291(O), relative to the St. Tammany Levee District; to require the transfer of funds and assets belonging to the district to the parish governing authority; and to provide for related matters.

Read by title.

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

SENATE FLOOR AMENDMENTS

Conforming Amendments proposed by Senator Short to Engrossed House Bill No. 77 by Representative Thornhill (Duplicate of Senate Bill No. 98)

AMENDMENT NO. 1

On page 1, delete lines 2 through 4 in their entirety and insert in lieu thereof the following:

"To authorize and direct that all assets held by others or remaining in the account of the former St. Tammany Levee District be transferred to the St. Tammany Parish Police Jury for the specific purpose of providing levee and levee drainage and flood control protection within certain designated areas located within St. Tammany Parish."

AMENDMENT NO. 2

On page 1, line 6, after "Section 1." delete the remainder of the line and delete lines 7 through 13 in their entirety and insert in lieu thereof the following:

"All assets held by any public or private entity for or on behalf of the former St. Tammany Levee District shall be transferred to the St. Tammany Parish Police Jury upon its warrant. Such assets shall be placed in a special fund and utilized solely for the purpose of providing levee and levee drainage and flood control protection for the following described area to wit:

Beginning at the intersection of I-10 and Louisiana Highway 1090 (Military Road). Then proceed generally in a northerly direction along the center line of the right-of-way of LA 1090 to its intersection with the south section line of Original Section 12, Township 8 South, Range 14 East, now being overlapped with irregular Section 42, Township 8 South, Range 14 East, said intersection being approximately one mile north and west of the line common to Sections 13 and 24, Township 8 South, Range 14 East. Then proceed due east along the section line to the centerline of Porters River at its intersection with the south line of Section 7, Township 8 South, Range 15 East. Then proceed generally in a southeasterly direction along the Porters River centerline to its intersection with the Morgans River. Then proceed south/southeasterly along the centerline of the Morgans River to its intersection with the West Pearl River. Then proceed down the centerline of the West Pearl River to its intersection with I-10. Then proceed generally in a westerly direction down the center-line of I-10 to the point of beginning."

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Schedler to Engrossed House Bill No. 77 by Representative Thornhill

AMENDMENT NO. 1

On page 1, line 4, after "authority" insert the following:

"; and to require public hearings prior to the expenditure of any funds"

AMENDMENT NO. 2

On page 1, at the end of line 13, insert the following:

"The St. Tammany Parish Police Jury, prior to the expenditure of any assets transferred under the provisions of this Subsection, shall conduct at least two public hearings within the boundary of the former levee district and delineate the nature and location of any levee or drainage construction or flood control project."

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|--------------------|-------------|------------------|
| Mr. Speaker | Glover | Pierre |
| Alario | Green | Pinac |
| Alexander, A.—93rd | Guillory | Powell |
| Alexander, R.—13th | Hammett | Pratt |
| Ansardi | Heaton | Quezaire |
| Barton | Hebert | Riddle |
| Baudoin | Hill | Romero |
| Baylor | Holden | Rousselle |
| Bowler | Hopkins | Salter |
| Bruce | Hudson | Scalise |
| Bruneau | Hunter | Schneider |
| Carter | Iles | Schwegmann |
| Chaisson | Jenkins | Smith, J.D.—50th |
| Clarkson | Johns | Smith, J.R.—30th |
| Copelin | Kennard | Stelly |
| Crane | Kenney | Strain |
| Curtis | Lancaster | Theriot |
| Damico | Landrieu | Thomas |
| Daniel | LeBlanc | Thompson |
| Deville | Long | Thornhill |
| DeWitt | Marionneaux | Travis |
| Diez | Martiny | Triche |
| Dimos | McCain | Vitter |
| Doerge | McCallum | Waddell |
| Donelon | McDonald | Walsworth |
| Dupre | McMains | Warner |
| Durand | Michot | Welch |
| Farve | Mitchell | Weston |
| Faucheux | Montgomery | Wiggins |
| Flavin | Morrell | Wilkerson |
| Fontenot | Morrish | Willard |
| Frith | Murray | Windhorst |
| Fruge | Odinot | Winston |
| Gautreaux | Perkins | Wright |
| Total—102 | | |

