

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

EIGHTEENTH 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

Friday, April 17, 1998

The House of Representatives was called to order at 9:00 A.M., by the Honorable H. B. "Hunt" Downer, Jr., Speaker of the House of Representatives.

Morning Hour

ROLL CALL

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

PRESENT

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

| | | |
|-----------|---------|-----------|
| Frith | Morrish | Wilkerson |
| Fruge | Murray | Willard |
| Gautreaux | Odinot | Windhorst |
| Glover | Perkins | Winston |
| Green | Pierre | Wright |
| Total—102 | | |

ABSENT

Alexander, A.—93rd Thornhill
Total—2

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

Prayer

Prayer was offered by Rep. Shaw in memory of Rep. Everett G. Doerge.

Petitions, Memorials and Communications

In Memoriam

Representative Everett G. Doerge
District 10
Louisiana House of Representatives
1992-1998
Died in Shreveport, Louisiana on April 17, 1998

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. Stelly, the reading of the Journal was dispensed with.

On motion of Rep. Stelly, the Journal of April 16, 1998, was adopted.

Petitions, Memorials and Communications

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

Message from the Senate

**DISAGREEMENT TO
SENATE CONCURRENT RESOLUTION**

April 17, 1998

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

I am directed to inform your honorable body that the Senate has refused to concur in the proposed House Amendments to Senate Concurrent Resolution No. 13 by Sen. Hainkel, and ask the Speaker to appoint a committee to confer with a like committee from the Senate on the disagreement.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

DISAGREEMENT TO SENATE BILL

April 17, 1998

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

I am directed to inform your honorable body that the Senate has refused to concur in the proposed House Amendments to Senate Bill No. 21 by Sen. Lentini, and ask the Speaker to appoint a committee to confer with a like committee from the Senate on the disagreement.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

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

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

HOUSE RESOLUTION NO. 24—
BY REPRESENTATIVE FAUCHEUX
A RESOLUTION

To urge and request the Department of Transportation and Development to lower the speed limit from 65 m.p.h. to 45 m.p.h. on U.S. Highway 61 from West Nineteenth Street in Reserve, Louisiana, to the St. Charles Parish line and to establish a school zone on U.S. Highway 61 for the Reserve Christian School in Reserve, Louisiana.

Read by title.

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

HOUSE RESOLUTION NO. 25—
BY REPRESENTATIVE FAUCHEUX
A RESOLUTION

To urge and request the Department of Transportation and Development to lower the speed limit from 65 m.p.h. to 45 m.p.h. on U.S. Highway 61 from West Nineteenth Street in Reserve, Louisiana, to the St. Charles Parish line and to establish school zones on U.S. Highway 61 for the East St. John High School and the East St. John Elementary School in LaPlace, Louisiana, and the Reserve Christian School in Reserve, Louisiana.

Read by title.

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

HOUSE RESOLUTION NO. 26—
BY REPRESENTATIVE FAUCHEUX
A RESOLUTION

To authorize and direct the Department of Transportation and Development to lower the speed limit on Louisiana Highway 44 from Dupont curve to Main Street in LaPlace, Louisiana, from forty miles per hour to thirty-five miles per hour for cars and other light vehicles and to twenty-five miles per hour for heavy trucks.

Read by title.

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

HOUSE RESOLUTION NO. 27—
BY REPRESENTATIVE FAUCHEUX
A RESOLUTION

To recognize Allen Toussaint for his significant contributions to the music industry and his induction into the Rock and Roll Hall of Fame.

Read by title.

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

HOUSE RESOLUTION NO. 28—
BY REPRESENTATIVES FAUCHEUX, ALARIO, A. ALEXANDER, R. ALEXANDER, ANSARDI, BARTON, BAUDOIN, BAYLOR, BOWLER, BRUCE, BRUNEAU, CARTER, CHAISSON, CLARKSON, COPELIN, CRANE, CURTIS, DAMICO, DANIEL, DEVILLE, DEWITT, DIEZ, DIMOS, DONELON, DOWNER, DUPRE, DURAND, FARVE, FLAVIN, FONTENOT, FRITH, FRUGE, GAUTREAU, GLOVER, GREEN, GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HOLDEN, HOPKINS, HUDSON, HUNTER, ILES, JENKINS, JETSON, JOHNS, KENNARD, KENNEY, LANCASTER, LANDRIEU, LEBLANC, LONG, MARIONNEAUX, MARTINY, MCCAIN, MCCALLUM, MCDONALD, MCMAINS, MICHOT, MITCHELL, MONTGOMERY, MORRELL, MORRISH, MURRAY, ODINET, PERKINS, PIERRE, PINAC, POWELL, PRATT, QUEZAIRE, RIDDLE, ROMERO, ROUSSELLE, SALTER, SCALISE, SCHNEIDER, SCHWEGMANN, SHAW, JACK SMITH, JOHN SMITH, STELLY, STRAIN, THERIOT, THOMAS, THOMPSON, THORNHILL, TOOMY, TRAVIS, TRICHE, VITTER, WADDELL, WALSWORTH, WARNER, WELCH, WESTON, WIGGINS, WILKERSON, WILLARD, WINDHORST, WINSTON, AND WRIGHT
A RESOLUTION

To recognize Lloyd Price for his significant contributions to the music industry and his induction into the Rock and Roll Hall of Fame.

Read by title.

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

HOUSE RESOLUTION NO. 29—
BY REPRESENTATIVE FAUCHEUX
A RESOLUTION

To recognize Mr. Jelly Roll Morton for his significant contributions to the music industry and his induction into the Rock and Roll Hall of Fame.

Read by title.

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

HOUSE RESOLUTION NO. 30—
BY REPRESENTATIVE FAUCHEUX
A RESOLUTION

To create a committee to evaluate and recommend potential sites for a state park in St. James Parish, Ascension Parish, and Livingston Parish and to urge and request the office of state parks to study the feasibility of establishing a park at a site recommended by the committee and to report its findings to the legislature.

Read by title.

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

HOUSE RESOLUTION NO. 31—

BY REPRESENTATIVE FAUCHEUX

A RESOLUTION

To create a committee to evaluate and recommend potential sites for a state park in St. John the Baptist Parish and Tangipahoa Parish and to urge and request the office of state parks to study the feasibility of establishing a park at a site recommended by the committee and to report its findings to the legislature.

Read by title.

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

HOUSE CONCURRENT RESOLUTION NO. 79—

BY REPRESENTATIVE FAUCHEUX

A CONCURRENT RESOLUTION

To create a committee to evaluate and recommend potential sites for a state park in St. James Parish, Ascension Parish, and Livingston Parish and to urge and request the office of state parks to study the feasibility of establishing a park at a site recommended by the committee and to report its findings to the legislature.

Read by title.

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

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 80—

BY REPRESENTATIVE FAUCHEUX

A CONCURRENT RESOLUTION

To create a committee to evaluate and recommend potential sites for a state park in St. John the Baptist Parish and Tangipahoa Parish and to urge and request the office of state parks to study the feasibility of establishing a park at a site recommended by the committee and to report its findings to the legislature.

Read by title.

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

Ordered to the Senate.

**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. 45 (Duplicate of Senate Bill No. 87)—

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

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; 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. 45 by Representative Diez (Duplicate of Senate Bill No. 87)

AMENDMENT NO. 1

On page 2, line 17, delete "Paragraph (1), (2), or (3) of"

AMENDMENT NO. 2

On page 2, line 18 after "provisions of" delete the remainder of the line and insert in lieu thereof the following:

"Subpart A of Part XIII of Chapter 1 of Title 48 of the Louisiana Revised Statutes of 1950."

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Landry to Engrossed House Bill No. 45 by Representative Diez

AMENDMENT NO. 1

On page 2, at the end of line 7, change "the" to "any off-system bridge which is included as a TIMED project within the provisions of R.S. 47:820.2(B)(1)(b)."

AMENDMENT NO. 2

On page 2, delete lines 8 and 9 in their entirety

AMENDMENT NO. 3

On page 2, at the end of line 15, change the period "." to "; however, such off-system work shall not exceed two hundred feet in any direction."

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 | Guillory | Powell |
| Alario | 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 | Shaw |
| 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 | Toomy |
| DeWitt | Martiny | Travis |
| Diez | McCain | Triche |
| Dimos | McCallum | Vitter |
| Donelon | McDonald | Waddell |

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| | | |
|-----------|------------|-----------|
| Dupre | McMains | Walsworth |
| Durand | Michot | Warner |
| Farve | Mitchell | Welch |
| Faucheux | Montgomery | Weston |
| Flavin | Morrell | Wiggins |
| Fontenot | Morrish | Wilkerson |
| Frith | Murray | Willard |
| Fruge | Odinet | Windhorst |
| Gautreaux | Perkins | Winston |
| Glover | Pierre | Wright |
| Green | Pinac | |

Total—101

NAYS

Total—0

ABSENT

Alexander, A.—93rd Thornhill
Marionneaux
Total—3

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

HOUSE BILL NO. 110—

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

AN ACT

To enact R.S. 36:406.1, relative to the issuance of revenue bonds by the Louisiana Public Facilities Authority on behalf of the Department of Public Safety and Corrections; to provide for the issuance of revenue bonds for the acquisition, construction, and equipping of a public safety complex; to provide for the requirements of issuance including the revenues to be pledged for payment of such bonds; to provide for an effective date; and to provide for related matters.

Read by title.

Motion

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

HOUSE BILL NO. 126 (Duplicate of Senate Bill No. 125)—

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

AN ACT

To amend and reenact R.S. 39:122(A) and R.S. 48:251(D), relative to the construction programs of the Department of Transportation and Development; to provide for the adoption of rules and for certain reporting requirements for the cash management program; to provide relative to the requirements which must be met before certain contracts shall be entered into; and to provide for related matters.

Read by title.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Reengrossed House Bill No. 126 by Representative LeBlanc

AMENDMENT NO. 1

On page 1, line 2, after "reenact" and before "R.S. 39:122(A)" insert the following:

R.S. 34:3452(A)(1) (introductory paragraph), 3453, 3454, 3455, 3456(A), and 3457(A)(introductory paragraph),"

AMENDMENT NO. 2

On page 1, line 2, after "R.S. 48:251" insert "(C) and" and after "R.S. 39:122(A)" insert a comma

AMENDMENT NO. 3

On page 1, line 5, after "requirements" add "for the implementation of warranty requirements and"

AMENDMENT NO. 4

On page 1, line 2, at the end of the line insert:

"reorganization within the Department of Transportation and Development with respect to the funding and cash management of the Port Priority Construction and Development Program and"

AMENDMENT NO. 5

On page 1, between lines 8 and 9, insert the following:

"Section 1. R.S. 34:3452(A)(1)(introductory paragraph), 3453, 3454, 3455, 3456(A), 3457(A)(introductory paragraph) are hereby amended and reenacted to read as follows:

§3452. Methodology for port project evaluation

A.(1) Applications for funding of any port construction or development project may be submitted by any port authority, except as provided in R.S. 34:3456. Applications shall be made to the Department of Transportation and Development by November first of each year, beginning in 1989, for consideration of funding or funding obligation authority in the following fiscal year years. Applications submitted in accordance with the provisions of this Chapter shall ~~not~~ be subject to the provisions of R.S. ~~39:61 and 62~~ 39:101 through 128. Information to be provided in the application shall include but not be limited to the following:

* * *

§3453. Priority list of projects; public hearings; final program

Prior to the convening of each regular session of the legislature, beginning with the 1990 Regular Session, the department shall prepare and shall furnish the priority list to the joint committee which shall hold a public hearing or hearings for the purpose of reviewing the priority list of projects for the coming fiscal year. Prior to each hearing, the department shall publish the appropriate official notice in the necessary journals. Subsequent to the joint committee hearing and prior to the convening of the regular session, the department shall prepare the final construction program for the coming fiscal year for submission to the joint committee. When this final construction program is presented to the legislature for funding and/or funding obligation authority for the coming fiscal year years, the legislature shall not add any projects to this final construction program.

§3454. Proposed program of construction

A. Each year, beginning with the fiscal year commencing in 1990, the department shall submit to the joint committee a

recommended port construction or development priority program to be commenced in the ensuing fiscal year or later, which shall be based upon the anticipated revenues to be appropriated by the legislature and/or other funding obligation authority, and listed in an order of priority of the projects herein.

B. The department also shall provide to the joint committee annually a supplemental list of projects proposed to be commenced or authorized within the ensuing four years which are in various stages of planning and preparation. The supplemental list shall be subject to change by the department until the department finally approves each project for construction.

§3455. Projects undertaken by the department

A. After adoption of the department's recommendations by the joint committee, the approved list of projects shall be forwarded to the department for implementation ~~subject to the limitation of appropriated funds.~~ The approved list shall be implemented by the department by the use of funds appropriated, funding obligation authority, or pursuant to the cash management program as provided by R.S. 48:251(D). Notwithstanding any provision of law to the contrary, the total amount appropriated or authorized in each fiscal year shall not be less than twenty-four million five hundred thousand dollars. Funding and/or funding obligation authority shall be allocated to projects in accordance with the prioritized list of projects approved by the joint committee. Funding obligation authority may be granted or authorized for a project from funds appropriated or obligated for another project or projects within the Port Priority Construction and Development Program provided that such authority does not impede such project or projects. Such funding obligation authority shall be extinguished for a project at such time as funds are made available for obligation for the project. The department shall not delete, add, or substitute any projects for those approved by the joint committee, except as provided in R.S. 34:3456. At least semiannually, or as often as required by the joint committee, the department shall summarize and report the progress to date on all projects previously approved.

B. No port project shall be undertaken by the department except those included in the approved program listing which are funded or which have funding obligation authority for that fiscal year.

§3456. Commencement of projects; substitutions; Port of New Orleans

A. The projects planned for the year for which appropriations have been made or which have funding obligation authority shall be commenced in that year; however, if a project cannot be commenced within the year for which it is ~~planned~~ authorized, the secretary of the department shall file with the project records a public statement as to the factors causing the delay, and the next priority project shall be substituted therefor. When the delaying factors have been overcome, the delayed project shall be placed in the highest priority for the next ensuing fiscal year. ~~Funds allocated for each project~~ Projects which have been funded or which have obligation authority shall remain so allocated retain such funding or authority until the project is completed and the project costs are liquidated.

* * *

§3457. Allocation, reallocation of funds; deposit to Transportation Trust Fund

A. The Transportation Trust Fund shall be the source of state funds provided for any port project on the priority list ~~commenced~~ approved pursuant to the provisions of this Chapter. Prior to the commencement of any work, the department shall require the presiding officer of each port authority involved in a project to

execute an agreement and statement of sponsorship to provide a ten percent local match for the cost of construction of the project including the cost of any items stipulated under the provisions of Paragraph (1) of this Subsection. The department shall further stipulate that such agreement include but not be limited to the following:

* * *

AMENDMENT NO. 6

On page 1, line 9, change "Section 1." to "Section 2."

AMENDMENT NO. 7

On page 2, line 5, change "Section 2." to "Section 3." and after "R.S. 48:251" insert "(C) and" and change "is" to "are"

AMENDMENT NO. 8

On page 2, between lines 8 and 9, add the following:

"C. Every contract for the construction of or improvements to highways shall include a warranty by the contractor as to the quality of materials and workmanship for a duration of three years. The Department of Transportation and Development shall ~~promulgate rules and regulations to effectuate the purpose hereof and shall submit such rules and regulations to the Joint Legislative Committee on Transportation, Highways and Public Works by January 1, 1998; for approval implement the purposes of this Subsection and shall submit a report on its implementation of the warranty requirements to the Joint Legislative Committee on Transportation, Highways and Public Works no later than July 1, 1998.~~"

AMENDMENT NO. 9

On page 2, line 21, change "Section 3." to "Section 4."

AMENDMENT NO. 10

On page 2, line 23, after "R.S. 48:251(D)" and before "which" insert "or to effectuate other provisions of this Act"

AMENDMENT NO. 11

On page 3, line 1, change "Section 4." to "Section 5."

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Smith to Reengrossed House Bill No. 126 by Representative LeBlanc

AMENDMENT NO. 1

In Senate Committee Amendment No. 5 proposed by the Senate Committee on Transportation, Highways and Public Works and adopted by the Senate on April 7, 1998, in Amendment No. 5 on page 2, delete lines 38 through 40 and insert the following:

"48:251(D)."

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

ROLL CALL

The roll was called with the following result:

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YEAS

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

NAYS

Total—0

ABSENT

Alexander, A.—93rd Thornhill
Total—2

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

HOUSE BILL NO. 164—
BY REPRESENTATIVES WINDHORST AND HEATON
AN ACT

To enact R.S. 14:90.4, relative to offenses affecting general morality; to create the crime of unlawful play of certain gaming devices by persons under the age of twenty-one; to provide definitions; to provide penalties; and to provide for related matters.

Read by title.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Reengrossed House Bill No. 164 by Representative Windhorst

AMENDMENT NO. 1

On page 2, line 2, after "dollars" insert "for the first offense, two hundred fifty dollars for the second offense, and five hundred dollars for the third offense"

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|--------------------|-------------|------------------|
| Mr. Speaker | Hammett | Powell |
| Alario | Heaton | Pratt |
| Alexander, R.—13th | Hill | Quezaire |
| Ansardi | Hopkins | Riddle |
| Barton | Hudson | Salter |
| Baudoin | Hunter | Scalise |
| Baylor | Iles | Schneider |
| Bruce | Jenkins | Schwegmann |
| Bruneau | Jetson | Shaw |
| Carter | Johns | Smith, J.D.—50th |
| Chaisson | Kennard | Smith, J.R.—30th |
| Clarkson | Kenney | Stelly |
| Copelin | Lancaster | Strain |
| Crane | Landrieu | Theriot |
| Curtis | LeBlanc | Thomas |
| Damico | Long | Thompson |
| Daniel | Marionneaux | Toomy |
| Deville | Martiny | Travis |
| DeWitt | McCain | Triche |
| Diez | McCallum | Vitter |
| Dimos | McDonald | Waddell |
| Donelon | McMains | Walsworth |
| Dupre | Michot | Warner |
| Durand | Mitchell | Welch |
| Faucheux | Montgomery | Weston |
| Flavin | Morrell | Wiggins |
| Fontenot | Morrish | Wilkerson |
| Frith | Murray | Willard |
| Fruge | Odinet | Windhorst |
| Gautreaux | Perkins | Winston |
| Glover | Pierre | Wright |
| Green | Pinac | |
| Total—95 | | |

NAYS

| | | |
|---------|----------|-----------|
| Bowler | Guillory | Romero |
| Farve | Hebert | Rousselle |
| Total—6 | | |

ABSENT

Alexander, A.—93rd Holden Thornhill
Total—3

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

HOUSE BILL NO. 169—
BY REPRESENTATIVE DOWNER
AN ACT

To amend and reenact R.S. 42:1102(22)(a)(introductory paragraph) and (d), relative to the ethics code; to change the definition of thing of economic value; to define "reasonable transportation" for legislative employees; and to provide for related matters.

Read by title.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Engrossed House Bill No. 169 by Representative Downer

AMENDMENT NO. 1

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

"With reference to employees in the legislative branch of state government, such transportation shall only be for official legislative purposes and shall have prior approval from the presiding officer of the respective house wherein such legislative employee is employed."

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Alexander, A.—93rd Wilkerson
Thornhill
Total—3

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

HOUSE BILL NO. 201—

BY REPRESENTATIVES MCDONALD, DOWNER, DEWITT, MCMAINS, CRANE, KENNEY, AND WALSWORTH AND SENATORS EWING, DARDENNE, HAINKEL, BARHAM, AND SHORT
AN ACT

To amend and reenact R.S. 17:3042.1(A), 3048.1, and 3048.2 and R.S. 47:1508(B)(17), relative to the Tuition Opportunity Program for Students; to provide for program awards and payments; to provide for student eligibility; to provide conditions and limitations; to provide for program administration; to provide for certain rules; to provide for implementation; to provide for confidentiality and release of certain tax records; to provide for effectiveness; and to provide for related matters.

Read by title.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Reengrossed House Bill No. 201 by Representative McDonald

AMENDMENT NO. 1

On page 4, line 3, change "year" to "two years"

AMENDMENT NO. 2

On page 4, line 21, after "scale" insert "through the class graduating in 1998 and, beginning with the class graduating in 1999, a minimum cumulative grade point average of 2.70 calculated on a 4.00 scale"

AMENDMENT NO. 3

On page 4, line 26, after "Test" insert "through the class graduating in 1998 and, beginning with the class graduating in 1999, a composite score on such test of not less than a twenty-one or an equivalent concordant value on any enhanced or revised version of such test or on the Scholastic Aptitude Test"

AMENDMENT NO. 4

On page 6, line 9, after "Test" insert "through the class graduating in 1998 and, beginning with the class graduating in 1999, a composite score on such test of not less than a twenty-four or an equivalent concordant value on any enhanced or revised version of such test or on the Scholastic Aptitude Test"

AMENDMENT NO. 5

On page 7, line 12, after "university" insert ", except that the core curriculum shall be waived for those graduates of 1998 who qualify for an award under Subparagraph A(1)(c) by virtue of being certified as having graduated among the top five percent of the graduating class in each public high school or nonpublic high school which has been approved by the State Board of Elementary and Secondary Education"

AMENDMENT NO. 6

On page 7, line 13, change "A(1)(e)" to "A(1)(c)"

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AMENDMENT NO. 7

On page 8, line 25, after "violations" insert "and, if the student has been in the United States Armed Forces and has separated from such service, has received an honorable discharge or general discharge under honorable conditions"

AMENDMENT NO. 8

On page 12, line 18, after "violations" insert "and, if the student has been in the United States Armed Forces and has separated from such service, has received an honorable discharge or general discharge under honorable conditions"

AMENDMENT NO. 9

On page 13, lines 6 and 7, change "seventeen and three tenths" to "nineteen"

AMENDMENT NO. 10

On page 14, line 26, after "violations" insert "and, if the student has been in the United States Armed Forces and has separated from such service, has received an honorable discharge or general discharge under honorable conditions"

AMENDMENT NO. 11

On page 16, line 2, after "violations" insert "and, if the student has been in the United States Armed Forces and has separated from such service, has received an honorable discharge or general discharge under honorable conditions"

AMENDMENT NO. 12

On page 24, line 7, after "based on" insert "the scores on the American College Test and then on"

AMENDMENT NO. 13

On page 24, line 11, after "need." insert "The procedure shall provide that reductions of awards made necessary by insufficient appropriations shall first eliminate the cohort of students who score nineteen on the American College Test through the class graduating in 1998 and thereafter those who score twenty-one on the American College Test. The procedure shall provide that within that cohort of students, those whose families are most able to pay the student's tuition shall be eliminated first. After insufficient appropriations require the elimination of all students in such cohort, the procedure shall require repeating the process with those students in the next highest score cohort."