NAYS

Total—0

ABSENT

| | | |
|---------|------|-------|
| Jetson | Shaw | Toomy |
| Total—3 | | |

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

HOUSE BILL NO. 83 (Duplicate of Senate Bill No. 45)—
 BY REPRESENTATIVE DIEZ AND SENATOR LANDRY AND
 COAUTHORED BY REPRESENTATIVES DOWNER, DEWITT, MCMAINS,
 BRUCE, AND QUEZAIRE AND SENATORS EWING, DARDENNE,
 HAINKEL, BAGNERIS, BARHAM, AND ROMERO

AN ACT

To amend and reenact R.S. 48:253(C), relative to contracts let by the Department of Transportation and Development projects; to require the department to destroy the bid bonds of unsuccessful bidders; and to provide for related matters.

Read by title.

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

SENATE FLOOR AMENDMENTS

Conforming Amendments proposed by Senator Landry to Engrossed House Bill No. 83 by Representative Diez (Duplicate of Senate Bill No. 45)

AMENDMENT NO. 1

On page 1, line 14, delete "calendar"

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Engrossed House Bill No. 83 by Representative Diez

AMENDMENT NO. 1

On page 1, line 3, following "Development" delete "projects"

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

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 | Quezaire |
| Ansardi | Hebert | Riddle |
| Barton | Hill | Romero |
| Baudoin | Holden | Rousselle |
| Baylor | Hopkins | Salter |
| Bowler | Hudson | Scalise |
| Bruce | Hunter | Schneider |
| Bruneau | Iles | Schwegmann |
| Carter | Jenkins | Smith, J.D.—50th |
| Chaisson | Jetson | Smith, J.R.—30th |
| Clarkson | Johns | Stelly |
| Copelin | Kennard | Strain |
| Crane | Kenney | Theriot |
| Curtis | Lancaster | Thomas |
| Damico | Landrieu | Thompson |
| Daniel | LeBlanc | Thornhill |
| Deville | Long | Travis |
| DeWitt | Marionneaux | Triche |
| Diez | Martiny | Vitter |
| Dimos | McCain | Waddell |
| Doerge | McCallum | Walsworth |
| Donelon | McDonald | Warner |
| Dupre | McMains | Welch |
| Durand | Michot | Weston |
| Farve | Mitchell | Wiggins |
| Faucheux | Montgomery | Wilkerson |
| Flavin | Morrell | Willard |
| Fontenot | Morrish | Windhorst |
| Frith | Murray | Winston |
| Fruge | Odinet | Wright |
| Gautreaux | Perkins | |
| Glover | Pierre | |
| Total—103 | | |

NAYS

Total—0

ABSENT

| | |
|---------|-------|
| Shaw | Toomy |
| Total—2 | |

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

HOUSE BILL NO. 86 (Duplicate of Senate Bill No. 99)—

BY REPRESENTATIVE DIEZ AND SENATOR BEAN AND COAUTHORED BY REPRESENTATIVES DOWNER, DEWITT, MCMAINS, BRUCE, AND QUEZAIRE AND SENATORS LANDRY, EWING, DARDENNE, HAINKEL, BARHAM, AND ROMERO

AN ACT

To enact R.S. 32:7, relative to the enforcement of size and weight laws; to authorize the Department of Transportation and Development or the Department of Public Safety and Corrections to enter into agreements with contiguous states establishing joint weight enforcement facilities; to authorize the location, construction, staffing, and operation of such facilities; to authorize the enforcement of state laws, rules, and regulations and the laws of contiguous states, agencies, and departments; to provide for appointment of employees as enforcement officers; to provide for the status of such employees; and to provide for related matters.

Read by title.

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

SENATE FLOOR AMENDMENTS

Conforming Amendments proposed by Senator Bean to Reengrossed House Bill No. 86 by Representative Diez (Duplicate of Senate Bill No. 99)

AMENDMENT NO. 1

On page 1, line 10, between "employees;" and "and to provide" insert the following:

"to require oversight by the Joint Committee on Transportation, Highways and Public Works;"

AMENDMENT NO. 2

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

"F. Any interstate agreement entered into pursuant to this Section shall be subject to oversight by the Joint Committee on Transportation, Highways and Public Works."

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 86 by Representative Diez

AMENDMENT NO. 1

In Senate Floor Amendment No. 2, proposed by Senator Bean to Reengrossed House Bill No. 86, adopted by the Senate on March 31, 1998, on line 7, change "19 and 20" to "18 and 19"

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

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

Total—103

NAYS

Total—0

ABSENT

Shaw Toomy

Total—2

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

HOUSE BILL NO. 87 (Duplicate of Senate Bill No. 15)—
 BY REPRESENTATIVE DIEZ AND SENATOR LANDRY AND
 COAUTHORED BY REPRESENTATIVES DOWNER, DEWITT, MCMAINS,
 HUDSON, QUEZAIRE, AND ROUSSELLE AND SENATORS EWING,
 DARDENNE, HAINKEL, AND BARHAM
 AN ACT

To amend and reenact R.S. 51:781(4) and 784.1, relative to petroleum products; to transfer the inspection and regulation of petroleum and petroleum products from the Department of Transportation and Development to the Department of Agriculture and Forestry; and to provide for related matters.

Read by title.

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

SENATE FLOOR AMENDMENTS

Conforming Amendments proposed by Senator Landry to Engrossed House Bill No. 87 by Representative Diez (Duplicate of Senate Bill No. 15)

AMENDMENT NO. 1

On page 1, line 2, after "784.1" delete the remainder of the line in its entirety, delete lines 3 through 5 in their entirety and insert in lieu thereof the following:

"and to enact R.S. 51:792.1, relative to the regulation and inspection of petroleum and petroleum products; to transfer the duties and responsibilities for such regulation and inspection from the secretary of the Department of Transportation and Development to the commissioner of the Department of Agriculture and Forestry; to provide for the disposition of certain fees; to provide for an effective date; and to"

AMENDMENT NO. 2

On page 2, between lines 9 and 10, insert the following:

"Section 2. R.S. 51:792.1 is hereby enacted to read as follows:

§792.1. Petroleum and Petroleum Products Fund; disposition of funds

R.S. 51:792.1 is all new law.

A. All assessment, fees, penalties, and all other funds received under the provisions of this Part shall be disposed of in accordance with the following provisions:

(1) All assessments, fees, penalties, and other funds received by the Commissioner of Agriculture and Forestry or the Department of Agriculture and Forestry under the provisions of this Part, subject to the exceptions contained in Article VII, Section 9 of the Constitution of Louisiana, shall be deposited immediately upon receipt into the state treasury and shall be credited to the Bond Security and Redemption Fund.

(2) Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer, prior to placing the remaining funds in the state general fund, shall pay an amount equal to the total amount of funds paid into the state treasury by the Commissioner of Agriculture and Forestry or the Department of Agriculture and Forestry under the provisions of this Part into a special fund which is hereby created in the state treasury and designated as the Petroleum and Petroleum Products Fund.

(3) All unexpended and unencumbered monies in the fund at the end of each fiscal year shall remain in the Petroleum and Petroleum Products Fund. The monies in the fund shall be invested by the treasurer in the same manner as monies in the state general fund. All interest earned on monies from the fund invested by the state treasurer shall be deposited in the fund.

B. Subject to appropriation, the monies in the fund shall be used for the following purposes:

(1) To provide for the expenses of the program established by this part, as determined by the Commissioner of Agriculture and Forestry.