AMENDMENT NO. 14

On page 27, between lines 19 and 20, insert the following:

"T. In addition to all other provisions of this Section, any student who upon completion of his secondary education would have been eligible for an Opportunity Award under this Section except for failure to meet the core curriculum requirement, the standardized test score requirements, or the grade point average requirement who enters any eligible college or university as a first-time freshman not later than the semester, excluding summer semesters or sessions, immediately following the first anniversary of the date that the student graduated from high school or, if the student joins the United States Armed Forces within one year after graduating from high school has enrolled in an eligible college or university as a first-time freshman not later than the semester, excluding summer semesters or sessions, immediately following the fifth anniversary of the date that

the student graduated from high school, who successfully completes forty-eight semester hours, or its equivalent in a college or university that calculates course credit on other than a semester hour basis, with a grade point average of a 3.00 calculated on a 4.00 scale shall qualify for an Opportunity Award for two years provided such student maintains the requirements for continued eligibility for the Opportunity Award as otherwise required in this Section."

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Reengrossed House Bill No. 201 by Representative McDonald

AMENDMENT NO. 1

Delete Senate Committee Amendments Nos 1 and 14 proposed by the Senate Committee on Education and adopted by the Senate on April 8, 1998

AMENDMENT NO. 2

On page 3, line 21, delete "Has" and insert "For applicants in the class of 1997 or 1998, Has has"

AMENDMENT NO. 3

On page 3, line 24, after "school," delete the remainder of the line and delete lines 25 and 26 and on page 4, delete lines 1 through 3 and on line 4, delete "regulations" and insert "and for applicants in the class of 1999 or thereafter, actually resides in Louisiana and has a parent or legal guardian who has actually resided in Louisiana during the one hundred and twenty months preceding the date of the student's graduation from high school"

AMENDMENT NO. 4

On page 17, delete lines 9 through 25

AMENDMENT NO. 5

On page 18, line 3, delete "or disability"

AMENDMENT NO. 6

On page 18, delete lines 24 through 26 and on page 19, delete lines 1 through 15

AMENDMENT NO. 7

On page 24, delete lines 20 through 26

AMENDMENT NO. 8

Delete page 25 and page 26 and on page 27, delete lines 1 through 19

AMENDMENT NO. 9

On page 28, delete lines 16 through 21 and include the following:

"E. (1) Notwithstanding the provisions of R.S. 17:3048.1(N), any student made eligible for an award under this Chapter pursuant to an Act of the 1998 First Extraordinary Session of the Legislature who would not have been eligible under this Chapter prior to such enactment shall receive an award only after all awards to all students who are eligible pursuant to the requirements of this Chapter as they existed prior to any Act of the 1998 First Extraordinary Session of the Legislature are fully funded.

(2) Should there be insufficient appropriations to fund an award for all students who were made eligible for an award under this Chapter by an Act of the 1998 First Extraordinary Session of the Legislature, then a reduction shall be made in the awards for such students by application of the procedures provided in R.S. 17:3048.1(N).

(3) The provisions of this Subsection shall apply only for the 1998-1999 school year."

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Greene to Reengrossed House Bill No. 201 by Representative McDonald, et al.

AMENDMENT NO. 1

Delete Senate Committee Amendment Nos. 4 and 5 proposed by the Senate Committee on Finance and adopted by the Senate on April 14, 1998.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Greene to Reengrossed House Bill No. 201 by Representative McDonald, et al.

AMENDMENT NO. 1

Delete Senate Committee Amendment No. 8 proposed by the Senate Committee on Finance and adopted by the Senate on April 14, 1998

AMENDMENT NO. 2

On page 25, delete lines 1 through 5

AMENDMENT NO. 3

On page 25, line 6, change "P." to "O."

AMENDMENT NO. 4

On page 25, line 21, after "requirement" insert "at the twelfth grade level"

AMENDMENT NO. 5

On page 26, between lines 8 and 9, insert the following:

"(4) The student, if ever enrolled in a public or an approved nonpublic school, began his studies in an approved home study program no later than the conclusion of his tenth grade year."

AMENDMENT NO. 6

On page 26, delete lines 9 through 26, and on page 27, delete lines 1 through 7

AMENDMENT NO. 7

On page 27, line 8, change "S." to "P."

AMENDMENT NO. 8

On page 27, delete lines 11 and 12, and insert "Education and who"

AMENDMENT NO. 9

On page 27, line 14, after "school" delete the remainder of the line

AMENDMENT NO. 10

On page 27, line 15, before ", or" delete "graduated" and after "school" delete the remainder of the line, and on line 16 delete "the student graduated"

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator W. Fields to Reengrossed House Bill No. 201 by Representative McDonald

AMENDMENT NO. 1

Delete Senate Committee Amendments No. 2, 3, 4, and 9 proposed by the Senate Committee on Education and adopted by the Senate on April 8, 1998

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Short to Reengrossed House Bill No. 201 by Representative McDonald, et al.

AMENDMENT NO. 2

On page 27, between lines 19 and 20, insert the following:

"O. (1)(a)An eligible veteran shall receive any award under this Section provided he meets all applicable qualification requirements except those which require that he enroll in an eligible institution by a certain time following completion of his secondary education, and provided that he enrolls in an eligible institution within twenty-four months of the date of his discharge or release from active duty.

(b) In the case of a veteran eligible for an award under this Subsection who was prevented from enrolling in an eligible institution before the expiration of the twenty-four month period following his discharge or release from active duty, the Louisiana Student Financial Assistance Commission may approve a limited extension upon his application therefore and a finding of good cause by the commission.

(2) For the purposes of this Subsection, an "eligible veteran" is a person who is a resident of Louisiana and within one year following high school graduation enters active duty in the United States Armed Forces, serves at least twelve months continuous active duty without an interruption in that service, and if discharged, is discharged with an honorable discharge or a general discharge under honorable conditions.

(3) The purpose of this Subsection is to assist eligible veterans in attaining the educational status which they would have obtained had they not served their country."

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Short to Reengrossed House Bill No. 201 by Representative McDonald

AMENDMENT NO. 1

On page 11, line 14, after "than the" delete the remainder of the line and on line 15, delete "standing" and insert "an average of sixteen semester hours of credit or their equivalent"

AMENDMENT NO. 2

On page 12, line 8, change "twenty-four" to "thirty-two"

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AMENDMENT NO. 3

On page 12, line 9, change "2.50" to "2.40"

AMENDMENT NO. 4

On page 12, line 10, change "forty-eight" to "sixty-four"

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Dardenne to Reengrossed House Bill No. 201 by Representative McDonald

AMENDMENT NO. 1

In Senate Committee Amendment No. 3 proposed by the Senate Committee on Finance and adopted by the Senate on April 14, 1998, on page 1, line 11, after "Louisiana" insert "for twenty-four months preceding the date of the student's graduation from high school or, in the case of a student completing a state approved home study program, twenty-four months preceding the date of the student's application" and on line 12, change "one hundred and twenty" to "twenty-four"

Rep. McDonald moved that the amendments proposed by the Senate be rejected.

As a substitute motion, Rep. Pratt moved that the amendments proposed by the Senate be concurred in.

Rep. McDonald objected.

Motion

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

Rep. Guillory objected.

By a vote of 86 yeas and 12 nays, the House agreed to order the previous question on the entire subject matter.

The vote recurred on the substitute motion.

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|----------|----------|-----------|
| Alario | Guillory | Rousselle |
| Baylor | Heaton | Toomy |
| Bruce | Hunter | Triche |
| Clarkson | Jetson | Warner |
| Copelin | Morrell | Welch |
| Curtis | Pierre | Weston |
| Deville | Pratt | Wilkerson |
| Farve | Quezaire | Willard |
| Green | Riddle | |
| Total—26 | | |

NAYS

| | | |
|--------------------|-----------|---------|
| Mr. Speaker | Fruge | Odinet |
| Alexander, R.—13th | Gautreaux | Perkins |
| Ansardi | Hammett | Pinac |
| Barton | Hebert | Powell |
| Baudoin | Hill | Romero |
| Bowler | Hopkins | Salter |
| Bruneau | Iles | Scalise |

| | | |
|----------|-----------|------------------|
| Carter | Jenkins | Schwegmann |
| Chaisson | Johns | Shaw |
| Crane | Kennard | Smith, J.D.—50th |
| Damico | Kenney | Smith, J.R.—30th |
| Daniel | Lancaster | Stelly |
| DeWitt | Landrieu | Theriot |
| Diez | LeBlanc | Thomas |
| Dimos | Long | Travis |
| Donelon | Martiny | Vitter |
| Dupre | McCain | Waddell |
| Durand | McCallum | Wiggins |
| Fauchoux | McDonald | Windhorst |
| Flavin | McMains | Winston |
| Fontenot | Michot | |
| Frith | Morrish | |
| Total—64 | | |

ABSENT

| | | |
|--------------------|------------|-----------|
| Alexander, A.—93rd | Mitchell | Thompson |
| Glover | Montgomery | Thornhill |
| Holden | Murray | Walsworth |
| Hudson | Schneider | Wright |
| Marionneaux | Strain | |
| Total—14 | | |

The House refused to concur in the amendments proposed by the Senate.

Conference committee appointment pending.

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.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Engrossed House Bill No. 202 by Representative Frith

AMENDMENT NO. 1

On page 1, line 17, between "Inc.," and "and" insert "Acadian Centre of Genealogy,"

AMENDMENT NO. 2

On page 2, line 5, between "Parish." and "The" insert "All unexpended and unencumbered monies in the fund shall remain in the fund."

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

| | |
|--------------------|-------------|
| Alexander, A.—93rd | Marionneaux |
| Hill | Thornhill |
| Total—4 | |

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

Suspension of the Rules

On motion of Rep. LeBlanc, 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 Appropriations

April 17, 1998

To the Speaker and Members of the House of Representatives:

Pursuant to a meeting held on April 16, 1998, I am directed by your Committee on Appropriations to submit the following report:

Senate Bill No. 39, by Dardenne
Reported favorably. (14-0) (Regular)

Senate Bill No. 155, by Dardenne
Reported with amendments. (14-0) (Regular)

Senate Bill No. 156, by Ewing
Reported with amendments. (14-0) (Regular)

Senate Bill No. 168, by Theunissen
Reported with amendments. (11-0) (Regular)

JERRY LUKE LEBLANC
Chairman

Suspension of the Rules

On motion of Rep. Daniel, the rules were suspended in order to take up at this time the Senate Bills just reported by the Committee on Appropriations.

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.

Reported favorably by the Committee on Appropriations.

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 155—

BY SENATOR DARDENNE

AN ACT

To enact Subpart D of Part II-A of Chapter 1 of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:97.1 through 97.5, relative to the Louisiana Asbestos Detection and Abatement Fund; to provide for the creation, use, and administration of the fund; to provide for sources of monies for the fund; to provide for legal representation; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Appropriations.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Appropriations to Reengrossed Senate Bill No. 155 by Senator Dardenne

AMENDMENT NO. 1

Delete House Committee Amendment No. 11 of the set of 23 amendments proposed by the House Committee on Civil Law and Procedure and adopted by the House on April 15, 1998

AMENDMENT NO. 2

On page 1, line 4, change "97.5" to "97.4"

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AMENDMENT NO. 3

On page 1, lines 10, change "97.5," to "97.4,"

AMENDMENT NO. 4

On page 2, delete lines 9 through 27 in their entirety, and on page 3, delete lines 1 through 10 in their entirety.

AMENDMENT NO. 5

On page 3, lines 11 and 12, change "39:97.4" to "39:97.3"

AMENDMENT NO. 6

On page 5, lines 11 and 17, change "maintenance," to "maintenance, removal,"

AMENDMENT NO. 7

On page 5, delete lines 22 through 27 in their entirety and insert in lieu thereof the following:

"F. The commissioner of administration shall report each quarter to the Joint Legislative Committee on the Budget on the specific projects for which monies appropriated from the fund have been used."

AMENDMENT NO. 8

On page 6, delete line 1 in its entirety

AMENDMENT NO. 9

On page 6, between lines 4 and 5, insert the following:

"H. Unless extended by the legislature on or before August 15, 2001, no monies may be deposited into the fund and all unencumbered balances in the fund shall be deposited in the state general fund on that date. All encumbered monies in the fund upon that date shall remain to the credit of the fund and shall be available for liquidation of such obligations. Upon liquidation of all obligations and expenditure of monies in the fund, the fund shall be abolished."

AMENDMENT NO. 10

On page 6, lines 5 and 6, change "39:97.5" to "39:97.4"

AMENDMENT NO. 11

On page 6, line 22, change "the Louisiana Procurement Code," to "Chapter 16 of Subtitle III of Title 39 of the Louisiana Revised Statutes of 1950"

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 156—

BY SENATORS EWING, DARDENNE, HAINKEL, BARHAM, ROMERO, JONES, LANDRY, LENTINI, SMITH, BAGNERIS, CAIN, CAMPBELL, CASANOVA, COX, CRAVINS, DEAN, DYESS, ELLINGTON, C. FIELDS, W. FIELDS, GREENE, HEITMEIER, HINES, HOLLIS, IRONS, JOHNSON, LAMBERT, MALONE, ROBICHAUX, SCHEDLER, SHORT, SIRACUSA, TARVER, THEUNISSEN AND ULLO AND REPRESENTATIVES DOWNER, DEWITT, MCMAINS AND MICHOT

AN ACT

To amend and reenact R.S. 3:4274.1, R.S. 13:2586(C)(2) and (D) and 2587.1, R.S. 30:2522(3), 2531, 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. 13:2589(B), R.S. 32:289, and R.S. 36:208(H) relative to litter; to define terms; to provide for certain violations; to provide civil fines; to provide criminal penalties; to provide for enforcement; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Appropriations.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Appropriations to Reengrossed Senate Bill No. 156 by Senator Ewing

AMENDMENT NO. 1

Delete all of the Conforming Amendments proposed by Representative Ansardi and adopted by the House on April 13, 1998

AMENDMENT NO. 2

On page 1, insert Representative Ansardi as lead co-author

AMENDMENT NO. 3

On page 1, line 2, after "(D)" delete the remainder of the line and insert ", 2587.1, and 2589(B),"

AMENDMENT NO. 4

On page 1, line 3, after "30:2522(3)" and before the comma ", " insert "and (6)"

AMENDMENT NO. 5

On page 1, at the beginning of line 7, change "2531.6" to "2531.9"

AMENDMENT NO. 6

On page 1, line 9, after "provide" and before "civil" insert "for" and after "provide" and before "criminal" insert "for"

AMENDMENT NO. 7

On page 2, line 21, delete "and 2531.3"

AMENDMENT NO. 8

On page 3, line 2, delete "or 2531.3"

AMENDMENT NO. 9

On page 3, line 3, delete "the appropriate" and insert "that"

AMENDMENT NO. 10

On page 3, line 5, delete "(1)"

AMENDMENT NO. 11

On page 3, line 5, delete "convicted" and insert "found liable"

AMENDMENT NO. 12

On page 3, line 6, delete "the criminal jurisdiction authorized and"

AMENDMENT NO. 13

On page 3, line 7, delete "granted by"

AMENDMENT NO. 14

On page 3, line 10, delete "conviction" and insert "judgment"

AMENDMENT NO. 15

On page 3, line 15, delete "criminal" and insert "civil"

AMENDMENT NO. 16

On page 3, line 16, delete "conviction" and insert "judgment"

AMENDMENT NO. 17

On page 3, line 19, delete lines 19 through 22 in their entirety

AMENDMENT NO. 18

On page 4, line 2, delete "and 2531.3"

AMENDMENT NO. 19

On page 4, between lines 8 and 9, insert the following:

* * *

§2589. Compensation of justices of the peace and constables in criminal matters

* * *

B. Notwithstanding the provisions of R.S. ~~25:112~~ 30:2531 through 2531.5 and 30:2532, governing the distribution of fines for littering ~~set forth in R.S. 25:111~~, and notwithstanding the provisions of Subsection A above, the local governing bodies receiving the fines imposed by R.S. ~~25:111~~ 30:2531 through 2531.5 and by any parish ordinance shall reimburse those justice of the peace courts and ward constable offices who handle litter violations for the time spent and expenses incurred by the respective justice of the peace, and constable, deputy constable, or special deputy constable for handling those litter violations.

* * *

AMENDMENT NO. 20

On page 4, line 9, after "30:2522(3)" and before the comma ", " insert "and (6)"

AMENDMENT NO. 21

On page 4, line 10, delete "2531.6" and insert "2531.9"

AMENDMENT NO. 22

On page 4, line 18, delete "tin"

AMENDMENT NO. 23

On page 4, line 18, after "cans," and before "refuse" insert "bottles,"

AMENDMENT NO. 24

On page 4, line 19, after "animals" and before "or" insert the following:

" , furniture or appliances, automotive parts including but not limited to tires and engines, trailers, boats and boating accessories, tools and equipment, and building materials."

AMENDMENT NO. 25

On page 4, line 22, after "the" delete the remainder of the line and add "harvest or collection site to a processing or market site if"

AMENDMENT NO. 26

On page 4, at the end of line 24, insert the following:

"Litter shall also not include recyclable cardboard being transported in compressed bundles to processing facilities. "Agricultural product" as used in this definition means all crops, livestock, poultry, and forestry; and all aquacultural, floracultural, horticultural, silvicultural, and viticultural products."

AMENDMENT NO. 27

On page 4, between lines 25 and 26, insert the following:

"(6) ~~"Dump"~~ "Dispose" means to throw, discard, place, deposit, discharge, burn, dump, drop, eject, or allow the escape or dispose of a substance.

* * *

AMENDMENT NO. 28

On page 4, line 26, after "prohibited;" and before "penalties" insert "criminal"

AMENDMENT NO. 29

On page 4, line 27, after "person" delete the remainder of the line and insert "shall intentionally dispose or permit the disposal"

AMENDMENT NO. 30

On page 5, delete line 1 in its entirety

AMENDMENT NO. 31

On page 5, at the beginning of line 2, delete "dispose"

AMENDMENT NO. 32

On page 5, at the end of line 9, delete "garbage and" and insert "such litter"

AMENDMENT NO. 33

On page 5, at the beginning of line 10, delete "refuse"

AMENDMENT NO. 34

On page 5, delete lines 16 through 24 in their entirety and insert the following:

"B. (1) If the ~~throwing, dumping, or depositing~~ of litter was ~~done is disposed~~ from a motor vehicle, boat, or conveyance, except a bus or large passenger vehicle or a school bus, all as defined in R.S. 32:1, it ~~there~~ shall be prima facie evidence an inference that the ~~throwing, dumping or depositing was done by the driver of the conveyance disposed of the litter.~~ Likewise, once it is established that ~~thrown, dumped, or deposited~~ If such litter was possessed by a specific person, firm or corporation, immediately before the act of

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dumping disposing, there shall be a ~~permissive rebuttable presumption an inference~~ that the possessor committed the act of ~~throwing, dumping, or depositing disposing.~~

(2) When litter disposed in violation of this Section is discovered to contain any article or articles, including but not limited to letters, bills, publications, or other writings which display the name of a person or in any other manner indicates that the article belongs or belonged to such person, there shall be an inference that such person has violated this Section."

AMENDMENT NO. 35

On page 5, line 25, delete "offender" and insert "person"

AMENDMENT NO. 36

On page 5, at the beginning of line 26, delete "ticket" and insert "citation"

AMENDMENT NO. 37

On page 6, line 3, delete "detail" and insert "program"

AMENDMENT NO. 38

On page 6, line 7, delete "detail" and insert "program"

AMENDMENT NO. 39

On page 6, line 11, delete "six months" and insert "thirty days"

AMENDMENT NO. 40

On page 6, at the beginning line 12, insert "not less than"

AMENDMENT NO. 41

On page 6, line 12, after "twenty four" and before "hours" insert "and not more than seventy-five"

AMENDMENT NO. 42

On page 6, line 12, delete "work detail" and insert "litter abatement work program"

AMENDMENT NO. 43

On page 6, delete lines 19 through 27 and on page 7 delete lines 1 through 12

AMENDMENT NO. 44

On page 7, line 13, delete "(1)"

AMENDMENT NO. 45

On page 7, delete lines 18 through 23

AMENDMENT NO. 46

On page 8, delete lines 4 through 8

AMENDMENT NO. 47

On page 8, line 9, delete "G" and insert "F"

AMENDMENT NO. 48

On page 8, line 11, delete "H" and insert "G"

AMENDMENT NO. 49

On page 8, line 14, delete "unlawful dumping of litter" and insert "violation of this Section"

AMENDMENT NO. 50

On page 8, delete lines 17 through 21

AMENDMENT NO. 51

On page 8, line 22, after "prohibited;" and before "penalties" insert "criminal"

AMENDMENT NO. 52

On page 8, line 24, after "person" delete the remainder of the line and delete line 25 and insert "shall intentionally dispose or permit the disposal of"

AMENDMENT NO. 53

On page 9, delete lines 12 through 20 and insert the following:

"B. (1) If the litter listed in Subsection A is disposed of from a motor vehicle, boat, or conveyance, except a bus or large passenger vehicle or a school bus, all as defined by R.S. 32:1, there shall be an inference that the driver of the conveyance disposed of the litter. If such litter was possessed by a specific person immediately before the act of disposing, there shall be an inference that the possessor committed the act of disposing.

(2) When litter disposed in violation of this Section is discovered to contain any article or articles, including but not limited to letters, bills, publications, or other writings which display the name of a person or in any other manner indicates that the article belongs or belonged to such person, there shall be an inference that such person has violated this Section."

AMENDMENT NO. 54

On page 9, line 21, delete "offender" and insert "person"

AMENDMENT NO. 55

On page 9, line 22, delete "ticket" and insert "citation"

AMENDMENT NO. 56

On page 9, line 26, delete "detail" and insert "program"

AMENDMENT NO. 57

On page 10, line 4, delete "detail" and insert "program"

AMENDMENT NO. 58

On page 10, line 8, delete "six months" and insert "thirty days"

AMENDMENT NO. 59

On page 10, delete line 9 in its entirety and insert "to serve not less than forty-eight and not more than one hundred hours in a litter abatement work program as"

AMENDMENT NO. 60

On page 10, line 12, delete "(1)"

AMENDMENT NO. 61

On page 10, delete lines 16 through 26

AMENDMENT NO. 62

On page 10, line 27, delete "G" and insert "F"

AMENDMENT NO. 63

On page 11, line 2, delete "H" and insert "G"

AMENDMENT NO. 64

On page 11, line 5, delete "unlawful dumping of litter" and insert "violation of this Section"

AMENDMENT NO. 65

On page 11, delete lines 8 through 12

AMENDMENT NO. 66

On page 11, delete line 13 and insert "§2531.2. Littering prohibited: civil penalties; special court costs"

AMENDMENT NO. 67

On page 11, delete lines 15 and 16 and insert the following:

"A(1) No person shall dispose or permit the disposal of litter upon any public"

AMENDMENT NO. 68

On page 11, line 22, after "alley" change the semicolon ";" to a period "." and delete "no" and insert "(2) No"

AMENDMENT NO. 69

On page 11, line 24, delete the semicolon ";" and insert a period "."

AMENDMENT NO. 70

On page 11, delete line 25, and insert "(3) No person shall dispose of litter in such a manner"

AMENDMENT NO. 71

On page 12, delete lines 1 through 5, and insert the following:

"B.(1) If the litter is disposed of from a motor vehicle, boat, or conveyance, except a bus or large passenger vehicle or a school bus, all as defined by R.S. 32:1, there shall be an inference that the driver of the conveyance disposed of the litter. If such litter was possessed by a specific person immediately before the act of disposing, there shall be a permissive rebuttable presumption that the possessor committed or permitted the act of disposing.

(2) When litter disposed in violation of this Section is discovered to contain any article or articles, including but not limited to letters, bills, publications, or other writings which display the name of a person or in any other manner indicates that the article belongs or belonged to such person, there shall be a permissive rebuttable presumption that such person has violated this Section."

AMENDMENT NO. 72

On page 12, line 7, delete "ticket" and insert "citation"

AMENDMENT NO. 73

On page 12, line 8, delete "Whoever violates" and insert "Persons found liable under"

AMENDMENT NO. 74

On page 12, line 10, delete "either shall be" and insert "shall be either"

AMENDMENT NO. 75

On page 12, line 15, delete "either shall be" and insert "shall be either"

AMENDMENT NO. 76

On page 12, delete line 11 and insert "dollars, or given the option to"

AMENDMENT NO. 77

On page 12, line 12, after "abatement" and before "program" insert "work"

AMENDMENT NO. 78

On page 12, line 13, after "assessed" and before "fine" insert "fifty dollar"

AMENDMENT NO. 79

On page 12, delete lines 15 through 17 and insert the following:

"shall either be fined one hundred dollars or be given the option to perform eight"

AMENDMENT NO. 80

On page 12, line 18, after "abatement" and before "program" insert "work"

AMENDMENT NO. 81

On page 12, line 18, delete period "." insert "in lieu of the one hundred dollar fine."

AMENDMENT NO. 82

On page 12, line 19, delete "The special court costs provided for in" and insert "Persons found liable under the provisions of"

AMENDMENT NO. 83

On page 12, line 19, delete "be" and insert "pay special court costs of fifty dollars"

AMENDMENT NO. 84

On page 12, line 20, delete "ordinary civil court costs" and insert "other costs of court"

AMENDMENT NO. 85

On page 13, line 3, delete "(1)"

AMENDMENT NO. 86

On page 13, line 3, delete "found guilty" and insert "held liable"

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AMENDMENT NO. 87

On page 13, line 6, delete "indicates" and insert "establishes"

AMENDMENT NO. 88

On page 13, between lines 6 and 7, insert the following:

"G. For the purposes of this Section, each occurrence shall constitute a separate violation."

AMENDMENT NO. 89

On page 13, delete lines 7 through 12

AMENDMENT NO. 90

On page 13, delete line 13 and insert the following:

"§2531. 3. Commercial littering prohibited; civil penalties; special court costs"

AMENDMENT NO. 91

On page 13, delete lines 15 through 17 and insert the following:

"A. No person shall dispose or permit the disposal of litter resulting from industrial."

AMENDMENT NO. 92

On page 13, lines 18 and 19, delete ", firm, or corporation"

AMENDMENT NO. 93

On page 14, line 2, delete ", firm, or corporation"

AMENDMENT NO. 94

On page 14, line 5, delete ", firm, or corporation"

AMENDMENT NO. 95

On page 14, delete lines 7 through 15 and insert the following:

"C. (1) If the litter is disposed of from a motor vehicle, boat, or conveyance, except a bus or large passenger vehicle or a school bus, all as defined by R.S. 32:1, there shall be an inference that the driver of the conveyance disposed of the litter. If such litter was possessed by a specific person immediately before the act of disposing, there shall be a permissive rebuttable presumption that the possessor committed the act of disposing.

(2) When litter disposed in violation of this Section is discovered to contain any article or articles, including but not limited to letters, bills, publications, or other writings which display the name of a person or in any other manner indicates that the article belongs or belonged to such person, there shall be a permissive rebuttable presumption that such person has violated this Section.

D. A person shall be jointly and severally liable for the actions of its agents, officers, and directors for any violation of this Section by any agent, officer, or director in the course and scope of his employment or duties."

AMENDMENT NO. 96

On page 14, line 16, delete "D." and insert "E."

AMENDMENT NO. 97

On page 14, line 16, delete "offender" and insert "person"

AMENDMENT NO. 98

On page 14, line 17, delete "ticket" and insert "citation"

AMENDMENT NO. 99

On page 14, delete lines 18 through 27

AMENDMENT NO. 100

On page 15, delete lines 1 through 3

AMENDMENT NO. 101

On page 15, line 4, delete "Whoever violates" and insert "Any person found liable under"

AMENDMENT NO. 102

On page 15, line 5, delete "Be assessed to pay" and insert "Pay a"

AMENDMENT NO. 103

On page 15, line 5, delete "five" and insert "one"

AMENDMENT NO. 104

On page 15, line 7, delete "unlawful discarding of litter" and insert "violation of this Section"

AMENDMENT NO. 105

On page 15, delete lines 12 through 15 and insert the following:

"G. Any person found liable under the provisions of this Section shall pay special court costs of fifty dollars in lieu of other costs of court which shall be"

AMENDMENT NO. 106

On page 15, line 17, delete "Eighty" and insert "Twenty"

AMENDMENT NO. 107

On page 15, line 20, delete "Eighty" and insert "Twenty"

AMENDMENT NO. 108

On page 15, line 23, delete "Forty" and insert "Ten"

AMENDMENT NO. 109

On page 15, between lines 24 and 25, insert the following:

"H. A person may be held liable and fined under this Section although the commission of the offense did not occur in the presence of a law enforcement officer if the evidence presented to the court establishes that the defendant has committed the offense."

AMENDMENT NO. 110

On page 15, line 25, delete "H" and insert "I"

AMENDMENT NO. 111

On page 15, delete line 27 in its entirety

AMENDMENT NO. 112

On page 16, delete lines 1 through 4 in their entirety

AMENDMENT NO. 113

On page 16, line 5, after "abatement" and before "program" insert "work"

AMENDMENT NO. 114

On page 16, line 8, after "A." and before "A" insert the following:

"(1) A "court approved community service litter abatement program" means a community service litter abatement program that has been approved by the court having jurisdiction over the violation being prosecuted.

(2)"

AMENDMENT NO. 115

On page 16, line 8, delete "A court" and insert "Court"

AMENDMENT NO. 116

On page 16, at the beginning of line 9, delete "program" insert "work programs"

AMENDMENT NO. 117

On page 16, line 12, delete "Each sheriff or parish governing" and insert "The establishing"

AMENDMENT NO. 118

On page 16, line 19, after "abatement" and before "program" insert "work"

AMENDMENT NO. 119

On page 16, line 21, after "abatement" and before "program" insert "work"

AMENDMENT NO. 120

On page 17, line 7, after "abatement" and before "program" insert "work"

AMENDMENT NO. 121

On page 17, line 11, after the comma ",," delete the remainder of the line and delete line 12 in its entirety

AMENDMENT NO. 122

On page 17, line 13, delete "or its employee or agent,"

AMENDMENT NO. 123

On page 17, line 19, delete "a prisoner" and insert "an offender"

AMENDMENT NO. 124

On page 17, line 21, delete "district attorney" and insert "penalties; payment by mail or credit card"

AMENDMENT NO. 125

On page 18, delete lines 4 through 27 in their entirety and insert the following:

"C. Each governing authority on whose behalf citations are issued for alleged violations of the provisions of R.S. 30:2531 through 2531.3 shall establish a procedure by which alleged offenders may plead guilty to the alleged offense and pay the fine by mail; however, if the offender fails to pay the fine by mail in advance of adjudication and fails to appear at the time and date indicated on the citation, the court may impose an additional fine or penalty in an amount not to exceed the amount of the fine or penalty for the original violation. In addition, each governing authority shall establish a procedure allowing for payment of the fine by credit cards as it may designate. However, the procedure shall not limit such payments to payment by credit card.

D. An action brought pursuant to R.S. 32:2531.2 or 2531.3 shall be tried as a summary proceeding pursuant to Code of Civil Procedure Article 2591 et seq."

AMENDMENT NO. 126

On page 19 delete lines 1 through 27 in their entirety and on page 20, delete lines 1 through 26

AMENDMENT NO. 127

On page 20, line 27, delete "D." and insert "E."

AMENDMENT NO. 128

On page 21, line 1, delete "this Section" and insert "R.S. 30:2531 through 2531.3"

AMENDMENT NO. 129

On page 21, line 6, delete "this Section" and insert "R.S. 30:2531 through 2531.3"

AMENDMENT NO. 130

On page 21, between lines 7 and 8, insert the following:

"F. Whenever the driver's license of a person has been suspended pursuant to the provisions of this Chapter, the judicial officer of the court exercising jurisdiction shall immediately forward to the Department of Public Safety and Corrections notice of the time period of the suspension with information necessary for identification of the person. The Department of Public Safety and Corrections shall immediately notify the person of the suspension of his operator's license and the imposition of a fifty-dollar fee. The Department of Public Safety and Corrections shall also notify the person that upon expiration of the time period of suspension, and upon payment of an additional fifty dollars to the department, the operator's license of the person shall be renewed or reissued."

AMENDMENT NO. 131

On page 21, between 7 and 8 insert the following:

"§2531.6. Citations; unlawful acts; records; failure to pay or appear; procedures

A.(1) Whenever any person has allegedly violated any provision of R.S. 30:2531 through 2531.3, a law enforcement officer shall take the person's name, address, and driver's license number, and if the violation occurs from a motor vehicle, the license number of the motor vehicle, and shall issue a citation and/or summons or otherwise notify him in writing that he must appear in court at a time and place to be specified in such citation and/or summons.

(2) If applicable, the citation and/or summons shall indicate that the alleged violator may admit liability and, in lieu of appearing in court, make the payment of the applicable fines, penalties, and costs to the appropriate court by mail or credit card. The law enforcement officer shall provide, in writing, the date by which the payment must be received and the name and phone number of the court having jurisdiction over the alleged offense. The citation and/or summons shall instruct the alleged violator to contact the court to obtain the amounts of the applicable fines, penalties, and costs and advise him that if he has violated R.S. 30:2531.2 he must pay special court costs of fifty dollars, but he has the option to perform community service in a court approved litter abatement work program in lieu of paying a fine.

B. Each law enforcement officer upon issuing a citation and/or summons to an alleged violator of any provision of R.S. 30:2531 through 2531.3 shall deposit the original citation and/or summons or a copy of same, with a court having jurisdiction over the alleged offense.

C. Upon the deposit of the original citation and/or summons or a copy of same, with a court having jurisdiction over the alleged offense, the original citation and/or summons or a copy of same, shall be disposed of only by trial in a court of proper jurisdiction or any other official action by a judge of the court, including payment of the appropriate fines, penalties, and costs to said court by the person to whom such citation and/or summons has been issued.

D. It shall be unlawful for any law enforcement officer or any other officer or public employee to dispose of a litter citation and/or summons or copies thereof or of the record of the issuance of the citation and/or summons in a manner other than as required herein.

E. The chief administrative officer of each law enforcement agency in the state shall require all officers under his supervision to return to him a copy of every litter citation and/or summons which was issued by the officer for the violation of a litter law or ordinance, and in addition shall require the return of all copies of every litter citation and/or summons which has been spoiled or upon which an entry has been made without having issued the citation and/or summons to the alleged offender.

F. The chief administrative officer shall also maintain or cause to be maintained in connection with every litter citation and/or summons issued by an officer under his supervision a record of the disposition of the charge by the court in which the original or a copy of the litter citation and/or summons was deposited.

G. Nothing herein shall be construed as prohibiting or interfering with the authority of a district attorney or other prosecuting attorney to dismiss a litter citation and/or summons or litter charge by entry of a nolle prosequi.

H. Whenever an alleged offender fails to appear before the judicial officer at the place and time specified in a citation and/or summons, the judicial officer of the court exercising jurisdiction shall immediately forward to the Department of Public Safety and Corrections notice of the failure to appear, with information necessary for identification of the alleged offender, and another date and time for the alleged offender to appear before the judicial officer. Thereupon, unless the original charges have been disposed of, the Department of Public Safety and Corrections shall immediately notify the alleged offender that:

(1) The judicial officer has taken judicial notice of his failure to appear at the hearing on the date and time listed on the original citation and/or summons and has found him in contempt of court and his failure to appear could subject him to additional penalties and/or fines;

(2) He must appear before the judicial officer on a specified date and time to answer the charges for his original violation and his contempt of court; and

(3) His failure to appear at this second hearing could subject him to another charge of contempt of court along with the punishment of serving time in jail."

AMENDMENT NO. 132

On page 21, line 8, delete "\$2531.6." and insert "§2531.7"

AMENDMENT NO. 133

On page 21, delete line 9, and insert "The deputy secretary of the Department of Public Safety and Corrections, office of public safety services shall"

AMENDMENT NO. 134

On page 21, between lines 12 and 13, insert the following:

"§2531.8. Duties of law enforcement officers

It shall be the duty of all law enforcement officers of this state to enforce the provisions of this Part.

§2531.9. Application of other laws

A. Nothing in this Part shall limit the authority of any state agency to enforce any other laws, rules, or regulations relating to waste or the management of solid, biomedical, or hazardous waste.

B. Nothing in this Part shall be construed to affect any ordinance of any political subdivision of the state of Louisiana in effect on the effective date of this Part or to prohibit any political subdivision of the state from adopting ordinances aimed at litter control and reduction. Parish governing authorities may enact such ordinances as further provided in R.S. 33:1236(54).

C. Nothing in this Part shall be deemed to supersede, amend, or delete the provisions of R.S. 30:2545 and 2546.

D. Any occurrence in violation of this Part and otherwise regulated by any other Chapter of this Subtitle may be prosecuted under this Part. However, no person shall be prosecuted for an occurrence in violation of this Part if the person is being prosecuted for the same occurrence under any other Chapter of this Subtitle."

AMENDMENT NO. 135

On page 22, delete line 12, and insert "person shall dispose of"

AMENDMENT NO. 136

On page 22, line 13, delete "place"

AMENDMENT NO. 137

On page 22, line 13, after "as" and before "defined" insert "both terms are"

AMENDMENT NO. 138

On page 22, line 13, after "30:2522(3)" and before "in" insert "and (6),"

AMENDMENT NO. 139

On page 23, line 25, delete "R.S. 30:2532" and insert "such ordinances"

AMENDMENT NO. 140

On page 25, line 25, delete "through 2531.3" and insert "and 2531.1"

AMENDMENT NO. 141

On page 26, line 7, after the first semicolon ";" and before "summons" insert "citation or"

AMENDMENT NO. 142

On page 26, at the end of line 11, insert "citation or"

AMENDMENT NO. 143

On page 26, between line 16 and 17, insert the following:

"Section 11. "The Louisiana State Law Institute is hereby directed to redesignate any other section of law or internal citations contained herein consistent with the provisions of this Act."

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

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

Under the rules, placed on the regular calendar.

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.

Reported with amendments by the Committee on Appropriations.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Appropriations to Engrossed Senate Bill No. 168 by Senator Theunissen

AMENDMENT NO. 1

On page 2, line 9, delete "a funding source"

AMENDMENT NO. 2

On page 2, at the beginning of line 15, delete "appropriated" and insert "awarded"

AMENDMENT NO. 3

On page 3, line 6, after "implement this" change "Section" to "Chapter"

AMENDMENT NO. 4

On page 3, line 13, after "(5)" delete "Distribution of funding." and insert "Grant awards."

AMENDMENT NO. 5

On page 3, at the beginning of line 27, delete "as provided by law." and insert "in the same manner as monies in the state general fund."

AMENDMENT NO. 6

On page 4, line 2, between "monies" and "shall" insert "in the fund at the end of the fiscal year"

AMENDMENT NO. 7

On page 4, at the beginning of line 3, after "D." delete the remainder of the line and at the beginning of line 4 delete "aviation within the department, the" and insert "The"

AMENDMENT NO. 8

On page 4, at the beginning of line 5 delete "appropriated through" and insert "available for appropriation to"

AMENDMENT NO. 9

On page 4, line 6, change "funding of projects" to "awarding of grants"

AMENDMENT NO. 10

On page 4, at the end of line 8, before the period "." insert a comma "," and insert "which grants shall be made in accordance with rules promulgated by the department"

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

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

Under the rules, placed on the regular calendar.

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

Rep. Daniel asked for and obtained a suspension of the rules to take up at this time the following Senate Bills and Joint Resolutions just reported by the Committee on Appropriations and passed to third reading, with a view of acting on the same:

Regular Calendar**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.

Rep. Daniel moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

| | | |
|--------------------|-------------|-----------|
| Alexander, A.—93rd | Holden | Thornhill |
| Barton | Jetson | |
| Glover | Marionneaux | |
| Total—7 | | |

The Chair declared the above bill was finally passed.

Rep. Daniel 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. 155—
BY SENATOR DARDENNE

AN ACT

To enact Subpart D of Part II-A of Chapter 1 of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:97.1 through 97.5, relative to the Louisiana Asbestos Detection and Abatement Fund; to provide for the creation, use, and administration of the fund; to provide for sources of monies for the fund; to provide for legal representation; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Hopkins to Reengrossed Senate Bill No. 155 by Senator Dardenne

AMENDMENT NO. 1

On page 7, line 9, after "basis" and before the period "." insert a comma "," and "and shall be in accordance with fee policies for hourly basis contracts utilized by the attorney general in engagement of outside counsel with special expertise in representation of the state in extraordinary circumstances"

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Deville to Reengrossed Senate Bill No. 155 by Senator Dardenne

AMENDMENT NO. 1

Delete House Committee Amendment No. 18 of the set of 23 amendments proposed by House Committee on Civil Law and Procedure and adopted by the House on April 15, 1998.

AMENDMENT NO. 2

On page 7, delete lines 1 through 12 and insert the following:

"C. Notwithstanding any other provision of law to the contrary, attorneys fees and costs for legal services associated with any civil action brought pursuant to this Section shall be awarded from any recovery through judgment, settlement, assessment of civil or criminal penalties, or otherwise obtained in resolution of the action. The court having jurisdiction over the civil action shall set the amount of attorneys fees and costs and shall consider the following factors in determining the appropriate amounts:

- (1) The time and labor required in prosecution of the action.
- (2) The novelty and difficulty of the questions involved in the action.
- (3) The skill required to perform the legal services properly.
- (4) The likelihood, if apparent, that the acceptance of the particular employment by the contract attorney will preclude other employment by the attorney.
- (5) The fee customarily charged in the locality for similar legal services.
- (6) The amount of damages or asbestos remediation costs involved in the action.
- (7) The results obtained in the action.
- (8) The time limitations imposed by the client or by the circumstances.
- (9) The nature and length of the professional relationship with the client.

(10) The experience, reputation, and ability of the lawyer or lawyers performing the services.

(11) The uncertainty of recovery.

(12) Whether expenses were advanced by the state or by the lawyer.

(13) The amount of expenses, if any, advanced by the lawyer."

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

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.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Morrell to Reengrossed Senate Bill No. 155 by Senator Dardenne

AMENDMENT NO. 1

Delete House Committee Amendment No. 18 of the set of 23 amendments proposed by House Committee on Civil Law and Procedure and adopted by the House on April 15, 1998.

AMENDMENT NO. 2

On page 7, delete lines 1 through 12 and insert the following:

"C. Notwithstanding any other provision of law to the contrary, attorneys fees and costs for legal services associated with any civil action brought pursuant to this Section shall be awarded from any recovery through judgment, settlement, assessment of civil or criminal penalties, or otherwise obtained in resolution of the action. The court having jurisdiction over the civil action shall set the amount of attorneys fees and costs and shall consider the following factors in determining the appropriate amounts:

(1) The time and labor required in prosecution of the action.

(2) The novelty and difficulty of the questions involved in the action.

(3) The skill required to perform the legal services properly.

(4) The likelihood, if apparent, that the acceptance of the particular employment by the contract attorney will preclude other employment by the attorney.

(5) The fee customarily charged in the locality for similar legal services.

(6) The amount of damages or asbestos remediation costs involved in the action.

(7) The results obtained in the action.

(8) The time limitations imposed by the client or by the circumstances.

(9) The nature and length of the professional relationship with the client.

(10) The experience, reputation, and ability of the lawyer or lawyers performing the services.

(11) The uncertainty of recovery.

(12) Whether expenses were advanced by the state or by the lawyer.

(13) The amount of expenses, if any, advanced by the lawyer."

Motion

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

As a substitute motion, Rep. Walsworth moved that the previous question be ordered on the amendments.

Rep. Fontenot objected.

The vote recurred on the substitute motion.

By a vote of 39 yeas and 58 nays, the House refused to order the previous question on the amendments.

Rep. Jetson insisted on his motion that the previous question be ordered on the entire subject matter.

By a vote of 68 yeas and 28 nays, the motion was agreed to.

Rep. Morrell moved the adoption of the amendments.

Rep. McMains objected.

By a vote of 35 yeas and 59 nays, the amendments were rejected.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|-------------|-------------|------------------|
| Mr. Speaker | Guillory | Powell |
| Alario | Hammett | Pratt |
| Ansardi | Heaton | Quezaire |
| Barton | Hebert | Riddle |
| Baudoin | Hill | Rousselle |
| Baylor | Hopkins | Salter |
| Bruce | Hudson | Schwegmann |
| Carter | Iles | Shaw |
| Copelin | Jetson | Smith, J.D.—50th |
| Curtis | Kennard | Strain |
| Damico | Kenney | Thomas |
| Daniel | LeBlanc | Toomy |
| Deville | Marionneaux | Travis |
| DeWitt | Martiny | Vitter |
| Diez | McCain | Waddell |
| Dimos | McCallum | Warner |
| Donelon | McMains | Welch |
| Dupre | Michot | Weston |
| Durand | Mitchell | Wiggins |
| Faucheux | Montgomery | Wilkerson |

Fontenot
Frith
Gautreaux
Total—68

Murray
Odinet
Pierre

Willard
Wright

NAYS

Alexander, R.—13th
Bowler
Bruneau
Chaisson
Clarkson
Crane
Farve
Flavin
Früge
Green
Total—29

Hunter
Jenkins
Johns
Lancaster
Landrieu
Morrell
Morrish
Perkins
Pinac
Romero

Scalise
Schneider
Smith, J.R.—30th
Stelly
Theriot
Triche
Walsworth
Windhorst
Winston

ABSENT

Alexander, A.—93rd
Glover
Holden
Total—7

Long
McDonald
Thompson

Thornhill

The Chair declared the above bill was finally passed.