(2) To fund any and all costs related to the inspection, regulation and analysis of petroleum and petroleum products and any scales, measure or measuring device used in the handling or sale of petroleum products."

AMENDMENT NO. 3

On page 2, line 10, change "Section 2." to "Section 3."

AMENDMENT NO. 4

On page 2, line 17, change "Section 3." to "Section 4."

AMENDMENT NO. 5

On page 2, line 17, between "regulations" and "adopted" insert "and fees"

AMENDMENT NO. 6

On page 2, lines 17 and 18, delete "in accordance with this Subpart" and insert in lieu thereof the following:

"by the Department of Transportation and Development for the inspection and regulation of petroleum and petroleum products"

AMENDMENT NO. 7

On page 2, lines 18 and 19, delete "until and after the effective date of this Act,"

AMENDMENT NO. 8

On page 2, delete line 22 in its entirety and insert in lieu thereof the following:

"such rules and regulations and fees as are necessary for the inspection and"

AMENDMENT NO. 9

On page 2, line 24, change "Section 4." to "Section 5."

AMENDMENT NO. 10

On page 2, delete lines 25 and 26 in their entirety and insert the following:

"inspection and regulation of petroleum and petroleum products are hereby transferred to the Department of"

AMENDMENT NO. 11

On page 3, line 10, change "Section 5." to "Section 6."

AMENDMENT NO. 12

On page 3, line 3, change "1999." to "1998."

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Engrossed House Bill No. 87 by Representative Diez

AMENDMENT NO. 1

In Senate Floor Amendment No. 2, proposed by Senator Landry to Engrossed House Bill No. 87 and adopted by the Senate on March 31, 1998, on line 18 of page 1, following "All" and before ", fees" change "assessment" to "assessments"

AMENDMENT NO. 2

In Senate Floor Amendment No. 2, proposed by Senator Landry to Engrossed House Bill No. 87 and adopted by the Senate on March 31, 1998, on line 12 of page 2, following "regulation" and before "and" insert a comma ",,"

AMENDMENT NO. 3

In Senate Floor Amendment No. 2, proposed by Senator Landry to Engrossed House Bill No. 87 and adopted by the Senate on March

31, 1998, on line 13 of page 2, following "measure" and before "or" insert a comma ",,"

AMENDMENT NO. 4

In Senate Floor Amendment No. 11, proposed by Senator Landry to Engrossed House Bill No. 87 and adopted by the Senate on March 31, 1998, on line 2, of page 3, following "line" and before "change" change "10," to "3,"

AMENDMENT NO. 5

On page 3, line 1, following "perform" and before "duties" insert "the"

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Landry to Engrossed House Bill No. 87 by Representative Diez

AMENDMENT NO. 1

On page 1, line 2, after "784.1" add "and to enact R.S. 51:792.1

AMENDMENT NO. 2

On page 1, line 5, after the semicolon ";" add "to provide for the disposition of certain fees;"

AMENDMENT NO. 3

On page 1, at the end of line 8, add "and R.S. 51:792.1 is hereby enacted"

AMENDMENT NO. 4

On page 2, between lines 9 and 10, add the following:

"§792.1. Petroleum and Petroleum Products Fund; disposition of funds

A. All assessment, fees, penalties, and all other funds received under the provisions of this Part shall be disposed of in accordance with the following provisions:

(1) All assessment, fees, penalties, and all other funds received by the Commissioner of Agriculture and Forestry or the Department of Agriculture and Forestry under the provisions of this part, subject to exception contained in Article VII, Section 9 of the Constitution of Louisiana, shall be deposited immediately upon receipt into the state treasury and shall be credited to the Bond Security and Redemption Fund.

(2) Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer prior to placing the remaining funds into the state general fund, shall pay an amount equal to the total amount of funds paid into the state treasury by the Commissioner of Agriculture and Forestry or the Department of Agriculture and Forestry under the provisions of this Part into a special fund which is hereby created in the state treasury and designated as the Petroleum and Petroleum Product Fund.