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

Suspension of the Rules

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

Conference Committee Appointment

The Speaker appointed the following conferees on the part of the House to confer with a like committee from the Senate on the disagreement to Senate Concurrent Resolution No. 13: Reps. Clarkson, Toomy, and Bruneau.

Conference Committee Appointment

The Speaker appointed the following conferees on the part of the House to confer with a like committee from the Senate on the disagreement to Senate Bill No. 21: Reps. Fauchaux, Diez, and Daniel.

Conference Committee Appointment

The Speaker appointed the following conferees on the part of the House to confer with a like committee from the Senate on the disagreement to House Bill No. 201: Reps. McDonald, Bruneau, and Barton.

Acting Speaker LeBlanc in the Chair

SENATE BILL NO. 156—

BY SENATORS EWING, DARDENNE, HAINKEL, BARHAM, ROMERO, JONES, LANDRY, LENTINI, SMITH, BAGNERIS, CAIN, CAMPBELL, CASANOVA, COX, CRAVINS, DEAN, DYESS, ELLINGTON, C. FIELDS, W. FIELDS, GREENE, HEITMEIER, HINES, HOLLIS, IRONS, JOHNSON, LAMBERT, MALONE, ROBICHAUX, SCHEDLER, SHORT, SIRACUSA, TARVER, THEUNISSEN AND ULLO AND REPRESENTATIVES DOWNER, DEWITT, MCMAINS AND MICHOT

AN ACT

To amend and reenact R.S. 3:4274.1, R.S. 13:2586(C)(2) and (D) and 2587.1, R.S. 30:2522(3), 2531, 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. 13:2589(B), R.S. 32:289, and R.S. 36:208(H) relative to litter; to define terms; to provide for certain violations; to provide civil fines; to provide criminal penalties; to provide for enforcement; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representatives Ansardi and Jack Smith to Reengrossed Senate Bill No. 156 by Senator Ewing

AMENDMENT NO. 1

On page 6, after line 13 add the following:

"(4) The judge may require an individual convicted of a violation of this Section to remove litter from state highways, public right-of-way, public playgrounds, public parks or other appropriate locations for any prescribed period of time in lieu of the penalties prescribed in this Section."

AMENDMENT NO. 2

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

"(4) The judge may require an individual convicted of a violation of this Section to remove litter from state highways, public right-of-way, public playgrounds, public parks or other appropriate locations for any prescribed period of time in lieu of the penalties prescribed in this Section."

Motion

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

Rep. Copelin objected.

By a vote of 52 yeas and 37 nays, the House agreed to order the previous question on the entire subject matter.

Rep. Ansardi moved the adoption of the amendments.

Rep. Romero objected.

By a vote of 87 yeas and 3 nays, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|--------------------|-----------|-----------|
| Mr. Speaker | Fontenot | Odinet |
| Alario | Frith | Pinac |
| Alexander, R.—13th | Früge | Powell |
| Ansardi | Gautreaux | Riddle |
| Barton | Hammett | Rousselle |
| Baudoin | Heaton | Salter |

| | | |
|----------|------------|------------------|
| Bowler | Hebert | Scalise |
| Bruce | Hill | Schneider |
| Bruneau | Hudson | Schwegmann |
| Carter | Iles | Shaw |
| Chaisson | Johns | Smith, J.D.—50th |
| Clarkson | Kennard | Stelly |
| Crane | Kenney | Strain |
| Damico | Lancaster | Thomas |
| Daniel | Landrieu | Toomy |
| Deville | LeBlanc | Travis |
| DeWitt | Martiny | Triche |
| Diez | McCain | Vitter |
| Dimos | McCallum | Waddell |
| Donelon | McDonald | Walsworth |
| Dupre | McMains | Warner |
| Durand | Michot | Wiggins |
| Faucheux | Montgomery | Winston |
| Flavin | Morrish | Wright |
| Total—72 | | |

NAYS

| | | |
|----------|----------|-----------|
| Baylor | Hunter | Quezaire |
| Copelin | Jenkins | Romero |
| Curtis | Mitchell | Theriot |
| Farve | Morrell | Welch |
| Green | Murray | Willard |
| Guillory | Pierre | Windhorst |
| Hopkins | Pratt | |
| Total—20 | | |

ABSENT

| | | |
|--------------------|------------------|-----------|
| Alexander, A.—93rd | Marionneaux | Weston |
| Glover | Perkins | Wilkerson |
| Holden | Smith, J.R.—30th | |
| Jetson | Thompson | |
| Long | Thornhill | |
| Total—12 | | |

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

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

Speaker Downer in the Chair

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.

Rep. Morrish moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

| | | |
|--------------------|-----------|-----------|
| Alario | Jetson | Wilkerson |
| Alexander, A.—93rd | Thornhill | |
| Holden | Weston | |
| Total—7 | | |

The Chair declared the above bill was finally passed.

Rep. Morrish 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.

Recess

On motion of Rep. Pratt, the Speaker declared the House at recess until 1:30 P.M.

After Recess

Speaker Downer called the House to order at 2:00 P.M.

ROLL CALL

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

PRESENT

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

ABSENT

Alexander, A.—93rd Thornhill
Total—2

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

Suspension of the Rules

On motion of Rep. Triche, the rules were suspended in order to take up Petitions, Memorials and Communications at this time.

Petitions, Memorials and Communications

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

Message from the Senate

APPOINTMENT OF CONFERENCE COMMITTEE

April 17, 1998

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

I am directed to inform your honorable body that the President of the Senate has appointed the following committee to serve with a like committee from the House to confer on the disagreement to Senate Concurrent Resolution No. 13: Senators Dardenne, Hainkel, and Bagneris.

Respectfully submitted,
MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

APPOINTMENT OF CONFERENCE COMMITTEE

April 17, 1998

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

I am directed to inform your honorable body that the President of the Senate has appointed the following committee to serve with a like committee from the House to confer on the disagreement to House Bill No. 201 : Senators Dardenne, Greene and W. Fields.

Respectfully submitted,
MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

APPOINTMENT OF CONFERENCE COMMITTEE

April 17, 1998

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

I am directed to inform your honorable body that the President of the Senate has appointed the following committee to serve with a like committee from the House to confer on the disagreement to Senate Bill No. 21: Senators Lentini, Landry, and Hainkel.

Respectfully submitted,
MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

HOUSE BILLS

April 16, 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 House Bills:

House Bill No. 111
Returned with amendments.

House Bill No. 119
Returned with amendments.

House Bill No. 209
Returned with amendments.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

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

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

SENATE BILL NO. 129—
BY SENATOR DARDENNE

AN ACT

To amend Section 2 of Act No. 1491 of the 1997 Regular Session of the Legislature, relative to creating special assessment levels for homestead exempt property of persons sixty-five years or older; to change the date on which the proposed amendment involving Article VII, Section 18 of the Constitution of Louisiana will be submitted to the electorate; and to provide for related matters.

Called from the calendar.

Read by title.

Motion

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

Suspension of the Rules

On motion of Rep. Triche, the rules were suspended in order to take up House Bills and Joint Resolutions Returned from the Senate with Amendments at this time.

**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. 110—

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

AN ACT

To enact R.S. 36:406.1, relative to the issuance of revenue bonds by the Louisiana Public Facilities Authority on behalf of the Department of Public Safety and Corrections; to provide for the issuance of revenue bonds for the acquisition, construction, and equipping of a public safety complex; to provide for the requirements of issuance including the revenues to be pledged for payment of such bonds; to provide for an effective date; and to provide for related matters.

Called from the calendar.

Read by title.

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

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Johnson to Reengrossed House Bill No. 110 by Representative Triche

AMENDMENT NO. 1

On page 1, line 2, after "To" insert "amend and reenact R.S. 39:1952(19) and to" and after "relative to the" delete the remainder of the line

AMENDMENT NO. 2

On page 1, line 3, after "Authority" insert a semicolon ";" and insert "to authorize the authority to issue revenue bonds"

AMENDMENT NO. 3

On page 1, line 7, after "bonds;" insert:

"to include the authority within the Louisiana Minority and Women's Business Enterprise Act;"

AMENDMENT NO. 4

On page 9, between lines 22 and 23, insert:

"Section 2. R.S. 39:1952(19) is hereby amended and reenacted to read as follows:

§1952. Definitions

Unless the context requires otherwise, the following words shall have the following meanings:

* * *

(19) "State agency" means an agency, department, office, division, board, commission, or correctional or other type of institution, exclusive of an educational institution of the state. State agency does not include the judicial or legislative branch of government except to the extent that procurement or public works for one of these branches is performed by a state agency. State agency shall include the Louisiana Public Facilities Authority."

AMENDMENT NO. 5

On page 9, line 23, change "Section 2." to "Section 3."

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Barham to Reengrossed House Bill No. 110 by Representative Triche, et al.

AMENDMENT NO. 1

On page 9, line 19, between "Records Law" and "(R.S. 42:4.1 et seq.)" insert "(R.S. 44:1 et seq.), Open Meetings Law"

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Landry to Reengrossed House Bill No. 110 by Representative Triche

AMENDMENT NO. 1

Delete Senate Floor Amendments proposed by Senator Barham and adopted by the Senate on April 16, 1998.

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AMENDMENT NO. 2

On page 1, line 7, after "pledged" delete the remainder of the line and insert:

"by the department to the repayment of bonds, notes, certificates, reimbursement obligations, or other evidences of indebtedness; to provide for an"

AMENDMENT NO. 3

On page 1, line 11, after "\$406.1." delete the remainder of the line, and insert "Authorization of bonds"

AMENDMENT NO. 4

On page 1, delete lines 12 and 13, and insert "A.(1) The Louisiana Public"

AMENDMENT NO. 5

On page 1, line 17, after "Louisiana" delete the remainder of the line, and insert:

"is authorized to issue bonds, hereafter, "the bonds", pursuant to the provisions of the Louisiana Public Trust Act, being R.S. 9:2341 through 2347, for the"

AMENDMENT NO. 6

On page 2, line 1, after "complex" insert a period "." and delete the remainder of the line and lines 2 through 7

AMENDMENT NO. 7

On page 2, line 8, delete "Under such authority or power," and insert "The"

AMENDMENT NO. 8

On page 2, delete lines 13 and 14, and at the beginning of line 15, delete "Louisiana." and insert "(3)"

AMENDMENT NO. 9

On page 2, line 22, after "shall" delete the remainder of the line, delete lines 23 through 26, and on page 3, delete lines 1 through 5, and at the beginning of line 6, delete "terms of redemption, and"

AMENDMENT NO. 10

On page 3, delete lines 9 through 26

AMENDMENT NO. 11

On page 4, delete lines 1 through 5, and insert "B. In addition to the pledge"

AMENDMENT NO. 12

On page 4, at the beginning of line 6, delete "of income, revenues, or receipts" and insert "of revenues"

AMENDMENT NO. 13

On page 4, at the end of line 7, insert "the public safety complex"

AMENDMENT NO. 14

On page 4, delete lines 8 through 10, and insert "acquired by or for the department with the"

AMENDMENT NO. 15

On page 4, delete lines 17 through 25, delete pages 5 and 6, and on page 7, delete lines 1 and 2

AMENDMENT NO. 16

On page 7, at the beginning of line 3, change "H." to "C."

AMENDMENT NO. 17

On page 7, line 24, change "authority" to "deputy secretary, or the undersecretary."

AMENDMENT NO. 18

On page 8, line 10, change "authority" to "department"

AMENDMENT NO. 19

On page 8, line 11, after "deposit of the" insert "revenues or the"

AMENDMENT NO. 20

On page 8, delete lines 19 through 26

AMENDMENT NO. 21

On page 9, delete lines 1 through 11

AMENDMENT NO. 22

On page 9, at the beginning of line 12, change "J." to "D."

AMENDMENT NO. 23

On page 9, delete lines 17 through 22

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|--------------------|-----------|------------------|
| Mr. Speaker | Guillory | Pinac |
| Alario | Hammett | Powell |
| Alexander, R.—13th | Heaton | Pratt |
| Ansardi | Hebert | Quezaire |
| Barton | Hill | Riddle |
| Baudoin | Holden | Romero |
| Baylor | Hopkins | Rousselle |
| Bowler | Hudson | Salter |
| Bruce | Hunter | Scalise |
| Bruneau | Iles | Schneider |
| Carter | Jetson | Schwegmann |
| Chaisson | Johns | Shaw |
| Clarkson | Kennard | Smith, J.D.—50th |
| Copelin | Kenney | Smith, J.R.—30th |
| Crane | Lancaster | Stelly |
| Curtis | Landrieu | Strain |
| Damico | LeBlanc | Theriot |

| | | |
|-----------|-------------|-----------|
| Daniel | Long | Thomas |
| Deville | Marionneaux | Thompson |
| DeWitt | Martiny | Toomy |
| Diez | McCain | Travis |
| Dimos | McCallum | Triche |
| Donelon | McDonald | Vitter |
| Dupre | McMains | Waddell |
| Durand | Michot | Walsworth |
| Farve | Mitchell | Warner |
| Faucheux | Montgomery | Welch |
| Flavin | Morrell | Wiggins |
| Frith | Morrish | Willard |
| Fruge | Murray | Windhorst |
| Gautreaux | Odinet | Winston |
| Glover | Perkins | Wright |
| Green | Pierre | |
| Total—98 | | |

NAYS

Total—0

ABSENT

| | |
|--------------------|-----------|
| Alexander, A.—93rd | Thornhill |
| Fontenot | Weston |
| Jenkins | Wilkerson |
| Total—6 | |

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

HOUSE BILL NO. 111—
BY REPRESENTATIVES TRICHE, WIGGINS, AND FRITH
AN ACT

To amend and reenact R.S. 32:863(A)(3), relative to compulsory motor vehicle liability security requirements; to provide for reinstatement fees and sanctions for first and subsequent violations; to provide for dedication of fees; and to provide for related matters.

Read by title.

Motion

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

HOUSE BILL NO. 119—
BY REPRESENTATIVES MCDONALD, DOWNER, MCMAINS, CRANE, DEWITT, KENNEY, AND WALSWORTH AND SENATORS EWING, DARDENNE, HAINKEL, AND BARHAM
AN ACT

To amend and reenact R.S. 17:154(B), 154.1, and 154.3(A), (B), and (D)(2) and to repeal R.S. 17:225, all relative to requirements concerning school time, including the length of the school day and school year, instructional time, and staff development days for teachers; to provide relative to the minimum number of instructional minutes per day and the minimum number of instructional days per year; to provide relative to modifications made to such instructional time by public school governing authorities with certain limitations; to provide relative to the use of instructional time which exceeds the minimum as required by law; to remove certain provisions relative to the minimum session of attendance required; to provide additional staff development days for teachers under certain circumstances; to provide relative to effectiveness; and to provide for related matters.

Read by title.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Reengrossed House Bill No. 119 by Representative McDonald, et al.

AMENDMENT NO. 1

On page 1, line 2, after "(D)(2)" insert ", to enact R.S. 17:443.1, "

AMENDMENT NO. 2

On page 1, line 5, after "time," delete "and" and after "teachers" insert ", and teacher performance"

AMENDMENT NO. 3

On page 1, line 13, after "circumstances;" insert "to provide relative to standards for satisfactory teacher performance;"

AMENDMENT NO. 4

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

"Section 3. R.S. 17:443.1 is hereby enacted to read as follows:

§443.1. Teachers; standard for performance; removal

In addition to the causes for removal of a teacher pursuant to R.S. 17:45, 443, 462, and 471 a permanent teacher shall not be removed from office except upon written and signed charges of failure to achieve the standard required for satisfactory performance on an evaluation established by the school board and administered on a uniform basis to all teachers similarly situated."

AMENDMENT NO. 5

On page 5, line 25, change "Section 3." to "Section 4."

AMENDMENT NO. 6

On page 6, delete lines 1 through 6 and insert in lieu thereof the following:

"Section 5. Sections 2, 3, 4 and 5 of this Act shall become effective on July 1, 1998. Section 1 of this Act shall become effective beginning when the total cumulative amount of state funds appropriated specifically for salary increases for teachers for the 1998-1999 school year or thereafter exceeds by seventy million dollars or more the amount of state funds specifically appropriated in the General Appropriation Bill for Fiscal Year 1997-1998 to provide salary increases for teachers. Section 1 shall take effect as specified in this Section regardless of whether the increases as provided in this Section are required by the minimum foundation formula and paid as a result of the provisions of such formula or whether the amount is appropriated outside of the formula. If and when the amount as provided in this Section is appropriated, then the state superintendent of education shall notify each city and parish school superintendent of the increase in the minimum number of instructional minutes as provided in Section 1 of this Act. "

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Reengrossed House Bill No. 119 by Representative McDonald, et al.

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AMENDMENT NO. 1

In Senate Committee Amendment No. 6 proposed by the Senate Committee on Education and adopted by the Senate on April 7, 1998, on page 1, line 28, delete "the General Appropriation Bill for Fiscal Year 1997-1998" and insert "Act 18 of the 1997 Regular Session of the Legislature"

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Hines to Reengrossed House Bill No. 119 by Representative McDonald, et al.

AMENDMENT NO. 1

In Amendment No. 6 proposed by the Senate Committee on Education on April 7, 1998 and adopted by the Senate on April 7, 1998 on line 29, after "teachers" insert "and the total cumulative amount of state funds appropriated specifically for salary increases for educational support personnel for the 1998-1999 school year or thereafter exceeds by twenty-one million dollars or more"

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Dardenne to Reengrossed House Bill No. 119 by Representative McDonald, et al.

AMENDMENT NO. 1

Delete Senate Floor Amendment No. 1 proposed by Senator Hines and adopted by the Senate on April 15, 1998.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Wilson Fields to Reengrossed House Bill No. 119 by Representative McDonald, et al.

AMENDMENT NO. 1

Delete Senate Committee Amendment Nos. 1, 2, 3, 4 and 5 proposed by the Senate Committee on Education and adopted by the Senate on April 7, 1998.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table listing names of members who voted 'YEAS' in three columns: Mr. Speaker, Alario, Alexander, R.—13th, Barton, Baudoin, Bowler, Bruce, Bruneau, Carter, Chaisson, Clarkson, Copelin, Crane, Curtis, Damico, Daniel, Deville, Green, Guillory, Heaton, Hebert, Hill, Holden, Hudson, Hunter, Iles, Jenkins, Jetson, Johns, Kennard, Kenney, Lancaster, Landrieu, LeBlanc, Pinac, Powell, Quezairé, Riddle, Rousselle, Salter, Scalise, Schneider, Schwegmann, Shaw, Smith, J.D.—50th, Smith, J.R.—30th, Stelly, Strain, Theriot, Thomas, Thompson

Table listing names of members who voted 'NAYS' in three columns: DeWitt, Diez, Dimos, Donelon, Dupre, Durand, Faucheux, Flavin, Fontenot, Frith, Fruge, Gautreaux, Glover, Total—90, Long, Marionneaux, McCain, McCallum, McDonald, McMains, Michot, Mitchell, Morrish, Murray, Odinet, Perkins, Pierre, Toomy, Travis, Triche, Vitter, Waddell, Walsworth, Warner, Welch, Wiggins, Willard, Windhorst, Winston, Wright

NAYS

Table listing names of members who voted 'ABSENT' in three columns: Baylor, Farve, Hammett, Hopkins, Total—9, Montgomery, Morrell, Pratt, Romero, Wilkerson

ABSENT

Table listing names of members who voted 'Total—5' in three columns: Alexander, A.—93rd, Ansardi, Total—5, Martiny, Thornhill, Weston

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

Suspension of the Rules

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

HOUSE BILL NO. 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.

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

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Landry to Engrossed House Bill No. 209 by Representative Hopkins

AMENDMENT NO. 1

On page 2, line 11, after "is" delete "not"

AMENDMENT NO. 2

On page 2, line 12, after "to" insert "not"

Rep. Hopkins 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 | Pratt |
| Alario | Hammett | Quezairé |
| Alexander, R.—13th | Heaton | Riddle |
| Ansardi | Hebert | Romero |
| Barton | Hill | Rousselle |
| Baudoin | Holden | Salter |
| Baylor | Hopkins | Scalise |
| Bowler | Hudson | Schneider |
| Bruce | Hunter | Schwegmann |
| Bruneau | Iles | Shaw |
| Carter | Jetson | Smith, J.D.—50th |
| Chaisson | Johns | Smith, J.R.—30th |
| Clarkson | Kennard | Stelly |
| Copelin | Kenney | Strain |
| Crane | Lancaster | Theriot |
| Curtis | Landrieu | Thomas |
| Damico | LeBlanc | Thompson |
| Daniel | Long | Toomy |
| Deville | Marionneaux | Travis |
| DeWitt | Martiny | Triche |
| Diez | McCain | Vitter |
| Dimos | McCallum | Waddell |
| Donelon | McDonald | Walsworth |
| Dupre | McMains | Warner |
| Durand | Michot | Welch |
| Farve | Mitchell | Wiggins |
| Faucheux | Montgomery | Wilkerson |
| Flavin | Morrell | Willard |
| Fontenot | Morrish | Windhorst |
| Frith | Murray | Winston |
| Fruge | Odinot | Wright |
| Gautreaux | Pinac | |
| Glover | Powell | |
| Total—97 | | |

NAYS

Total—0

ABSENT

| | | |
|--------------------|-----------|--------|
| Alexander, A.—93rd | Perkins | Weston |
| Guillory | Pierre | |
| Jenkins | Thornhill | |
| Total—7 | | |

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

**HOUSE BILL NO. 111—
BY REPRESENTATIVES TRICHE AND WIGGINS
AN ACT**

To amend and reenact R.S. 32:863(A)(3), relative to compulsory motor vehicle liability security requirements; to provide for reinstatement fees and sanctions for first and subsequent violations; to provide for dedication of fees; and to provide for related matters.

Called from the calendar.

Read by title.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Reengrossed House Bill No. 111 by Representative Triche

AMENDMENT NO. 1

On page 2, line 7, change "twenty-five" to "fifty"

AMENDMENT NO. 2

On page 2, line 14, after "(b)," delete the remainder of the line and delete lines 15 through 17, and in line 18, delete "dollars for each subsequent violation."

AMENDMENT NO. 3

On page 2, lines 20, after "six months." delete the remainder of the line, and delete lines 21 and 22

AMENDMENT NO. 4

On page 3, line 5, change "twenty-five" to "forty"

AMENDMENT NO. 5

On page 3, line 9, change "twenty-five" to "twenty"

AMENDMENT NO. 6

On page 3, line 11, delete "regularly commissioned" and delete "law" and delete lines 12 through 20 and insert in lieu thereof the following:

"employees of the Department of Public Safety and Corrections, office of motor vehicles. In addition, ten percent of the revenue from the reinstatement fees shall be dedicated for purchase of mobile data terminals for state police units. In the event no bond fund is created, forty percent of the revenues from the reinstatement fees shall be used as provided by law for the construction and maintenance of the new capital immovables and related movables described in this Paragraph."

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Reengrossed House Bill No. 111 by Representative Triche

AMENDMENT NO. 1

Delete Senate Amendment No. 1 proposed by the Senate Committee on Judiciary B and adopted by the Senate on April 7, 1998.

AMENDMENT NO. 2

On page 1, line 17, delete "or subsequent"

AMENDMENT NO. 3

On page 2, delete lines 1 through 3, and insert:

"sanctions shall be imposed for a period of three days. In the case of a second or subsequent violation of Paragraph (1), sanctions shall be imposed for a period of not less than thirty days nor more than twelve months, and; In the case of a first or subsequent violation of Paragraph

(2) above, sanctions shall be imposed for a period of not less than six months nor more than"

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Cleo Fields to Reengrossed House Bill No. 111 by Representative Triche

AMENDMENT NO. 1

On page 2, line 11, after "period." insert "The reinstatement fee shall not be owed for an alleged violation when proof of the required security is provided."

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Landry to Reengrossed House Bill No. 111 by Representative Triche

AMENDMENT NO. 1

In the Senate Committee Amendments proposed by the Senate Committee on Judiciary B and adopted by the Senate on April 7, 1998:

In Amendment No. 4, on page 1, line 10, change "forty" to "thirty-six"

In Amendment No. 5, on page 1, line 12, change "twenty" to "twenty-six"

In Amendment No. 6, on page 1, line 17, after "vehicles," delete the remainder of the line and delete lines 18 and 19 and on line 20 change "forty" to "thirty-six"

AMENDMENT NO. 2

On page 3, line 6, change "fifteen" to "fourteen"

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator C. Fields to Reengrossed House Bill No. 111 by Representative Triche

AMENDMENT NO. 1

Delete the Senate Floor Amendment proposed by Senator Landry and adopted by the Senate on April 16, 1998.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Irons to Reengrossed House Bill No. 111 by Representative Triche

AMENDMENT NO. 1

On page 3, after line 20, insert the following:

"(c) Upon completion of the construction of the new capital immovables and related movables described in this Paragraph and payment of the debt obligation related to such construction, the forty percent of the revenue from reinstatement fees imposed by this Paragraph shall be deposited in the state general fund. However, fifteen percent of such revenues shall be reserved for maintenance of the complex."

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Landry to Reengrossed House Bill No. 111 by Representative Triche

AMENDMENT NO. 1

Delete Senate Committee Amendment No. 1 proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on April 8, 1998.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|--------------------|-------------|------------------|
| Mr. Speaker | Guillory | Pinac |
| Alario | Hammett | Powell |
| Alexander, R.—13th | 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 | Shaw |
| Copelin | Johns | Smith, J.D.—50th |
| Crane | Kennard | Smith, J.R.—30th |
| Curtis | Kenney | Stelly |
| Damico | Lancaster | Strain |
| Daniel | Landrieu | Theriot |
| Deville | LeBlanc | Thomas |
| DeWitt | Long | Thompson |
| Diez | Marionneaux | Toomy |
| Dimos | McCain | Travis |
| Donelon | McCallum | Triche |
| Dupre | McDonald | Vitter |
| Durand | McMains | Waddell |
| Farve | Michot | Walsworth |
| Faucheux | Mitchell | Warner |
| Flavin | Montgomery | Welch |
| Fontenot | Morrell | Wiggins |
| Frith | Morrish | Wilkerson |
| Fruge | Murray | Willard |
| Gautreaux | Odinet | Windhorst |
| Glover | Perkins | Winston |
| Green | Pierre | Wright |
| Total—99 | | |

NAYS

Total—0

ABSENT

| | | |
|--------------------|-----------|--------|
| Alexander, A.—93rd | Martiny | Weston |
| Ansardi | Thornhill | |
| Total—5 | | |

The amendments proposed by the Senate, having received a two-thirds vote of the elected members, were concurred in by the House.

Conference Committee Report

The following Conference Committee Report was received and read:

CONFERENCE COMMITTEE REPORT

House Bill No. 131 By Representative Diez

April 16, 1998

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 131 by Representative Diez, recommend the following concerning the reengrossed bill:

1. That Senate Committee Amendments Nos. 1, 2, 3, 5, 7, 8, 11, 13, and 17 proposed by the Senate Committee on Transportation, Highways, and Public Works and adopted by the Senate on April 8, 1998, be rejected.
2. That Senate Committee Amendments Nos. 4, 6, 9, 10, 12, 14, 15, and 16, proposed by the Senate Committee on Transportation, Highways, and Public Works and adopted by the Senate on April 8, 1998, be adopted.
3. That the following amendments to the reengrossed bill be adopted:

AMENDMENT NO. 1

On page 6, line 5, change "secretary" to "governor"

AMENDMENT NO. 2

On page 6, line 6, after "of the " and before "at" change "governor" to "secretary"

AMENDMENT NO. 3

On page 7, line 14, after "functions;" and before "powers" insert "chief engineer;"

AMENDMENT NO. 4

On page 10, line 19, after "of the" and before the period "." change "governor" to "secretary"

AMENDMENT NO. 5

On page 14, after line 9, add the following:

"Section 2. This Act shall become effective on July 1, 1998."

Respectfully submitted,

Representative John C. "Juba" Diez
 Representative Reggie P. Dupre
 Representative Mitchell R. Theriot
 Senator Ron J. Landry
 Senator Kenneth "Mike" Smith
 Senator Dennis R. Bagneris, Sr.

Rep. Diez moved to adopt the Conference Committee Report.

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|--------------------|-------------|------------------|
| Mr. Speaker | Guillory | Powell |
| Alario | Hammett | Pratt |
| Alexander, R.—13th | 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 | Shaw |
| Clarkson | Johns | Smith, J.D.—50th |
| Copelin | Kennard | Smith, J.R.—30th |
| Crane | Kenney | Stelly |
| Curtis | Lancaster | Strain |
| Damico | Landrieu | Theriot |
| Daniel | LeBlanc | Thomas |
| Deville | Long | Thompson |
| DeWitt | Marionneaux | Toomy |
| Diez | McCain | Travis |
| Dimos | McCallum | Triche |
| Donelon | McDonald | Vitter |
| Dupre | McMains | Waddell |
| Durand | Michot | Walsworth |
| Farve | Mitchell | Warner |
| Faucheux | Montgomery | Wiggins |
| Flavin | Morrell | Wilkerson |
| Fontenot | Morrish | Willard |
| Frith | Murray | Windhorst |
| Fruge | Odinet | Winston |
| Gautreaux | Perkins | Wright |
| Glover | Pierre | |
| Green | Pinac | |
| Total—97 | | |

NAYS

| | |
|---------|-------|
| Jetson | Welch |
| Total—2 | |

ABSENT

| | | |
|--------------------|-----------|--------|
| Alexander, A.—93rd | Martiny | Weston |
| Ansardi | Thornhill | |
| Total—5 | | |

The Conference Committee Report was adopted.

Conference Committee Report

The following Conference Committee Report was received and read:

CONFERENCE COMMITTEE REPORT

House Bill No. 137 By Representative DeWitt and Senator Dardenne, et al.

April 16, 1998

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 137 by

Page 32 HOUSE

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Representative DeWitt and Senator Dardenne, et al., recommend the following concerning the engrossed bill:

1. That Senate Committee Amendment No. 1 proposed by the Senate Committee on Senate and Governmental Affairs and adopted by the Senate on April 8, 1996, be adopted.
2. That the set of six Senate Floor Amendments proposed by Senator Dardenne and adopted by the Senate on April 14, 1998, be adopted.
3. That the set of ten Senate Floor Amendments proposed by Senator Hollis and adopted by the Senate on April 14, 1998, be rejected.
4. That Senate Floor Amendment No. 1 proposed by Senator Hines and adopted by the Senate on April 14, 1998, be rejected.
5. That the following amendments to the engrossed bill be adopted:

AMENDMENT NO. 1

On page 5, delete line 15 in its entirety and insert in lieu thereof the following:

"composed of sixteen members, fifteen of whom shall be voting"

AMENDMENT NO. 2

On page 5, lines 18 and 20, change "non-voting" to "voting"

AMENDMENT NO. 3

On page 6, line 19, change "Four" to "Six"

AMENDMENT NO. 4

On page 7, between lines 3 and 4 insert the following:

"(iv) One member who shall be elected from among the personnel of the Department of Transportation and Development.

"(v) One member who shall be elected from among the personnel of the Department of Public Safety and Corrections."

AMENDMENT NO. 5

On page 7, at the beginning of line 4, change "(iv)" to "(vi)"

AMENDMENT NO. 6

On page 7, line 17, after "members" and before "as provided", delete "appointed"

AMENDMENT NO. 7

On page 8, line 10, change "six" to "eight"

AMENDMENT NO. 8

On page 12, line 7, change "Six" to "Eight"

AMENDMENT NO. 9

On page 16, line 9, after "executive officer" and before the period ".", insert "who shall serve at the pleasure of the board"

AMENDMENT NO. 10

On page 18, line 12, change "six" to "eight"

AMENDMENT NO. 11

On page 20, between lines 3 and 4 insert the following:

"(d) An initial term of two years for the member elected from among the personnel of the Department of Transportation and Development.

(e) An initial term of six years for the member elected from among the personnel of the Department of Public Safety and Corrections."

AMENDMENT NO. 12

On page 20, at the beginning of line 4, change "(d)" to "(f)"

Respectfully submitted,

Representative Charlie DeWitt
Representative Jerry Luke LeBlanc
Representative F. Charles McMains, Jr.
Senator John L. Dardenne, Jr.
Senator Jesse Kendrick Hollis, Jr.

Rep. DeWitt moved to adopt the Conference Committee Report.

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Alexander, A.—93rd Thornhill
 Theriot Weston
 Total—4

The Conference Committee Report was adopted.

Conference Committee Report

The following Conference Committee Report was received and read:

CONFERENCE COMMITTEE REPORT

Senate Bill No. 20 by Senator Lentini

April 16, 1998

To the Honorable President and Members of the Senate and to the Honorable Speaker and Members of the House of Representatives:

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill 20 by Senator Lentini recommend the following concerning the Engrossed bill:

1. That the set of conforming amendments proposed by Representative Marionneaux and adopted by the House on April 8, 1998 be rejected.
2. That House Floor Amendments Numbers 1 through 3 proposed by Representative Marionneaux and adopted by the House on April 14, 1998 be adopted.
3. That House Floor Amendment Number 1 proposed by Representative Vitter and adopted by the House on April 14, 1998 be rejected.
4. That the following amendments to the engrossed bill be adopted.

AMENDMENT NO. 1

On page 1, line 2, after "48:390" add "and 390.1"

AMENDMENT NO. 2

On page 4, after line 5, add the following:

"Section 2. R.S. 48:390.1 is hereby enacted to read as follows:

§390.1. Obstruction of railroad grade crossings; moving trains

A.(1) It shall be unlawful for any moving or non-moving train, railroad car or equipment, or engine to obstruct vehicular traffic at a public highway railroad grade crossing for a period in excess of twenty consecutive minutes.

(2) No employee performing his duties under the operating rules or orders of the railroad company or carrier or its supervisory personnel shall be prosecuted for any violation of this Section.

(3) Any rail carrier violating the provisions of Paragraph (1) of this Subsection shall be fined as provided for in R.S. 48:390(A)(3).

B.(1) Any railroad or public agency may, by formal application to the department, request a variance from the requirements of this Section or have different regulations provided in connection with operation over a specific crossing where local conditions so require. The application shall list any public agencies within the geographic area or any railroads which may be affected by the variance and shall detail any previous steps which may have been taken in an attempt to reach an agreement on or alternative to the proposed variance.

(2) The department shall promulgate rules and regulations for the implementation and administration of the application process provided in this Subsection."

Respectfully submitted,

Senator Arthur J. Lentini
 Senator Michael Robichaux
 Representative John C. Diez
 Representative David Vitter

Rep. Vitter moved to adopt the Conference Committee Report.

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Romero
 Total—1

ABSENT

Alexander, A.—93rd Weston
 Thornhill Wilkerson
 Total—4

The Conference Committee Report was adopted.

Conference Committee Report

The following Conference Committee Report was received and read:

CONFERENCE COMMITTEE REPORT

Senate Bill No. 117 by Senator Hainkel

April 15, 1998

To the Honorable President and Members of the Senate and to the Honorable Speaker and Members of the House of Representatives:

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill 117 by Senator Hainkel recommend the following concerning the Reengrossed bill:

1. That House Floor Amendment Nos. 2, 5, 6, 8, and 15 proposed by Representative Vitter and adopted by the House on April 6, 1998 be rejected.
2. That House Floor Amendment Nos. 1, 3, 4, 7, 9, 10, 11, 12, 13, and 14 proposed by Representative Vitter and adopted by the House on April 6, 1998 be accepted.
3. That the following amendment to the reengrossed bill be adopted:

AMENDMENT NO. 1

On page 2, line 22, after "Gardens" delete the "," and on line 23 delete "Inc"

Respectfully submitted,

Senator John Hainkel
Senator Ken Hollis
Senator Diana E. Bajoie
Representative Sharon Weston
Representative David Vitter
Representative Steve Scalise

Rep. Vitter moved to adopt the Conference Committee Report.

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|--------------------|----------|------------------|
| Mr. Speaker | Guillory | Powell |
| Alario | 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 | Jetson | Shaw |
| Chaisson | Johns | Smith, J.D.—50th |
| Clarkson | Kennard | Smith, J.R.—30th |
| Copelin | Kenney | Stelly |

| | | |
|-----------|------------|-----------|
| Crane | Lancaster | Strain |
| Curtis | Landrieu | Theriot |
| Damico | LeBlanc | Thomas |
| Daniel | Long | Thompson |
| Deville | Marionneau | Toomy |
| DeWitt | Martiny | Travis |
| Diez | McCain | Triche |
| Donelon | McCallum | Vitter |
| Dupre | McDonald | Waddell |
| Durand | McMains | Warner |
| Farve | Michot | Welch |
| Faucheux | Mitchell | Wiggins |
| Flavin | Montgomery | Wilkerson |
| Fontenot | Morrell | Willard |
| Frith | Morrish | Windhorst |
| Fruge | Murray | Winston |
| Gautreaux | Odinot | Wright |
| Glover | Pierre | |
| Green | Pinac | |
| Total—97 | | |

NAYS

| | |
|---------|-----------|
| Dimos | Walsworth |
| Total—2 | |

ABSENT

| | | |
|--------------------|-----------|--------|
| Alexander, A.—93rd | Perkins | Weston |
| Jenkins | Thornhill | |
| Total—5 | | |

The Conference Committee Report was adopted.

Conference Committee Report

The following Conference Committee Report was received and read:

CONFERENCE COMMITTEE REPORT

Senate Bill No. 58 by Senator Dardenne

April 17, 1998

To the Honorable President and Members of the Senate and to the Honorable Speaker and Members of the House of Representatives:

Ladies and Gentlemen:

We the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill 58 by Senator Dardenne recommend the following concerning the Reengrossed bill:

1. That House Floor Amendments Nos. 1 through 6 proposed by Representative Downer and adopted by the House on April 6, 1998, be adopted.
2. That House Floor Amendment No. 1 proposed by Representative Wilkerson and adopted by the House on April 13, 1998, be rejected.
3. That the following amendment to the reengrossed bill be adopted:

AMENDMENT NO. 1

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

"The disclosure form shall include, at a minimum, the member's interest and fair market value of his interest in the bank on the day

before and the day after his recusal. In addition, the Board of Ethics shall, on a semi-annual basis, provide the State Cash Management Review Board, with a copy of the disclosure forms which are filed pursuant to this Paragraph.

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

Respectfully submitted,

Sen. Jay Dardenne
Sen. Tom Greene
Rep. John D. Travis
Rep. Pinkie C. Wilkerson

Motion

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

Suspension of the Rules

On motion of Rep. Diez, the rules were suspended in order to take up Petitions, Memorials and Communications at this time.

Petitions, Memorials and Communications

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

Message from the Senate

HOUSE BILLS

April 17, 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 House Bills:

House Bill No. 10
Returned with amendments.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

House Bills and Joint Resolutions Returned from the Senate with Amendments

Rep. Diez asked for and obtained a suspension of the rules to take up at this time the following House Bills and Joint Resolutions just returned from the Senate with amendments with a view of acting on the same:

HOUSE BILL NO. 10—

BY REPRESENTATIVES DIEZ, DOWNER, DEWITT, AND MCMAINS AND SENATORS LANDRY, EWING, DARDENNE, AND HAINKEL
AN ACT

To amend and reenact R.S. 36:509(M), R.S. 47:820.4, 820.5(A) and (B)(introductory paragraph), (1), and (2), and R.S. 48:1092(A), 1092.1, and 1101.1(A) and (B)(2) and (4) and to repeal R.S. 47:820.5(B)(4), relative to tolls on certain bridges; to extend the duration of collection of tolls on the Sunshine Bridge and the Greater New Orleans Mississippi River bridges; to provide for the use of toll proceeds; to provide for membership, duties, and terms; to provide for an effective date; 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 Reengrossed House Bill No. 10 by Representative Diez (Duplicate of Senate Bill No. 48)

AMENDMENT NO. 1

On page 1, line 2, delete "R.S. 36:509(M),"

AMENDMENT NO. 2

On page 1, delete lines 3 and 4, and insert in lieu thereof the following:

"the introductory paragraph of 820.5(B), 820.5(B)(1) and (2) and to repeal R.S. 47:820.5(B)(4),"

AMENDMENT NO. 3

On page 1, line 5, after "bridges;" delete the remainder of the line and insert the following:

"to extend the duration of collection of tolls on certain bridges; to remove limitations on amount of toll proceeds appropriated to the bridge authority;"

AMENDMENT NO. 4

On page 1, delete line 6 in its entirety and on line 7, delete "Mississippi River bridges;"

AMENDMENT NO. 5

On page 1, line 8, delete "provide for membership, duties, and terms; to"

AMENDMENT NO. 6

On page 1, delete lines 11 through 15 in their entirety.

AMENDMENT NO. 7

On page 2, delete lines 1 through 6 in their entirety.

AMENDMENT NO. 8

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

AMENDMENT NO. 9

On page 2, line 20, change "June 30, 2006" to "December 31, 2012"

AMENDMENT NO. 10

Delete pages 3 through 10 in their entirety and insert in lieu thereof the following:

"Bridge Authority", through September 30, 1994. From October 1, 1994 through ~~June 30, 1999~~ December 31, 2012, the tolls shall be collected at the rate of twenty-five cents per axle for toll tag users, and fifty cents per axle for cash users. ~~Tolls Deposits~~ collected for Automatic Vehicular Identification tags for passenger two axle commuter vehicles shall not exceed ten dollars. ~~All present bulk tag deposits for passenger two axle commuter discount tags in excess of ten dollars shall be converted and credited toward discount fare purchase.~~ The proceeds from such tolls collected shall be subject to the provisions and used as follows:

(1) The tolls to be collected, as herein provided, shall continue to be considered as self-generated revenues and are to be deposited in accordance with the 1954 Bond Indenture for the financing by the Mississippi River Bridge Authority of the Greater New Orleans Mississippi River Bridge No. 1 and all supplements thereto and the Supplemental Bond Indenture of April 1, 1992, and in furtherance of the provisions of Act 402 of 1976 as amended, and in accordance with law vesting the secretary of the Department of Transportation and Development of the state of Louisiana with his legally directed executive and administrative control over the Mississippi River Bridge Authority, now called the Crescent City Connection Division of the Louisiana Department of Transportation and Development, pursuant to the Executive Reorganization Act and especially the provisions of Act 315 of 1989, with such funds to be deposited and expended in accordance with the foregoing in the trustee accounts as provided in such bond indentures as amended, and all pursuant to the provisions of the constitution and laws of Louisiana relative to annual appropriations and capital outlays for the funding of the operations and maintenance of the bridges and ferries under the authority of the Crescent City Connection Division within the Department of Transportation and Development. ~~For Fiscal Year 1994-1995 through 1996-1997, the amount appropriated for operation and maintenance of the bridges and ferries under the authority of the Crescent City Connection Division shall not exceed nine million five hundred thousand dollars annually from self-generated toll revenues. Commencing in Fiscal Year 1997-1998, the amount appropriated in each fiscal year from all means of financing can exceed the prior fiscal year's appropriation by no more than three percent. However, any appropriation for any extraordinary expenses of the Crescent City Connection Division shall require the approval of the Joint Legislative Committee on the Budget. For Fiscal Year 1997-1998 through Fiscal Year 2011-2012 and for the first half of Fiscal Year 2012-2013, the money from the self-generated tolls shall be used to service the bonds, for operation and maintenance of the bridges and ferries under the authority of the Crescent City Connection Division, and to complete the bridge projects as set forth in R.S. 47:820.5(B)(2), and to maximize, for areas served by the bridge projects the state's ability to obtain federal matching funds for transportation purposes pursuant to the project by appropriation or grant from the United States Department of Transportation or its successor including, but not limited to, obtaining federal matching funds with the use of toll-generated monies, authorized by the Intermodal Surface Transportation Efficiency Act of 1991, Public Law 102-240, or its successor, and amendments thereto, upon appropriate authorization by the Louisiana Department of Transportation and Development and the Louisiana Legislature, in accordance with laws relative to such joint projects financed with state and federal funds, and any other appropriate funds that may be available.~~

(2) For funding the completion of the bridge(s) project as defined in Act 402 of 1976, as amended, and in accordance with the United States permit issued therefor. This shall include funding of

the required land use plan of the bridge(s) rights-of-way; completion of the bridge(s) project and its approaches; lighting of the eastbank and westbank approaches to the bridge(s) project including the westbank expressway approach through ground level and the planning and construction of turn lanes, turn-arounds, and intersections, lighting, maintenance, grass cutting, and landscaping of the westbank expressway and connecting arteries; the legally and structurally required control devices regulating traffic on the exclusive transit lanes constructed in accordance with federal laws and guidelines; and, excess funds being available, the General DeGaulle Drive Parkway, Terry Parkway, and the Shirley Drive Parkway landscaping and beautification project, extension of Peters Road south to an intersection with Louisiana Highway 23, improvements on Barataria Boulevard and Terry Parkway, and the upgrading of the General De Gaulle Drive/Burmaster Avenue approach to the bridge(s) by extending LA Highway 18 from Huey P. Long Avenue in central Gretna along Fourth and/or Fifth Streets eastward to Burmaster Avenue, and the upgrading of Peters Road.