(3) All unexpended and unencumbered monies in the fund at the end of each fiscal year shall remain in the Petroleum and Petroleum Products Fund. The monies in the fund shall be invested by the treasurer in the same manner as monies in the state general fund. All

interest earned on monies from the fund invested by the state treasurer shall be deposited in the fund.

B. Subject to appropriation, the monies in the fund shall be used for the following purposes:

(1) To provide for the expenses of the program established by this part, as determined by the Commissioner of agriculture and Forestry.

(2) To fund any and all costs related to the inspection, regulation, and analysis of petroleum and petroleum products and any scales measure or measuring devices used in the handling or sale of petroleum products."

AMENDMENT NO. 5

On page 2, line 17, after "regulations, add "and fees"

AMENDMENT NO. 6

On page 2, line 22, after "regulations" add "and fees"

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

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 | Quezaire |
| Ansardi | Hebert | Riddle |
| Barton | Hill | Romero |
| Baudoin | Holden | Rousselle |
| Baylor | Hopkins | Salter |
| Bowler | Hudson | Scalise |
| Bruce | Hunter | Schneider |
| Bruneau | Iles | Schwegmann |
| Carter | Jenkins | Smith, J.D.—50th |
| Chaisson | Jetson | Smith, J.R.—30th |
| Clarkson | Johns | Stelly |
| Copelin | Kennard | Strain |
| Crane | Kenney | Theriot |
| Curtis | Lancaster | Thomas |
| Damico | Landrieu | Thompson |
| Daniel | LeBlanc | Thornhill |
| Deville | Long | Travis |
| DeWitt | Marionneaux | Triche |
| Diez | Martiny | Vitter |
| Dimos | McCain | Waddell |
| Doerge | McCallum | Walsworth |
| Donelon | McDonald | Warner |
| Dupre | McMains | Welch |
| Durand | Michot | Weston |
| Farve | Mitchell | Wiggins |
| Faucheux | Montgomery | Wilkerson |
| Flavin | Morrrell | Willard |
| Fontenot | Morrish | Windhorst |
| Frith | Murray | Winston |
| Fruge | Odinet | Wright |
| Gautreaux | Perkins | |
| Glover | Pierre | |
| Total—103 | | |

NAYS

Total—0

ABSENT

Shaw Toomy
Total—2

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

Suspension of the Rules

On motion of Rep. McDonald, the rules were suspended in order to take up Reports of Committees at this time.

Reports of Committees

The following reports of committees were received and read:

Report of the Committee on Education

April 7, 1998

To the Speaker and Members of the House of Representatives:

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

House Concurrent Resolution No. 62, by McDonald
Reported favorably. (13-0)

Senate Bill No. 1, by Dardenne (Joint Resolution)
Reported with amendments. (13-0)

Senate Bill No. 5, by Hines
Reported with amendments. (13-0) (Regular)

CHARLES MCDONALD
Chairman

The above Senate Bills reported favorably or with amendments, except Senate Bill No. 1, were referred to the Legislative Bureau.

Suspension of the Rules

On motion of Rep. McDonald, the rules were suspended in order to take up Senate Bills on Second Reading Reported by Committees at this time.

**Senate Bills on Second Reading
Reported by Committees**

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

SENATE BILL NO. 1—

BY SENATORS DARDENNE, EWING, HAINKEL, BARHAM, ROMERO, BRANCH, CASANOVA, GREENE, SHORT, THEUNISSEN, BAGNERIS, BEAN, DEAN, DYESS, ELLINGTON, HINES, JORDAN, LAMBERT, SCHEDLER, SMITH AND ULLO AND REPRESENTATIVES DOWNER, DEWITT, LEBLANC, MCMAINS, AND MACDONALD