* * *

AMENDMENT NO. 11

On page 11, delete lines 1 and 2 in their entirety.

AMENDMENT NO. 12

On page 11, line 3, change "Section 5." to "Section 2."

AMENDMENT NO. 13

On page 11, line 4, change "Section 6." to "Section 3."

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Ullo to Reengrossed House Bill No. 10 by Representative Diez

AMENDMENT NO. 1

In Senate Floor Amendment No. 2 proposed by Senator Landry and adopted by the Senate on April 15, 1998, on page 1, line 5, after ", 820.5(B)(1) and (2)," and before "and" insert and 820.5.1(A)"

AMENDMENT NO. 2

On page 2, line 8, after "(1), and (2)" and before "and" insert ", and 820.5.1(A)"

AMENDMENT NO. 3

On page 6, line 2, after "area," and before "landscaping" insert the following:

"provide additional ingress and egress ramps along the elevated expressway to facilitate access to Destrahan Avenue."

AMENDMENT NO. 4

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

"§820.5.1. Toll violations identification tag distribution centers

A.(1) In the exercise of the toll powers of the Crescent City Connection Division and the Greater New Orleans Expressway Commission, the Crescent City Connection Division and the commission are authorized to exercise so much of the police powers of the state as shall be necessary to maintain the peace and accomplish the orderly handling of authority. The division and the

commission shall adopt such rules and regulations for the method of taking tolls and the employment and conduct of toll takers and other operating employees as the division or the commission, in its respective discretion, may deem necessary.

(2) To ensure adequate availability of Automatic Vehicular Identification toll tags to meet the needs of the public who utilize the Crescent City Connection bridge, the Department of Public Safety and Corrections, through its secretary, shall promulgate rules and regulations necessary to authorize and direct the issuance of Automatic Vehicular Identification toll tags at a maximum of three official motor vehicle driver's license field offices on the west bank of Jefferson Parish and at a maximum of two official motor vehicle driver's license field offices in Orleans Parish. The issuance of toll tags by official motor vehicle driver's license field offices shall be in addition to the toll tags issued by the Crescent City Connection Division."

SENATE FLOOR AMENDMENTS

Amendments proposed by Senators Irons and Landry to Reengrossed House Bill No. 10 by Representative Diez

AMENDMENT NO. 1

On page 5, line 7, after "available." insert the following:

"Notwithstanding any other law to the contrary, no funds appropriated to the division for Fiscal Year 1998-1999 or thereafter shall be expended for engineering services performed after June 30, 1999 which are related to examinations and inspections, maintenance, or repair of, or construction of special projects related to, bridges and ferry facilities under the authority of the division, and their approaches and appurtenances, if such services are provided under a contract which has not been subject to competitive selection or bid in the manner provided by law for any contracts for engineering services."

AMENDMENT NO. 2

On page 11, between lines 3 and 4, insert:

"Section 6. The Legislative Auditor of the State of Louisiana shall perform an audit of the Crescent City Connection Division and provide a written report of its findings to the Senate and House Committees on Transportation, Highways and Public Works by March 1, 1999. Such audit shall include but not be limited to a determination of the compliance of the division with statutes, rules and regulations of the state concerning procurement of supplies and materials and obtaining professional services such as engineering, inspection, and examination services.

Section 7. The Legislative Fiscal Office shall issue an opinion by March 1, 1999 as to whether the division's procurement policies and systems have resulted in the most cost effective expenditure of public funds, in particular whether the amounts expended on administration is out of line when compared with public and private entities performing the same function. The Legislative Fiscal Office shall also make a determination of the sources of revenue of the division."

AMENDMENT NO. 3

On page 11, line 4, change "6." to "8."

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Landry to Reengrossed House Bill No. 10 by Representative Diez

AMENDMENT NO. 1

Delete conforming Senate Floor Amendments Numbers 3, 4, 10, 11, 12, and 13 proposed by Senator Landry and adopted by the Senate on April 15, 1998.

AMENDMENT NO. 2

On page 3, line 2, after "31," change "2006" to "2012"

AMENDMENT NO. 3

On page 5, line 26, after "Avenue," change "upgrading of Peters Road," to "extension of Peters Road south to an intersection with Louisiana Highway 23,"

AMENDMENT NO. 4

On page 6, delete lines 8 through 26 in their entirety

AMENDMENT NO. 5

Delete pages 7, 8, and 9 in their entirety

AMENDMENT NO. 6

On page 10, delete lines 1 through 23 in their entirety

AMENDMENT NO. 7

On page 10, line 24, after "Section" change "4" to "2"

AMENDMENT NO. 8

On page 11, line 3, after "Section" change "5" to "3"

AMENDMENT NO. 9

On page 12, line 4, after "Section" change "6" to "4"

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Landry to Reengrossed House Bill No. 10 by Representative Diez

AMENDMENT NO. 1

In Senate Floor Amendment No. 2 in the set of 9 amendments proposed by Senator Landry and adopted by the Senate on April 17, 1998, on page 1, line 5, change "2012" to "2009"

AMENDMENT NO. 2

On page 4, line 17, change "2006" to "2009"

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lambert to Reengrossed House Bill No. 10 by Representative Diez

AMENDMENT NO. 1

Delete Conforming Amendment No. 9 proposed by Senator Landry and adopted by the Senate on April 15, 1998.

AMENDMENT NO. 2

On page 2, line 20, change "June 30, 2006," to "June 30, 2004,"

AMENDMENT NO. 3

On page 2, at the end of line 22, insert "However, upon expiration of the bonds, the tolls shall be collected at the rate of twelve and one-half cents per axle for discounted toll script users and twenty-five cents per axle for cash users."

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Bagneris to Reengrossed House Bill No. 10 by Representative Diez

AMENDMENT NO. 1

Delete Senate Floor Amendment Nos. 4, 5, 6, 7, 8, and 9 proposed by Senator Landry and adopted by the Senate on April 17, 1998.

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 | Guillory | Riddle |
| Alexander, R.—13th | Hammett | Salter |
| Baudoin | Hill | Schneider |
| Baylor | Hopkins | Shaw |
| Bruce | Hudson | Smith, J.D.—50th |
| Carter | Hunter | Smith, J.R.—30th |
| Chaisson | Johns | Theriot |
| Copelin | Kennard | Thomas |
| Crane | Kenney | Thompson |
| Curtis | LeBlanc | Travis |
| Deville | McCallum | Triche |
| DeWitt | McDonald | Waddell |
| Diez | McMains | Walsworth |
| Dimos | Morrell | Welch |
| Dupre | Murray | Weston |
| Farve | Pierre | Wiggins |
| Faucheux | Pinac | Wilkerson |
| Flavin | Powell | Willard |
| Fontenot | Pratt | |
| Glover | Quezaire | |
| Total—58 | | |

NAYS

| | | |
|----------|------------|------------|
| Ansardi | Gautreaux | Odinet |
| Barton | Green | Rousselle |
| Bowler | Heaton | Scalise |
| Bruneau | Hebert | Schwegmann |
| Clarkson | Iles | Toomy |
| Damico | Jenkins | Vitter |
| Daniel | Landrieu | Warner |
| Donelon | Martiny | Windhorst |
| Durand | McCain | Winston |
| Frith | Michot | Wright |
| Fruge | Montgomery | |
| Total—32 | | |

ABSENT

| | | |
|--------------------|-------------|-----------|
| Alario | Long | Romero |
| Alexander, A.—93rd | Marionneaux | Stelly |
| Holden | Mitchell | Strain |
| Jetson | Morrish | Thornhill |
| Lancaster | Perkins | |
| Total—14 | | |

The amendments proposed by the Senate, failing to receive a two-thirds vote of the elected members, were not concurred in by the House.

Conference Committee appointments pending.

Message from the Senate

HOUSE BILLS

April 17, 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 House Bills:

House Bill No. 171
Returned with amendments.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

**House Bills and Joint Resolutions
Returned from the Senate with Amendments**

Rep. Copelin asked for and obtained a suspension of the rules to take up at this time the following House Bills and Joint Resolutions just returned from the Senate with amendments with a view of acting on the same:

HOUSE BILL NO. 171—

BY REPRESENTATIVES DOWNER, CRANE, DEWITT, MCDONALD, MCMAINS, STELLY, WALSWORTH, CURTIS, DANIEL, DURAND, FLAVIN, JOHNS, SHAW, WILKERSON, ALARIO, R. ALEXANDER, ANSARDI, BARTON, BAUDOIN, BAYLOR, BOWLER, BRUCE, BRUNEAU, CARTER, CLARKSON, COPELIN, DAMICO, DEVILLE, DIEZ, DOERGE, DONELON, DUPRE, FAUCHEUX, FONTENOT, FRITH, FRUGE, GAUTREAUX, GLOVER, GUILLORY, HEATON, HILL, HOLDEN, HOPKINS, HUDSON, HUNTER, ILES, KENNARD, KENNEY, LANCASTER, LANDRIEU, LEBLANC, LONG, MARTINY, MCCAIN, MCCALLUM, MICHOT, MONTGOMERY, MORRELL, MORRISH, MURRAY, PIERRE, PINAC, POWELL, PRATT, RIDDLE, ROMERO, ROUSSELLE, SALTER, SCALISE, SCHNEIDER, SCHWEGMANN, JACK SMITH, JOHN SMITH, STRAIN, THOMAS, THOMPSON, THORNHILL, TOOMY, TRAVIS, TRICHE, VITTER, WADDELL, WARNER, WELCH, WESTON, WIGGINS, WILLARD, WINDHORST, AND WRIGHT

AN ACT

To amend and reenact R.S. 11:737(A) and 791(A)(2), to enact R.S. 17:16, and to repeal R.S. 11:739 and 791(A)(3), (4), and (5), relative to the reemployment of teachers who have retired from the Teachers' Retirement System of Louisiana; to provide for the adoption of rules by the State Board of Elementary and Secondary Education to establish guidelines and procedures for the hiring of retired teachers; to encourage the use of certain funds provided by the state in furtherance of hiring retired teachers; to provide an effective date; and to provide for related matters.

Read by title.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Retirement to Reengrossed House Bill No. 171 by Representative Downer

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

AMENDMENT NO. 3

On page 2, between line 2 and 3, 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.

* * *

AMENDMENT NO. 4

On page 3, at the end of line 2, delete "if the" and delete lines 3 through 6 in their entirety and insert in lieu thereof 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"

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Bagneris to Reengrossed House Bill No. 171 by Representative Downer

AMENDMENT NO. 1

In Senate Committee Amendment No.3, proposed by the Senate Committee on Retirement and adopted by the Senate on April 7, 1998, on page 1, between lines 36 and 37 insert:

"(3)(a) The provisions of Paragraph (1) of this Subsection shall not apply to any retiree who was employed in a state-funded program commonly known as "Three R's" during a period of time from 1980 through 1986 and who subsequently was employed in a state-funded program commonly known as "Project Alert" during a period of time from 1986 through 1994, both of which programs were conducted on the campus of Southern University at New Orleans.

(b) The provisions of this Paragraph shall be applied retroactively to January 1, 1980."

Rep. Copelin 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, 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 | Shaw |
| Clarkson | Jetson | Smith, J.D.—50th |
| Copelin | Johns | Smith, J.R.—30th |
| Crane | Kennard | Strain |
| Curtis | Kenney | Theriot |
| Damico | Landrieu | Thomas |
| Daniel | LeBlanc | Thompson |
| Deville | Marionneaux | Toomy |
| DeWitt | Martiny | Travis |
| Diez | McCain | Vitter |
| Dimos | 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 |
| Glover | Pierre | |
| Total—98 | | |

NAYS

Total—0

ABSENT

| | |
|--------------------|-----------|
| Alexander, A.—93rd | Stelly |
| Lancaster | Thornhill |
| Long | Triche |
| Total—6 | |

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

Message from the Senate

**APPOINTMENT OF
CONFERENCE COMMITTEE**

April 17, 1998

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

I am directed to inform your honorable body that the President of the Senate has appointed the following committee to serve with a like committee from the House to confer on the disagreement to House Bill No. 10: Senators Landry, Heitmeier, and Lambert.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

**APPOINTMENT OF
CONFERENCE COMMITTEE**

April 17, 1998

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

I am directed to inform your honorable body that the President of the Senate has appointed the following committee to serve with a like committee from the House to confer on the disagreement to House Bill No. 10: Senators Irons vice Senator Heitmeier.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Conference Committee Appointment

The Speaker appointed the following conferees on the part of the House to confer with a like committee from the Senate on the disagreement to House Bill No. 10: Reps. Diez, Theriot, and Windhorst.

Conference Committee Report

The following Conference Committee Report was received and read:

CONFERENCE COMMITTEE REPORT

Senate Bill No. 21 by Senator Lentini

April 17, 1998

To the Honorable President and Members of the Senate and to the Honorable Speaker and Members of the House of Representatives:

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill 21 by Senator Lentini recommend the following concerning the Re-reengrossed bill:

1. That House Floor Amendments Numbers 1, which amends line 5 of page 1 of the bill, and 2, which adds Section 2 to the bill, proposed by Representative Daniel and adopted by the House on April 16, 1998 be adopted.
2. That House Floor Amendments Numbers 1, which delete lines 16 through 20 of the bill, and 2, which amends the beginning of line 22 of page 2 of the bill, be rejected.
3. That the following amendments to the Re-reengrossed bill be adopted:

AMENDMENT NO. 1

On page 2, line 16, after "The" delete the remainder of the line

AMENDMENT NO. 2

On page 2, at the beginning of line 17, delete "regulations and" and after "opinions" add "and final report" and at the end of the line delete "gathered, compiled,"

AMENDMENT NO. 3

On page 2, delete lines 22 through 27, and on page 3 delete lines 1 through 4 and add in lieu thereof the following:

"C. A decision of the department relative to the placement of a stop sign at a crossing which possesses any other warning device shall not be considered as presumptive or conclusive evidence of fault on the part of the state or its agents or any political subdivision or its agents."

Respectfully submitted,

Senator Arthur Lentini
Senator Ron Landry
Representative Robert Faucheux, Jr.
Representative William Daniel

Rep. Daniel moved to adopt the Conference Committee Report.

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|-------------|-------------|------------------|
| Mr. Speaker | Hammett | Quezaire |
| Alario | Heaton | Riddle |
| Ansardi | Hebert | Romero |
| Barton | Hill | Rousselle |
| Baudoin | Hopkins | Salter |
| Baylor | Hudson | Scalise |
| Bruce | Hunter | Schneider |
| Bruneau | Iles | Schwegmann |
| Carter | Jenkins | Shaw |
| Chaisson | Johns | Smith, J.D.—50th |
| Clarkson | Kennard | Stelly |
| Copelin | Kenney | Strain |
| Crane | Lancaster | Theriot |
| Curtis | Landrieu | Thomas |
| Damico | Long | Thompson |
| Daniel | Marionneaux | Toomy |
| Deville | Martiny | Travis |
| DeWitt | McCain | Triche |
| Dimos | McCallum | Vitter |
| Donelon | McDonald | Waddell |
| Dupre | McMains | Walsworth |

| | | |
|-----------|------------|-----------|
| Durand | Michot | Warner |
| Farve | Montgomery | Welch |
| Faucheux | Morrell | Weston |
| Flavin | Morrish | Wiggins |
| Frith | Murray | Wilkerson |
| Fruge | Odinot | Willard |
| Gautreaux | Pierre | Windhorst |
| Glover | Pinac | Winston |
| Green | Powell | |
| Guillory | Pratt | |
| Total—91 | | |

NAYS

| | |
|---------|------------------|
| Bowler | LeBlanc |
| Diez | Smith, J.R.—30th |
| Total—4 | |

ABSENT

| | | |
|--------------------|-----------|--------|
| Alexander, A.—93rd | Jetson | Wright |
| Alexander, R.—13th | Mitchell | |
| Fontenot | Perkins | |
| Holden | Thornhill | |
| Total—9 | | |

The Conference Committee Report was adopted.

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

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

HOUSE RESOLUTION NO. 32—
BY REPRESENTATIVES WILLARD, A. ALEXANDER, CLARKSON, COPELIN, FARVE, LANDRIEU, MORRELL, MURRAY, PRATT, AND SCHWEGMANN

A RESOLUTION

To remember the Reverend Jerome Owens and to reflect on his lifetime of achievements and spiritual contributions to the people of this state.

Read by title.

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

HOUSE CONCURRENT RESOLUTION NO. 81—

BY REPRESENTATIVE DOWNER AND SENATOR EWING AND REPRESENTATIVES ALARIO, A. ALEXANDER, R. ALEXANDER, ANSARDI, BARTON, BAUDOIN, BAYLOR, BOWLER, BRUCE, BRUNEAU, CARTER, CHAISSON, CLARKSON, COPELIN, CRANE, CURTIS, DAMICO, DANIEL, DEVILLE, DEWITT, DIEZ, DIMOS, DONELON, DUPRE, DURAND, FARVE, FAUCHEUX, FLAVIN, FONTENOT, FRITH, FRUGE, GAUTREAU, GLOVER, GREEN, GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HOLDEN, HOPKINS, HUDSON, HUNTER, ILES, JENKINS, JETSON, JOHNS, KENNARD, KENNEY, LANCASTER, LANDRIEU, LEBLANC, LONG, MARIONNEAU, 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, SHAW, JACK SMITH, JOHN SMITH, STELLY, STRAIN, THERIOT, THOMAS, THOMPSON, THORNHILL, TOOMY, TRAVIS, TRICHE, VITTER, WADDELL, WALSWORTH, WARNER, WELCH, WESTON, WIGGINS, WILKERSON, WILLARD, WINDHORST, WINSTON, AND WRIGHT AND SENATORS BAGNERIS, BAJOIE, BARHAM, BEAN, BRANCH, CAIN, CAMPBELL, CASANOVA, COX, CRAVINS, DARDENNE, DEAN, DYESS, ELLINGTON, C. FIELDS, W. FIELDS, GREENE, HAINKEL, HEITMEIER, HINES, HOLLIS, IRONS, JOHNSON, JONES, JORDAN, LAMBERT, LANDRY, LENTINI, MALONE, ROBICHAUX, ROMERO, SCHEDLER, SHORT, SIRACUSA, SMITH, TARVER, THEUNISSEN, AND ULLO

A CONCURRENT RESOLUTION

To express the condolences of the Legislature of Louisiana upon the death of the Honorable Everett Gail Doerge, State

Representative, and to also express the heartfelt sorrow of the legislature to the family of Representative Everett Gail Doerge.

Read by title.

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

Ordered to the Senate.

Conference Committee Report

The following Conference Committee Report was received and read:

CONFERENCE COMMITTEE REPORT

House Bill No. 201 By Representative McDonald, et al.

April 17, 1998

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 201 by Representative McDonald et al., recommend the following concerning the reengrossed bill:

1. That Senate Committee Amendments Nos. 6, 7, 8, 9, 10, 11, and 12, proposed by the Senate Committee on Education and adopted by the Senate on April 8, 1998, be adopted.
2. That Senate Committee Amendments Nos. 6 and 9, proposed by the Senate Committee on Finance and adopted by the Senate on April 14, 1998, be adopted.
3. That Senate Floor Amendments Nos. 8, 9, and 10 of the first set of Senate Floor Amendments proposed by Senator Greene and adopted by the Senate on April 16, 1998 be adopted.
4. That Senate Committee Amendments Nos. 1, 2, 3, 4, 5, 13, and 14 proposed by the Senate Committee on Education and adopted by the Senate on April 8, 1998, be rejected.
5. That Senate Committee Amendments Nos. 1, 2, 3, 4, 5, 7, and 8 proposed by the Senate Committee on Finance and adopted by the Senate on April 14, 1998, be rejected.
6. That Senate Floor Amendments Nos. 1, 2, 3, 4, 5, 6, and 7 of the first set of Senate Floor Amendments proposed by Senator Greene and adopted by the Senate on April 16, 1998, be rejected.
7. That second set of Senate Floor Amendments proposed by Senator Greene and adopted by the Senate on April 16, 1998, be rejected.
8. That the set of Senate Floor Amendments proposed by Senator W. Fields and adopted by the Senate on April 16, 1998, be rejected.
9. That the first and second sets of Senate Floor Amendments proposed by Senator Short and adopted by the Senate on April 16, 1998, be rejected.

10. That the set of Senate Floor Amendments proposed by Senator Dardenne and adopted by the Senate on April 16, 1998, be rejected.

11. That the following amendments to the reengrossed bill be adopted:

AMENDMENT NO. 1

On page 3, line 24, after "school," delete the remainder of the line and delete line 25 and at the beginning of line 26 delete "in Louisiana."

AMENDMENT NO. 2

On page 4, line 1, after "Forces" and before "who" insert "who meets the residency requirements of this Subparagraph and"

AMENDMENT NO. 3

On page 4, line 3, after "recent" delete the remainder of the line and at the beginning of line 4 delete "regulations," and insert in lieu thereof "two years."

AMENDMENT NO. 4

On page 7, at the end of line 15, delete "2000," and insert "1998, except that the core curriculum requirement for a Performance Award shall be waived for any student graduating during the 1997-1998 school year who is certified as having graduated within the top five percent of his graduating class at a Louisiana public high school or nonpublic high school which is approved by the State Board of Elementary and Secondary Education."

AMENDMENT NO. 5

On page 22, line 7, after "other" delete the remainder of the line and insert "cost of attendance."

AMENDMENT NO. 6

On page 24, at the end of line 11, insert the following:

"The procedure shall provide that reductions of awards made necessary by insufficient appropriations shall first eliminate the cohort of students who score lowest on the American College Test. The procedures shall provide that within that cohort of students, those whose families are most able to pay the student's tuition shall be eliminated first. After insufficient appropriations require the elimination of all students in such cohort, the procedures shall require repeating the process with those students in the next highest score cohort."

AMENDMENT NO. 7

On page 24 delete lines 20 through 26 and delete pages 25 and 26 and on page 27 delete lines one through 7 and insert in lieu thereof the following:

"O. In lieu of the payment of tuition as provided in this Section, any student participating in the program provided by R.S. 29:36.1 for persons serving in the Louisiana National Guard shall receive the tuition exemption as provided therein. However, in addition to any other payments provided for by this Section:

(1) For any student who is participating in the tuition exemption program provided by R.S. 29:36.1 and who also meets the qualifications provided in this Section for receipt of an Opportunity Award, the state shall pay on behalf of such student a sum of not

more than one hundred fifty dollars per semester or three hundred dollars per academic year for the actual cost of books and other instructional materials.