A JOINT RESOLUTION

Proposing to amend Article VII, Section 10.1(C)(2) and (3), the introductory paragraph of (D)(1), (D)(1)(c), the introductory paragraph of (D)(2), and (D)(2)(a) and (c), and Article VIII, Section 3(A), and 5(A), the introductory paragraph of (D), (D)(3), (4), and (5), and (E) and to add Article VIII, Section 7.1,

all of the Constitution of Louisiana, relative to providing for the governance and management of education; to create and provide for the Louisiana Technical and Community College System; to create and provide for the Board of Supervisors of Technical and Community Colleges as a fifteen member management board for the system subject to the planning, coordinating, and budgeting responsibility of the Board of Regents; to provide for fifteen members to be appointed by the governor; to provide relative to the consent of the Senate and the terms of members; to provide for student membership on the board; to empower the board with supervision and management of all public postsecondary vocational-technical education programs and institutions of higher education awarding certain types of degrees as assigned by law; to require divisions within the Louisiana Technical and Community College System; to revise the powers and duties of the Board of Regents to extend its authority over postsecondary education; to revise certain references; to provide with regard to the requirements to create a new institution of postsecondary education, transfer an institution of higher education from one management board to another, merge any postsecondary institution into any other postsecondary institution, or establish a new management board; to temporarily require certain minimum funding for postsecondary institutions; to provide relative to the authorization to allocate money appropriated out of the Louisiana Quality Education Support Fund for postsecondary educational purposes; to provide for the effectiveness of the proposal if approved by the electorate; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Read by title.

Reported with amendments by the Committee on Education.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Education to Reengrossed Senate Bill No. 1 by Senators Dardenne, et al.

AMENDMENT NO. 1

On page 1, line 2, after "Section" change "10.1(C)(2) and (3)," to "10.1(C)(2) through (4),"

AMENDMENT NO. 2

On page 1, line 10, after "a" and before "management" delete "fifteen member"

AMENDMENT NO. 3

On page 1, line 12, after "for" and before "members" delete "fifteen"

AMENDMENT NO. 4

On page 2, line 13, after "purposes;" and before "to provide" insert "to require the appropriation of certain funds for vocational-technical education purposes;"

AMENDMENT NO. 5

On page 2, line 20, after "Section" change "10.1(C)(2) and (3)," to "10.1(C)(2) through (4),"

AMENDMENT NO. 6

On page 3, delete lines 4 through 27 and on page 4 delete lines 1 through 6 and insert in lieu thereof:

"(2) Except for appropriations to pay expenses incurred in the investment and management of the Permanent Trust Fund, the legislature shall appropriate from the Support Fund only for educational purposes provided in Paragraph (D) of this Section and shall appropriate fifty percent of the available funds for higher educational purposes and fifty percent for elementary and secondary ~~and vocational-technical~~ educational purposes. Those monies to be used for administrative costs shall be expended for such purposes only if so approved and appropriated by the legislature.

(3) The legislature shall appropriate the total amount intended for higher educational purposes to the Board of Regents and the total amount intended for elementary and secondary ~~and vocational-technical~~ educational purposes to the State Board of Elementary and Secondary Education which boards shall allocate the monies so appropriated to the programs as previously approved by the legislature.

(4) The monies appropriated by the legislature and disbursed from the Support Fund shall not displace, replace, or supplant appropriations from the general fund for elementary and secondary education, including implementing the Minimum Foundation Program, or displace, replace, or supplant funding for higher education. ~~or vocational-technical education.~~ For elementary and secondary ~~and vocational-technical~~ education and for higher education, this Paragraph shall mean that no appropriation for any fiscal year from the Support Fund shall be made for any purpose for which a general fund appropriation was made in the previous year unless the total appropriations for that fiscal year from the state general fund for such purpose exceed general fund appropriations for the previous year. This Paragraph shall in no way limit general fund appropriations in excess of the minimum amounts herein established.