(2) For any student who is participating in the tuition exemption program provided by R.S. 29:36.1 and who also meets the qualifications provided in this Section for receipt of a Performance Award, the state shall pay on behalf of the student a sum of not more than one hundred fifty dollars per semester or three hundred dollars per academic year for the actual cost of books and other instructional materials plus the sum of two hundred dollars per semester or four hundred dollars per academic year for other educational expenses as defined by the Louisiana Student Financial Assistance Commission.

(3) For any student who is participating in the tuition exemption program provided by R.S. 29:36.1 and who also meets the qualifications provided in this Section for receipt of an Honors Award, the state shall pay on behalf of the student a sum of not more than one hundred fifty dollars per semester or three hundred dollars per academic year for the actual cost of books and other instructional materials plus the sum of four hundred dollars per semester or eight hundred dollars per academic year for other educational expenses as defined by the Louisiana Student Financial Assistance Commission.

P.(1) Notwithstanding any initial student eligibility requirement of this Chapter to the contrary, a student shall be eligible to receive a TOPS-Tech Award pursuant to this Section provided each of the applicable following conditions are met:

(a) The student has been certified by the principal or headmaster to have graduated from an out-of-state high school which has been approved by the appropriate state educational agency in the state in which the school is located.

(b) The student has a composite score on the 1990 version of the American College Test which is at least three points higher than that required by this Section for a student graduating from a Louisiana public high school or nonpublic high school which has been approved by the State Board of Elementary and Secondary Education or an equivalent concordant value on an enhanced or revised version of such test or on the Scholastic Aptitude Test.

(c) Unless granted an exception for cause by the administering agency, the student has enrolled in a Louisiana public postsecondary institution as a first-time freshman not later than the semester, excluding summer semesters or sessions, immediately following the first anniversary of the date that the student graduated from high school or, if the student joins the United States Armed Forces within one year after graduating from high school, has enrolled in a Louisiana public postsecondary institution as a first-time freshman not later than the semester, excluding summer semesters or sessions, immediately following the fifth anniversary of the date that the student graduated from high school.

(d) The student meets the eligibility requirements provided in Subparagraphs A(1)(a) and (f) of this Section.

(2) Notwithstanding any initial student eligibility requirement of this Chapter to the contrary, a student shall be eligible to receive an Opportunity Award pursuant to this Section provided each of the following conditions are met:

(a) The student meets the eligibility requirements provided in Subparagraph (1)(a) of this Subsection.

(b) Unless granted an exception for cause by the administering agency, the student has enrolled in an eligible college or university as a first-time freshman not later than the semester, excluding summer semesters or sessions, immediately following the first

anniversary of the date that the student graduated from high school or, if the student joins the United States Armed Forces within one year after graduating from high school, has enrolled in an eligible college or university as a first-time freshman not later than the semester, excluding summer semesters or sessions, immediately following the fifth anniversary of the date that the student graduated from high school.

(c) The student has a composite score on the 1990 version of the American College Test which is at least three points higher than that required by this Section for a student graduating from a Louisiana public high school or nonpublic high school which has been approved by the State Board of Elementary and Secondary Education or an equivalent concordant value on an enhanced or revised version of such test or on the Scholastic Aptitude Test.

(d) The student meets the eligibility requirements provided in Subparagraphs A(1)(a) and (f) of this Section.

(3) Notwithstanding any initial student eligibility requirement of this Chapter to the contrary, a student shall be eligible to receive a Performance Award pursuant to this Section provided each of the following conditions are met:

(a) The student meets the eligibility requirements provided in Subparagraph (1)(a) of this Subsection.

(b) Unless granted an exception for cause by the administering agency, the student has enrolled in an eligible college or university as a first-time freshman not later than the semester, excluding summer semesters or sessions, immediately following the first anniversary of the date that the student graduated from high school or, if the student joins the United States Armed Forces within one year after graduating from high school, has enrolled in an eligible college or university as a first-time freshman not later than the semester, excluding summer semesters or sessions, immediately following the fifth anniversary of the date that the student graduated from high school.

(c) The student has a composite score on the 1990 version of the American College Test which is at least three points higher than that required by this Section for a student graduating from a Louisiana public high school or nonpublic high school which has been approved by the State Board of Elementary and Secondary Education or an equivalent concordant value on an enhanced or revised version of such test or on the Scholastic Aptitude Test.

(d) The student meets the eligibility requirements provided in Subparagraphs A(1)(a) and (f) of this Section.

(4) Notwithstanding any initial student eligibility requirement of this Chapter to the contrary, a student shall be eligible to receive an Honors Award pursuant to this Section provided each of the following conditions are met:

(a) The student meets the eligibility requirements provided in Subparagraph (1)(a) of this Subsection.

(b) Unless granted an exception for cause by the administering agency, the student has enrolled in an eligible college or university as a first-time freshman not later than the semester, excluding summer semesters or sessions, immediately following the first anniversary of the date that the student graduated from high school or, if the student joins the United States Armed Forces within one year after graduating from high school, has enrolled in an eligible college or university as a first-time freshman not later than the semester, excluding summer semesters or sessions, immediately following the fifth anniversary of the date that the student graduated from high school.

(c) The student has a composite score on the 1990 version of the American College Test which is at least three points higher than that required by this Section for a student graduating from a Louisiana public high school or nonpublic high school which has been approved by the State Board of Elementary and Secondary Education or an equivalent concordant value on an enhanced or revised version of such test or on the Scholastic Aptitude Test.

(d) The student meets the eligibility requirements provided in Subparagraphs A(1)(a) and (f) of this Section.

Q.(1) Notwithstanding any initial student eligibility requirement of this Chapter to the contrary, a student shall be eligible to receive a TOPS-Tech Award pursuant to this Section provided each of the following conditions are met:

(a) The student has been certified by a parent or legal guardian to have successfully completed at the twelfth grade level a home study program approved by the State Board of Elementary and Secondary Education. Additionally, the student, if ever enrolled in a Louisiana public high school or nonpublic high school which has been approved by the State Board of Elementary and Secondary Education must have begun his studies in the approved home study program no later than the conclusion of the tenth grade year.

(b) The student has actually resided in Louisiana or has a parent or legal guardian who has actually resided in Louisiana during the twenty-four months prior to the date that the student's initial application is received by the administering agency.

(c) The student has a composite score on the 1990 version of the American College Test which is at least three points higher than that required by this Section for a student graduating from a Louisiana public high school or nonpublic high school which has been approved by the State Board of Elementary and Secondary Education or an equivalent concordant value on an enhanced or revised version of such test or on the Scholastic Aptitude Test.

(d) Unless granted an exception for cause by the administering agency, the student has enrolled in a Louisiana public postsecondary institution as a first-time freshman not later than the semester, excluding summer semesters or sessions, immediately following the first anniversary of the date that the student's initial application is received by the administering agency or, if the student joins the United States Armed Forces within one year after completing the home study program, has enrolled in a Louisiana public postsecondary institution as a first-time freshman not later than the semester, excluding summer semesters or sessions, immediately following the fifth anniversary of the date that the student's initial application is received by the administering agency.

(e) The student meets the eligibility requirements provided in Subparagraph A(1)(f) of this Section.

(2) Notwithstanding any initial student eligibility requirement of this Chapter to the contrary, a student shall be eligible to receive an Opportunity Award pursuant to this Section provided each of the following conditions are met:

(a) The student meets the eligibility requirements provided in Subparagraphs (1)(a), (b), and (d) of this Subsection.

(b) The student has a composite score on the 1990 version of the American College Test which is at least three points higher than that required by this Section for a student graduating from a Louisiana public high school or nonpublic high school which has been approved by the State Board of Elementary and Secondary Education or an equivalent concordant value on an enhanced or revised version of such test or on the Scholastic Aptitude Test.

(c) The student meets the eligibility requirements provided in Subparagraph A(1)(f) of this Section.

(3) Notwithstanding any initial student eligibility requirement of this Chapter to the contrary, a student shall be eligible to receive a Performance Award pursuant to this Section provided each of the following conditions are met:

(a) The student meets the eligibility requirements provided in Subparagraphs (1)(a), (b), and (d) of this Subsection.

(b) The student has a composite score on the 1990 version of the American College Test which is at least three points higher than that required by this Section for a student graduating from a Louisiana public high school or nonpublic high school which has been approved by the State Board of Elementary and Secondary Education or an equivalent concordant value on an enhanced or revised version of such test or on the Scholastic Aptitude Test.

(c) The student meets the eligibility requirements provided in Subparagraph A(1)(f) of this Section.

(4) Notwithstanding any initial student eligibility requirement of this Chapter to the contrary, a student shall be eligible to receive an Honors Award pursuant to this Section provided each of the following conditions are met:

(a) The student meets the eligibility requirements provided in Subparagraphs (1)(a), (b), and (d) of this Subsection.

(b) The student has a composite score on the 1990 version of the American College Test which is at least three points higher than that required by this Section for a student graduating from a Louisiana public high school or nonpublic high school which has been approved by the State Board of Elementary and Secondary Education or an equivalent concordant value on an enhanced or revised version of such test or on the Scholastic Aptitude Test.

(c) The student meets the eligibility requirements provided in Subparagraph A(1)(f) of this Section."

AMENDMENT NO. 8

On page 27, at the beginning of line 8, change "S." to "R."

Respectfully submitted,

Representative Charles R. McDonald
 Representative Emile "Peppi" Bruneau
 Representative Robert E. "Bob" Barton
 Senator John L. "Jay" Dardenne, Jr.
 Senator Tom Green

Rep. McDonald moved to adopt the Conference Committee Report.

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|--------------------|----------|-----------|
| Mr. Speaker | Guillory | Pinac |
| Alario | Hammett | Powell |
| Alexander, R.—13th | Heaton | Quezaire |
| Ansardi | Hebert | Riddle |
| Barton | Hill | Romero |
| Baudoin | Holden | Rousselle |
| Bowler | Hopkins | Salter |

| | | |
|-----------|-------------|------------------|
| Bruce | Hunter | Scalise |
| Bruneau | Iles | Schneider |
| Carter | Jenkins | Schwegmann |
| Chaisson | Jetson | Shaw |
| Clarkson | Johns | Smith, J.D.—50th |
| Crane | Kennard | Smith, J.R.—30th |
| Curtis | Kenney | Stelly |
| Damico | Lancaster | Strain |
| Daniel | Landrieu | Theriot |
| Deville | LeBlanc | Thomas |
| DeWitt | Long | Thompson |
| Diez | Marionneaux | Toomy |
| Dimos | Martiny | Travis |
| Donelon | McCain | Vitter |
| Dupre | McCallum | Waddell |
| Durand | McDonald | Walsworth |
| Faucheux | McMains | Warner |
| Flavin | Michot | Wiggins |
| Fontenot | Montgomery | Willard |
| Frith | Morrish | Windhorst |
| Fruge | Murray | Winston |
| Gautreaux | Odinet | Wright |
| Glover | Perkins | |
| Green | Pierre | |
| Total—91 | | |

NAYS

| | | |
|---------|---------|-------|
| Baylor | Farve | Pratt |
| Copelin | Morrell | Welch |
| Total—6 | | |

ABSENT

| | | |
|--------------------|-----------|-----------|
| Alexander, A.—93rd | Thornhill | Wilkerson |
| Hudson | Triche | |
| Mitchell | Weston | |
| Total—7 | | |

The Conference Committee Report was adopted.

Conference Committee Report

The following Conference Committee Report was received and read:

CONFERENCE COMMITTEE REPORT

Senate Concurrent Resolution No. 13 by Senator Hainkel

April 17, 1998

To the Honorable President and Members of the Senate and to the Honorable Speaker and Members of the House of Representatives:

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill 13 by Senator Hainkel recommend the following concerning the Engrossed bill:

1. That House Committee Amendment Nos. 1 through 6 proposed by the House Committee on Judiciary and adopted by the House on April 13, 1998, be rejected.
2. That the following amendments to the engrossed bill be adopted:

AMENDMENT NO. 1

On page 1, line 2, after "To" delete the remainder of the line, and insert in lieu thereof "urge and request the Supreme Court of Louisiana to name the building, or an appropriate section thereof,"

AMENDMENT NO. 2

On page 1, at the beginning of line 3, delete "Fisheries building," and at the end of the line change "the" to "in honor of"

AMENDMENT NO. 3

On page 1, line 4, after "Cassibry" and before the period "." delete "State Law Library"

AMENDMENT NO. 4

On page 3, line 6, after "hereby" delete the remainder of the line, and insert in lieu thereof "urge and request the Supreme Court of Louisiana to name the building, or an appropriate section thereof,"

AMENDMENT NO. 5

On page 3, at the beginning of line 7, delete "and Fisheries building," and after "New Orleans" change "the" to "in honor of"

AMENDMENT NO. 6

On page 3, line 8, after "Cassibry" and before the period "." delete "State Law Library"

Respectfully submitted,

Senator Dennis Bagneris
Senaor John L. "Jay" Dardenne
Representative C. E. "Peppi" Bruneau, Jr.
Representative Jacquelyn Brechtel Clarkson
Representative Joseph F. Toomy

On motion of Rep. Bruneau, the Conference Committee Report was adopted.

Motion

On motion of Rep. Diez, the Speaker appointed the following committee to notify the Governor that the House has completed its labors and is prepared to adjourn *sine die*: Reps. Travis, DeWitt, Clarkson, Schwegmann and Pierre.

Motion

On motion of Rep. Diez, the Speaker appointed the following committee to notify the Senate that the House has completed its labors and is prepared to adjourn *sine die*: Reps. Dimos, Triche, Salter, Durand and Farve.

Suspension of the Rules

On motion of Rep. DeWitt, the rules were suspended in order to take up Petitions, Memorials and Communications at this time.

Petitions, Memorials and Communications

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

Message from the Senate**ADOPTION OF
CONFERENCE COMMITTEE REPORT**

April 17, 1998

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

I am directed to inform your honorable body that the Senate has adopted the report of the Conference Committee on the disagreement to House Bill No. 201.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate**HOUSE CONCURRENT RESOLUTIONS**

April 17, 1998

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

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

House Concurrent Resolution No. 62
Returned without amendments.

House Concurrent Resolution No. 81
Returned without amendments.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate**HOUSE BILLS**

April 17, 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 House Bills:

House Bill No. 42
Returned without amendments.

House Bill No. 192
Returned with amendments.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

**ADOPTION OF
CONFERENCE COMMITTEE REPORT**

April 17, 1998

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

I am directed to inform your honorable body that the Senate has adopted the report of the Conference Committee on the disagreement to House Concurrent Resolution No. 24.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

**ADOPTION OF
CONFERENCE COMMITTEE REPORT**

April 17, 1998

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

I am directed to inform your honorable body that the Senate has adopted the report of the Conference Committee on the disagreement to House Bill No. 20.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

**ADOPTION OF
CONFERENCE COMMITTEE REPORT**

April 17, 1998

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

I am directed to inform your honorable body that the Senate has adopted the report of the Conference Committee on the disagreement to House Bill No. 24.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

**ADOPTION OF
CONFERENCE COMMITTEE REPORT**

April 17, 1998

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

I am directed to inform your honorable body that the Senate has adopted the report of the Conference Committee on the disagreement to House Bill No. 25.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

**ADOPTION OF
CONFERENCE COMMITTEE REPORT**

April 17, 1998

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

I am directed to inform your honorable body that the Senate has adopted the report of the Conference Committee on the disagreement to House Bill No. 131.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

**ADOPTION OF
CONFERENCE COMMITTEE REPORT**

April 17, 1998

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

I am directed to inform your honorable body that the Senate has adopted the report of the Conference Committee on the disagreement to House Bill No. 137.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

**ADOPTION OF
CONFERENCE COMMITTEE REPORT**

April 17, 1998

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

I am directed to inform your honorable body that the Senate has adopted the report of the Conference Committee on the disagreement to Senate Concurrent Resolution No. 13.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate**ADOPTION OF
CONFERENCE COMMITTEE REPORT**

April 17, 1998

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

I am directed to inform your honorable body that the Senate has adopted the report of the Conference Committee on the disagreement to Senate Bill No. 20.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate**ADOPTION OF
CONFERENCE COMMITTEE REPORT**

April 17, 1998

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

I am directed to inform your honorable body that the Senate has adopted the report of the Conference Committee on the disagreement to Senate Bill No. 21.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate**ADOPTION OF
CONFERENCE COMMITTEE REPORT**

April 17, 1998

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

I am directed to inform your honorable body that the Senate has adopted the report of the Conference Committee on the disagreement to Senate Bill No. 117.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate**HOUSE CONCURRENT RESOLUTIONS**

April 17, 1998

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

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

House Concurrent Resolution No. 66
Returned without amendments.

House Concurrent Resolution No. 76
Returned without amendments.

House Concurrent Resolution No. 79
Returned without amendments.

House Concurrent Resolution No. 80
Returned without amendments.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Privileged Report of the Committee on Enrollment

April 17, 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. 20—
BY REPRESENTATIVE BAUDOIN**A RESOLUTION**

To commend and congratulate the Carencro High School football team for their tremendous effort in recent years and their outstanding achievement of being the first high school football team in the United States to be invited to the Hawaii Pacific Bowl to play against an all-star football team from Japan at the University of Hawaii's football stadium on January 30, 1999.

HOUSE RESOLUTION NO. 21—

BY REPRESENTATIVES MCDONALD, DIMOS, HUNTER, THOMPSON, WALSWORTH, R. ALEXANDER, STELLY, POWELL, AND WADDELL

A RESOLUTION

To commend and congratulate Pat Collins upon his induction into the Northeast Louisiana University Hall of Fame.

HOUSE RESOLUTION NO. 22—

BY REPRESENTATIVES LANDRIEU, DOWNER, BRUNEAU, CLARKSON, COPELIN, FARVE, HEATON, MORRELL, MURRAY, ODINET, PRATT, WILLARD, ALARIO, A. ALEXANDER, R. ALEXANDER, ANSARDI, BARTON, BAUDOIN, BAYLOR, BOWLER, BRUCE, CARTER, CHAISSON, CRANE, CURTIS, DAMICO, DANIEL, DEVILLE, DEWITT, DIEZ, DIMOS, DOERGE, DONELON, DUPRE, DURAND, FAUCHEUX, FLAVIN, FONTENOT, FRITH, FRUGE, GAUTREAUX, GLOVER, GREEN, GUILLORY, HAMMETT, HEBERT, HILL, HOLDEN, HOPKINS, HUDSON, HUNTER, ILES, JENKINS, JETSON, JOHNS, KENNARD, KENNEY, LANCASTER, LEBLANC, LONG, MARIONNEAUX, MARTINY, MCCAIN, MCCALLUM, MCDONALD, MCMAINS, MICHOT, MITCHELL, MONTGOMERY, MORRISH, PERKINS, PIERRE, PINAC, POWELL, QUEZAIRE, RIDDLE, ROMERO, ROUSSELLE, SALTER, SCALISE, SCHNEIDER, SCHWEGMANN, SHAW, JACK SMITH, JOHN SMITH, STELLY, STRAIN, THERIOT, THOMAS, THOMPSON, THORNHILL, TOOMY, TRAVIS, TRICHE, VITTER, WADDELL, WALSWORTH, WARNER, WELCH, WESTON, WIGGINS, WILKERSON, WINDHORST, WINSTON, AND WRIGHT

A RESOLUTION

To express the sincere condolences of the House of Representatives of the Legislature of Louisiana upon the death of Mrs. Rosa Freeman Keller of New Orleans, and to recognize and record her many contributions to Louisiana and to New Orleans.

HOUSE RESOLUTION NO. 23—

BY REPRESENTATIVES WELCH AND GREEN
A RESOLUTION

To express the condolences of the House of Representatives upon the death of Mrs. Mildred Charles Lewis of Marrero.

HOUSE RESOLUTION NO. 24—

BY REPRESENTATIVE FAUCHEUX
A RESOLUTION

To urge and request the Department of Transportation and Development to lower the speed limit from 65 m.p.h. to 45 m.p.h. on U.S. Highway 61 from West Nineteenth Street in Reserve, Louisiana, to the St. Charles Parish line and to establish a school zone on U.S. Highway 61 for the Reserve Christian School in Reserve, Louisiana.

HOUSE RESOLUTION NO. 25—

BY REPRESENTATIVE FAUCHEUX
A RESOLUTION

To urge and request the Department of Transportation and Development to lower the speed limit from 65 m.p.h. to 45 m.p.h. on U.S. Highway 61 from West Nineteenth Street in Reserve, Louisiana, to the St. Charles Parish line and to establish school zones on U.S. Highway 61 for the East St. John High School and the East St. John Elementary School in LaPlace, Louisiana, and the Reserve Christian School in Reserve, Louisiana.

HOUSE RESOLUTION NO. 26—

BY REPRESENTATIVE FAUCHEUX
A RESOLUTION

To authorize and direct the Department of Transportation and Development to lower the speed limit on Louisiana Highway 44 from Dupont curve to Main Street in LaPlace, Louisiana, from forty miles per hour to thirty-five miles per hour for cars and other light vehicles and to twenty-five miles per hour for heavy trucks.

HOUSE RESOLUTION NO. 27—

BY REPRESENTATIVES FAUCHEUX, ALARIO, A. ALEXANDER, R. ALEXANDER, ANSARDI, BARTON, BAUDOIN, BAYLOR, BOWLER, BRUCE, BRUNEAU, CARTER, CHAISSON, CLARKSON, COPELIN, CRANE, CURTIS, DAMICO, DANIEL, DEVILLE, DEWITT, DIEZ, DIMOS, DONELON, DOWNER, DUPRE, DURAND, FARVE, FLAVIN, FONTENOT, FRITH, FRUGE, GAUTREUX, GLOVER, GREEN, GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HOLDEN, HOPKINS, HUDSON, HUNTER, ILES, JENKINS, JETSON, JOHNS, KENNARD, KENNEY, LANCASTER, LANDRIEU, LEBLANC, LONG, MARIONNEAUX, MARTINY, MCCAIN, MCCALLUM, MCDONALD, MCMAINS, MICHOT, MITCHELL, MONTGOMERY, MORRELL, MORRISH, MURRAY, ODINET, PERKINS, PIERRE, PINAC, POWELL, PRATT, QUEZAIRE, RIDDLE, ROMERO, ROUSSELLE, SALTER, SCALISE, SCHNEIDER, SCHWEGMANN, SHAW, JACK SMITH, JOHN SMITH, STELLY, STRAIN, THERIOT, THOMAS, THOMPSON, THORNHILL, TOOMY, TRAVIS, TRICHE, VITTER, WADDELL, WALSWORTH, WARNER, WELCH, WESTON, WIGGINS, WILKERSON, WILLARD, WINDHORST, WINSTON, AND WRIGHT

A RESOLUTION

To recognize Allen Toussaint for his significant contributions to the music industry and his induction into the Rock and Roll Hall of Fame.