(D) Disbursement; higher education and elementary and secondary education. ~~and vocational-technical education.~~ (1) The treasurer shall disburse not more than fifty percent of the monies in the Support Fund as that money is appropriated by the legislature and allocated by the Board of Regents for any or all of the following higher educational purposes to enhance economic development:

* * *

(c) The enhancement of the quality of academic, research, or agricultural departments or units within a community college, college, or university. These funds shall not be used for athletic purposes or programs."

AMENDMENT NO. 7

On page 7, line 16, after "shall" delete the remainder of the line and on line 17 delete "within which" and insert in lieu thereof "include"

AMENDMENT NO. 8

On page 7, line 19 after "baccalaureate degrees" and before "shall" insert "and such programs and institutions"

AMENDMENT NO. 9

On page 7, at the end of line 20, add:

"The system shall be comprised of two divisions, the vocational-technical division which shall include all public institutions which exclusively or predominantly provide programs of postsecondary vocational-technical education and which offer applied associate degrees and the community college division which shall include those institutions of higher education in the system which offer associate degrees but not baccalaureate degrees."

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AMENDMENT NO. 10

On page 7, at the end of line 21, change "predominately" to "predominantly"

AMENDMENT NO. 11

On page 8, line 1, after "Supervisors of" and before "Colleges" change "Community and Technical" to "Technical and Community"

AMENDMENT NO. 12

On page 8, line 3, after "of" and before "Colleges." change "Community and Technical" to "Technical and Community"

AMENDMENT NO. 13

On page 8, delete lines 4 through 11 and insert in lieu thereof:

"(B) Membership; Terms; Initial Membership and Terms. The board shall be composed of fifteen members appointed by the governor, as provided by law, provided that the governor shall select as well as appoint no fewer than nine of the members. In addition, the board shall have one or two student members as provided by law. All members selected and appointed by the governor shall be appointed with the consent of the Senate. Members of other statewide educational boards created by this Article may serve as members of this board, as provided by law, provided that members selected by such educational boards and appointed by the governor shall not exceed six in number and shall serve at the pleasure of the selecting board. Of those members selected and appointed by the governor, there shall be not less than one nor more than two members from each congressional district. The members selected and appointed by the governor shall serve overlapping terms of six years, except that the initial members shall serve terms as provided by law."

AMENDMENT NO. 14

On page 8, line 19, change "those institutions" to "each institution"

AMENDMENT NO. 15

On page 8, at the end of line 22 between "College." and "the" change "and" to "or"

AMENDMENT NO. 16

On page 8, at the end of line 24 and the beginning of line 25, change "those same institutions" to "the respective institution"

AMENDMENT NO. 17

On page 8, line 25, between "of" and "management" change "their" to "its"

AMENDMENT NO. 18

On page 9, line 3, after "1998-1999" delete the comma ',' and delete "provided that in" and insert in lieu thereof a period "." and "The provisions of this Paragraph shall be null and void for"

AMENDMENT NO. 19

On page 9, at the end of line 3, add "in which"

AMENDMENT NO. 20

On page 9, line 4, after "are" and before "less" delete "not"

AMENDMENT NO. 21

On page 9, between lines 6 and 7, insert:

"(E) No action shall be taken as a result or by reason of the transfer of any institution of higher education to the Louisiana Technical and Community College System that will affect the mission of or adversely affect the accreditation of any such institution."

AMENDMENT NO. 22

On page 9, line 25, after "Regents;" and before "to" insert "to authorize the appointment of a limited number of members of other educational boards, if required by law;"

AMENDMENT NO. 23

On page 9, delete line 27, and on page 10, line 1, delete "year term," and insert "provide for the addition by law of one or two student members;"

AMENDMENT NO. 24

On page 10, line 17, after "institutions;" delete the remainder of the line and delete lines 18 and 19, and on line 20, delete "educational purposes by the Board of Regents;" and insert in lieu thereof "to remove provisions for the appropriation and allocation of funds from the Louisiana Quality Education Support Fund for vocational-technical education purposes and to provide relative to the allocation of monies in the fund for postsecondary education; to require the appropriation of certain funds for vocational-technical education purposes; "

AMENDMENT NO. 25

On page 11, line 1, after "Section 10.1(C)(2)" delete " and" and on line 2, delete "(3)," and insert in lieu thereof "through (4)."

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

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

Report of the Committee on Administration of Criminal Justice

April 7, 1998

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on Administration of Criminal Justice to submit the following report:

Senate Bill No. 26, by Lentini
Reported favorably. (4-3-0) (Regular)

Senate Bill No. 33, by Dardenne
Reported with amendments. (5-2-1) (Regular)

Senate Bill No. 38, by Dardenne
Reported with amendments. (7-0-0) (Regular)

Senate Bill No. 93, by Cox
Reported favorably. (6-0-0) (Regular)

Senate Bill No. 152, by Ellington
Reported with amendments. (6-2-0) (Regular)

STEPHEN J. WINDHORST
Chairman

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

Report of the Committee on House and Governmental Affairs

April 7, 1998

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on House and Governmental Affairs to submit the following report:

Senate Concurrent Resolution No. 4, by Ewing
Reported favorably. (8-0)

Senate Bill No. 18, by Bagneris
Reported favorably. (8-0) (Regular)

Senate Bill No. 34, by Dardenne
Reported with amendments. (8-0) (Regular)

CHARLES D. LANCASTER, JR.
Chairman

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

Report of the Committee on Natural Resources

April 7, 1998

To the Speaker and Members of the House of Representatives:

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

Senate Bill No. 106, by Dean
Reported favorably. (12-0) (Regular)

JOHN R. SMITH
Chairman

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

Suspension of the Rules

On motion of Rep. DeWitt, the rules were suspended in order to take up Senate Bills and Joint Resolutions on Second Reading to be Referred at this time.

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. 157 (Substitute for Senate Bill No. 113 By Senator Schedler)—
BY SENATORS SCHEDLER, HAINKEL, AND SHORT AND REPRESENTATIVES THORNHILL, SCHNEIDER, STRAIN, AND WINSTON

AN ACT

To enact R.S. 13:719 and 720, relative to the office of commissioner for the Twenty-second Judicial District Court; to create and to provide for qualifications, salary and benefits, restrictions on employment, quarters, supplies, equipment, and employees for

such office; to provide for duties and powers of such office; to provide for funding; and to provide for related matters.

Called from the calendar.

Read by title.

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

Privileged Report of the Legislative Bureau

April 7, 1998

To the Speaker and Members of the House of Representatives:

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

Senate Bill No. 117
Reported without amendments.

Respectfully submitted,
JIMMY N. DIMOS
Chairman

Suspension of the Rules

On motion of Rep. Bruneau, the rules were suspended to permit the Committee on Judiciary to meet on Wednesday, April 8, 1998, and consider the following legislative instruments without giving the notice required by House Rule 14.21(A):

Senate Bill No. 157

Suspension of the Rules

On motion of Rep. Weston, the rules were suspended to permit the Committee on Municipal, Parochial and Cultural Affairs to meet on Wednesday, April 8, 1998.

Suspension of the Rules

On motion of Rep. McMains, the rules were suspended to permit the Committee on Civil Law and Procedure to meet on Wednesday, April 8, 1998.

Leave of Absence

Rep. Toomy - 1/2 day

Rep. Shaw - 1 day

Adjournment

On motion of Rep. Riddle, at 4:00 P.M., the House agreed to adjourn until Wednesday, April 8, 1998, at 2:00 P.M.

The Speaker of the House declared the House adjourned until 2:00 P.M., Wednesday, April 8, 1998.

ALFRED W. SPEER
Clerk of the House

C. Wayne Hays
Journal Clerk, *Emeritus*