HOUSE RESOLUTION NO. 28—

BY REPRESENTATIVES FAUCHEUX, ALARIO, A. ALEXANDER, R. ALEXANDER, ANSARDI, BARTON, BAUDOIN, BAYLOR, BOWLER, BRUCE, BRUNEAU, CARTER, CHAISSON, CLARKSON, COPELIN, CRANE, CURTIS, DAMICO, DANIEL, DEVILLE, DEWITT, DIEZ, DIMOS, DONELON, DOWNER, DUPRE, DURAND, FARVE, FLAVIN, FONTENOT, FRITH, FRUGE, GAUTREUX, GLOVER, GREEN, GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HOLDEN, HOPKINS, HUDSON, HUNTER, ILES, JENKINS, JETSON, JOHNS, KENNARD, KENNEY, LANCASTER, LANDRIEU, LEBLANC, LONG, MARIONNEAUX, MARTINY, MCCAIN, MCCALLUM, MCDONALD, MCMAINS, MICHOT, MITCHELL, MONTGOMERY, MORRELL, MORRISH, MURRAY, ODINET, PERKINS, PIERRE, PINAC, POWELL, PRATT, QUEZAIRE, RIDDLE, ROMERO, ROUSSELLE, SALTER, SCALISE, SCHNEIDER, SCHWEGMANN, SHAW, JACK SMITH, JOHN SMITH, STELLY, STRAIN,

THERIOT, THOMAS, THOMPSON, THORNHILL, TOOMY, TRAVIS, TRICHE, VITTER, WADDELL, WALSWORTH, WARNER, WELCH, WESTON, WIGGINS, WILKERSON, WILLARD, WINDHORST, WINSTON, AND WRIGHT

A RESOLUTION

To recognize Lloyd Price for his significant contributions to the music industry and his induction into the Rock and Roll Hall of Fame.

HOUSE RESOLUTION NO. 29—

BY REPRESENTATIVES FAUCHEUX, ALARIO, A. ALEXANDER, R. ALEXANDER, ANSARDI, BARTON, BAUDOIN, BAYLOR, BOWLER, BRUCE, BRUNEAU, CARTER, CHAISSON, CLARKSON, COPELIN, CRANE, CURTIS, DAMICO, DANIEL, DEVILLE, DEWITT, DIEZ, DIMOS, DONELON, DOWNER, DUPRE, DURAND, FARVE, FLAVIN, FONTENOT, FRITH, FRUGE, GAUTREUX, GLOVER, GREEN, GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HOLDEN, HOPKINS, HUDSON, HUNTER, ILES, JENKINS, JETSON, JOHNS, KENNARD, KENNEY, LANCASTER, LANDRIEU, LEBLANC, LONG, MARIONNEAUX, MARTINY, MCCAIN, MCCALLUM, MCDONALD, MCMAINS, MICHOT, MITCHELL, MONTGOMERY, MORRELL, MORRISH, MURRAY, ODINET, PERKINS, PIERRE, PINAC, POWELL, PRATT, QUEZAIRE, RIDDLE, ROMERO, ROUSSELLE, SALTER, SCALISE, SCHNEIDER, SCHWEGMANN, SHAW, JACK SMITH, JOHN SMITH, STELLY, STRAIN, THERIOT, THOMAS, THOMPSON, THORNHILL, TOOMY, TRAVIS, TRICHE, VITTER, WADDELL, WALSWORTH, WARNER, WELCH, WESTON, WIGGINS, WILKERSON, WILLARD, WINDHORST, WINSTON, AND WRIGHT

A RESOLUTION

To recognize Mr. Jelly Roll Morton for his significant contributions to the music industry and his induction into the Rock and Roll Hall of Fame.

HOUSE RESOLUTION NO. 30—

BY REPRESENTATIVES FAUCHEUX, FONTENOT, QUEZAIRE, AND DIEZ

A RESOLUTION

To create a committee to evaluate and recommend potential sites for a state park in St. James Parish, Ascension Parish, and Livingston Parish and to urge and request the office of state parks to study the feasibility of establishing a park at a site recommended by the committee and to report its findings to the legislature.

HOUSE RESOLUTION NO. 31—

BY REPRESENTATIVE FAUCHEUX
A RESOLUTION

To create a committee to evaluate and recommend potential sites for a state park in St. John the Baptist Parish and Tangipahoa Parish and to urge and request the office of state parks to study the feasibility of establishing a park at a site recommended by the committee and to report its findings to the legislature.

HOUSE RESOLUTION NO. 32—

BY REPRESENTATIVES WILLARD, A. ALEXANDER, CLARKSON, COPELIN, FARVE, LANDRIEU, MORRELL, MURRAY, PRATT, AND SCHWEGMANN

A RESOLUTION

To remember the Reverend Jerome Owens and to reflect on his lifetime of achievements and spiritual contributions to the people of this state.

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 17, 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. 24—

BY REPRESENTATIVES ANSARDI AND MARTINY
A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to reduce the speed limit from seventy miles per hour to sixty miles per hour on Interstate Highway 10 through the city of Kenner, Louisiana, and to post appropriate signs indicating the lower speed limit.

HOUSE CONCURRENT RESOLUTION NO. 62—

BY REPRESENTATIVES MCDONALD AND DOWNER
A CONCURRENT RESOLUTION

To urge and request each governing authority of a public elementary or secondary school to provide time-out rooms in the schools under its jurisdiction.

HOUSE CONCURRENT RESOLUTION NO. 66—

BY REPRESENTATIVES WRIGHT, DOERGE, AND THERIOT
A CONCURRENT RESOLUTION

To urge and request the Board of Regents to disapprove any courses being offered for credit at postsecondary institutions, excluding technical colleges, which have traditionally been offered by technical colleges.

HOUSE CONCURRENT RESOLUTION NO. 74—

BY REPRESENTATIVES THOMPSON AND TRAVIS
A CONCURRENT RESOLUTION

To express the condolences of the Legislature of Louisiana upon the death of Mr. Houston Condrey and to remember his lifetime of community involvement and family devotion.

HOUSE CONCURRENT RESOLUTION NO. 75—

BY REPRESENTATIVES THOMAS AND STRAIN AND SENATOR SHORT
A CONCURRENT RESOLUTION

To express the condolences and heartfelt sorrow of the Legislature of Louisiana upon the death of Mr. Warren P. Greer.

HOUSE CONCURRENT RESOLUTION NO. 76—

BY REPRESENTATIVE SCHNEIDER AND SENATOR SCHEDLER
A CONCURRENT RESOLUTION

To create a study commission to study the feasibility and advisability of privatizing the functions of the Department of Transportation and Development relating to the state's highway system.

HOUSE CONCURRENT RESOLUTION NO. 77—

BY REPRESENTATIVE WARNER AND ODINET
A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to continue its lease agreement with the St. Bernard Parish Police Jury on property which is the site of Pearl Harbor Memorial Park in St. Bernard Parish.

HOUSE CONCURRENT RESOLUTION NO. 78—

BY REPRESENTATIVE DOWNER AND SENATOR EWING
A CONCURRENT RESOLUTION

To commend and express sincere appreciation to Chevron for selecting New Orleans, Louisiana, for its Worldwide Annual Stockholders Meeting.

HOUSE CONCURRENT RESOLUTION NO. 79—

BY REPRESENTATIVES FAUCHEUX, DIEZ, FONTENOT, AND QUEZAIRE
A CONCURRENT RESOLUTION

To create a committee to evaluate and recommend potential sites for a state park in St. James Parish, Ascension Parish, and

Livingston Parish and to urge and request the office of state parks to study the feasibility of establishing a park at a site recommended by the committee and to report its findings to the legislature.

HOUSE CONCURRENT RESOLUTION NO. 80—

BY REPRESENTATIVES FAUCHEUX, DIEZ, AND QUEZAIRE AND SENATOR LANDRY

A CONCURRENT RESOLUTION

To create a committee to evaluate and recommend potential sites for a state park in St. John the Baptist Parish and Tangipahoa Parish and to urge and request the office of state parks to study the feasibility of establishing a park at a site recommended by the committee and to report its findings to the legislature.

HOUSE CONCURRENT RESOLUTION NO. 81—

BY REPRESENTATIVE DOWNER AND SENATOR EWING AND REPRESENTATIVES ALARIO, A. ALEXANDER, R. ALEXANDER, ANSARDI, BARTON, BAUDOIN, BAYLOR, BOWLER, BRUCE, BRUNEAU, CARTER, CHAISSON, CLARKSON, COPELIN, CRANE, CURTIS, DAMICO, DANIEL, DEVILLE, DEWITT, DIEZ, DIMOS, DONELON, DUPRE, DURAND, FARVE, FAUCHEUX, FLAVIN, FONTENOT, FRITH, FRUGE, GAUTREUX, GLOVER, GREEN, GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HOLDEN, HOPKINS, HUDSON, HUNTER, ILES, JENKINS, JETSON, JOHNS, KENNARD, KENNEY, LANCASTER, LANDRIEU, LEBLANC, LONG, MARIONNEAUX, MARTINY, MCCAIN, MCCALLUM, MCDONALD, MCMAINS, MICHOT, MITCHELL, MONTGOMERY, MORRELL, MORRISH, MURRAY, ODINET, PERKINS, PIERRE, PINAC, POWELL, PRATT, QUEZAIRE, RIDDLE, ROMERO, ROUSSELLE, SALTER, SCALISE, SCHNEIDER, SCHWEGMANN, SHAW, JACK SMITH, JOHN SMITH, STELLY, STRAIN, THERIOT, THOMAS, THOMPSON, THORNHILL, TOOMY, TRAVIS, TRICHE, VITTER, WADDELL, WALSWORTH, WARNER, WELCH, WESTON, WIGGINS, WILKERSON, WILLARD, WINDHORST, WINSTON, AND WRIGHT AND SENATORS BAGNERIS, BAJOIE, BARHAM, BEAN, BRANCH, CAIN, CAMPBELL, CASANOVA, COX, CRAVINS, DARDENNE, DEAN, DYESS, ELLINGTON, C. FIELDS, W. FIELDS, GREENE, HAINKEL, HEITMEIER, HINES, HOLLIS, IRONS, JOHNSON, JONES, JORDAN, LAMBERT, LANDRY, LENTINI, MALONE, ROBICHAUX, ROMERO, SCHEDLER, SHORT, SIRACUSA, SMITH, TARVER, THEUNISSEN, AND ULLO

A CONCURRENT RESOLUTION

To express the condolences of the Legislature of Louisiana upon the death of the Honorable Everett Gail Doerge, State Representative, and to also express the heartfelt sorrow of the legislature to the family of Representative Everett Gail Doerge.

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.

Privileged Report of the Committee on Enrollment

April 17, 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 Bills have been properly enrolled:

HOUSE BILL NO. 20—

BY REPRESENTATIVE HAMMETT
AN ACT

To enact R.S. 42:66(M), relative to dual officeholding; to provide that a chief of police of certain municipalities may also hold the office of deputy sheriff; and to provide for related matters.

HOUSE BILL NO. 24—

BY REPRESENTATIVE LONG
AN ACT

To amend and reenact R.S. 47:302.10, 322.13, and 332.5 and to enact Part IV of Chapter 16 of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:791, relative to the development of historic areas within the city of Natchitoches; to create the Natchitoches Historic District Development Commission; to provide for the powers, duties, and membership of the commission; to provide for the dedication of a portion of the avails of the state sales tax on hotel occupancy in Natchitoches Parish for support of the commission's historic district development activities; to create the Natchitoches Historic District Development Fund in the state treasury; to provide for deposit of monies into such fund; to provide for allowable uses of monies in the fund; to abolish the Natchitoches Convention Facilities Fund within the state treasury and provide for disposition of the fund balance; and to provide for related matters.

HOUSE BILL NO. 25—

BY REPRESENTATIVES MCCAIN AND MICHOT
AN ACT

To amend and reenact R.S. 56:8(30) and to enact R.S. 56:302.3(B)(7) and 325(A)(7), relative to fishing; to provide relative to crawfish; to provide that the taking of crawfish for recreational purposes shall require a recreational gear license; to provide relative to license requirements and fees; to provide amount limits; and to provide for related matters.

HOUSE BILL NO. 42—

BY REPRESENTATIVE TRICHE AND SENATOR LANDRY
AN ACT

To amend and reenact R.S. 42:872(A)(introductory paragraph) and (5)(a) and (c) and (E) and 873(D), to enact R.S. 42:872(A)(7), and to repeal R.S. 42:872(C) and (D), all relative to the Board of Trustees of the State Employees Group Benefits Program; to provide for the membership and composition of the board; to provide for the terms and conditions of certain members; to delete obsolete transitional provisions; and to provide for related matters.

HOUSE BILL NO. 45 (Duplicate of Senate Bill No. 87)—

BY REPRESENTATIVE DIEZ AND SENATOR LANDRY AND COAUTHORED BY REPRESENTATIVES DOWNER, DEWITT, MCMAINS, BRUCE, QUEZAIRE, AND ROUSSELLE AND SENATORS EWING, DARDENNE, AND HAINKEL
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 performing off-system work; and to provide for related matters.

HOUSE BILL NO. 110—

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

To amend and reenact R.S. 39:1952(19) and to enact R.S. 36:406.1, relative to the Louisiana Public Facilities Authority; to authorize the authority to issue revenue bonds on behalf of the Department of Public Safety and Corrections; to provide for the issuance of revenue bonds for the acquisition, construction, and

equipping of a public safety complex; to provide for the requirements of issuance including the revenues to be pledged by the department to the repayment of bonds, notes, certificates, reimbursement obligations, or other evidences of indebtedness; to include the authority within the Louisiana Minority and Women's Business Enterprise Act; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 111—

BY REPRESENTATIVES TRICHE, WIGGINS, AND FRITH
AN ACT

To amend and reenact R.S. 32:863(A)(3), relative to compulsory motor vehicle liability security requirements; to provide for reinstatement fees and sanctions for first and subsequent violations; to provide for dedication of fees; and to provide for related matters.

HOUSE BILL NO. 119—

BY REPRESENTATIVES MCDONALD, DOWNER, MCMAINS, CRANE, DEWITT, KENNEY, AND WALSWORTH AND SENATORS EWING, DARDENNE, HAINKEL, AND BARHAM
AN ACT

To amend and reenact R.S. 17:154(B), 154.1, and 154.3(A), (B), and (D)(2) and to repeal R.S. 17:225, all relative to requirements concerning school time, including the length of the school day and school year, instructional time, and staff development days for teachers; to provide relative to the minimum number of instructional minutes per day and the minimum number of instructional days per year; to provide relative to modifications made to such instructional time by public school governing authorities with certain limitations; to provide relative to the use of instructional time which exceeds the minimum as required by law; to remove certain provisions relative to the minimum session of attendance required; to provide additional staff development days for teachers under certain circumstances; to provide relative to effectiveness; and to provide for related matters.

HOUSE BILL NO. 126 (Duplicate of Senate Bill No. 125)—

BY REPRESENTATIVE LEBLANC AND SENATOR LANDRY AND COAUTHORED BY REPRESENTATIVES DIEZ, DOWNER, DEWITT, AND MCMAINS AND SENATORS EWING, DARDENNE, HAINKEL, BARHAM, AND ROMERO
AN ACT

To amend and reenact R.S. 34:3452(A)(1)(introductory paragraph), 3453, 3454, 3455, 3456(A), and 3457(A)(introductory paragraph), R.S. 39:122(A), and R.S. 48:251(C) and (D), relative to the reorganization within the Department of Transportation and Development with respect to the funding and cash management of the Port Priority Construction and Development Program and construction programs of the Department of Transportation and Development; to provide for the adoption of rules and for certain reporting requirements for the implementation of warranty requirements and for the cash management program; to provide relative to the requirements which must be met before certain contracts shall be entered into; and to provide for related matters.

HOUSE BILL NO. 131 (Duplicate of Senate Bill No. 17)—

BY REPRESENTATIVE DIEZ AND SENATOR LANDRY AND COAUTHORED BY REPRESENTATIVES DOWNER, DEWITT, MCMAINS, DUPRE, SHAW, QUEZAIRE, AND THOMAS AND SENATORS EWING, DARDENNE, HAINKEL, BARHAM, AND ROMERO
AN ACT

To amend and reenact R.S. 36:501(C)(1), 502(A) and (B), 503, 504(A)(8), 505, 506(A), (B), and (C), 508(A), (B), (C), and (G), and 510 and to enact R.S. 36:508.1 and 508.2, relative to the Department of Transportation and Development; to reorganize the Department of Transportation and Development; to provide for the officers of the department and the appointment, salary, powers, duties, and functions thereof; to provide for the offices

of the department and the functions thereof; and to provide for related matters.

HOUSE BILL NO. 137 (Duplicate of Senate Bill No. 66) —
BY REPRESENTATIVE DEWITT AND SENATOR DARDENNE AND
COAUTHORED BY REPRESENTATIVES MCMAINS AND DOWNER AND
SENATORS EWING, HAINKEL, BARHAM, AND ROMERO
AN ACT

To amend and reenact R.S. 42:851(A)(1)(c), 871(A) and (C), 872, 873(A), (D), and (E), 874, and 875, to enact R.S. 36:4(B)(15), and to repeal R.S. 36:769(G), all relative to the Board of Trustees of the State Employees Group Benefits Program; to provide for the transfer of the board from the Department of the Treasury to the division of administration; to provide with respect to certain contributions for the program; to reconstitute the board; to provide for the composition, powers, duties, and functions of the board; to provide for officers and their powers, duties, and functions; to provide for the initial election of certain board members; and to provide for related matters.

HOUSE BILL NO. 164—
BY REPRESENTATIVES WINDHORST AND HEATON
AN ACT

To enact R.S. 14:90.4, relative to offenses affecting general morality; to create the crime of unlawful play of certain gaming devices by persons under the age of twenty-one; to provide definitions; to provide penalties; and to provide for related matters.

HOUSE BILL NO. 169—
BY REPRESENTATIVE DOWNER
AN ACT

To amend and reenact R.S. 42:1102(22)(a)(introductory paragraph) and (d), relative to the ethics code; to change the definition of thing of economic value; to define "reasonable transportation" for legislative employees; and to provide for related matters.

HOUSE BILL NO. 171—
BY REPRESENTATIVES DOWNER, CRANE, DEWITT, MCDONALD,
MCMAINS, STELLY, WALSWORTH, CURTIS, DANIEL, DURAND,
FLAVIN, JOHNS, SHAW, WILKERSON, ALARIO, R. ALEXANDER,
ANSARDI, BARTON, BAUDOIN, BAYLOR, BOWLER, BRUCE,
BRUNEAU, CARTER, CLARKSON, COPELIN, DAMICO, DEVILLE, DIEZ,
DOERGE, DONELON, DUPRE, FAUCHEUX, FONTENOT, FRITH, FRUGE,
GAUTREAU, GLOVER, GUILLORY, HEATON, HILL, HOLDEN,
HOPKINS, HUDSON, HUNTER, ILES, KENNARD, KENNEY, LANCASTER,
LANDRIEU, LEBLANC, LONG, MARTINY, MCCAIN, MCCALLUM,
MICHOT, MONTGOMERY, MORRELL, MORRISH, MURRAY, PIERRE,
PINAC, POWELL, PRATT, RIDDLE, ROMERO, ROUSSELLE, SALTER,
SCALISE, SCHNEIDER, SCHWEGMANN, JACK SMITH, JOHN SMITH,
STRAIN, THOMAS, THOMPSON, THORNHILL, TOOMY, TRAVIS,
TRICHE, VITTER, WADDELL, WARNER, WELCH, WESTON, WIGGINS,
WILLARD, WINDHORST, AND WRIGHT
AN ACT

To amend and reenact R.S. 11:737(A) and 791(A)(2), to enact R.S. 17:16, and to repeal R.S. 11:739 and 791(A)(3), (4), and (5), relative to the reemployment of teachers who have retired from the Teachers' Retirement System of Louisiana; to provide for the adoption of rules by the State Board of Elementary and Secondary Education to establish guidelines and procedures for the hiring of retired teachers; to encourage the use of certain funds provided by the state in furtherance of hiring retired teachers; to provide an effective date; and to provide for related matters.

HOUSE BILL NO. 177 (Duplicate of Senate Bill No. 158)—
BY REPRESENTATIVE DANIEL AND SENATOR ROMERO AND
COAUTHORED BY REPRESENTATIVES JOHN SMITH, FLAVIN,
BRUNEAU, AND JETSON AND SENATOR MALONE
AN ACT

To amend and reenact R.S. 33:1423(B)(1) and R.S. 56:6(21), 8(12)(a)(ii) and (60.1), 103(B) and (D), 104(A)(introductory paragraph) and (1)(a), 251(A)(1), 302.4(A), 302.5, 302.6, and 642(A), to enact R.S. 56:30.1, 302.4(D), and 641.1, and to repeal R.S. 56:302.4(B), all relative to the issuance of hunting

and recreational fishing licenses by the Department of Wildlife and Fisheries; to authorize the issuance of such licenses through electronic means; to authorize the contracting with and payment of special issuing agents for services related to the issuance of such licenses; to repeal the requirements for license booklets, issuance of licenses by tax collectors, the deduction of commissions by said collectors, and the collection and submission of fees by said tax collectors; and to provide for related matters.

HOUSE BILL NO. 201—
BY REPRESENTATIVES MCDONALD, DOWNER, DEWITT, MCMAINS,
CRANE, KENNEY, WALSWORTH, DANIEL, FRITH, GLOVER, JENKINS,
AND WIGGINS AND SENATORS EWING, DARDENNE, HAINKEL,
BARHAM, SHORT, CASANOVA, GREENE, THEUNISSEN, AND ULLO
AN ACT

To amend and reenact R.S. 17:3042.1(A), 3048.1, and 3048.2 and R.S. 47:1508(B)(17), relative to the Tuition Opportunity Program for Students; to provide for program awards and payments; to provide for student eligibility; to provide conditions and limitations; to provide for program administration; to provide for certain rules; to provide for implementation; to provide for confidentiality and release of certain tax records; to provide for effectiveness; and to provide for related matters.

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.

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.

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.

Respectfully submitted,

DONALD RAY KENNARD
Chairman

The above House Bills contained in the report were signed by the Speaker of the House and taken to the Senate by the Clerk and were signed by the President of the Senate and taken by the Clerk of the House to the Governor for executive approval.

Message from the Senate

SIGNED SENATE CONCURRENT RESOLUTIONS

April 17, 1998

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

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

Senate Concurrent Resolution Nos. 8, 13, 17, 47, and 48

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

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

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

Message from the Senate

SIGNED SENATE BILLS AND JOINT RESOLUTIONS

April 17, 1998

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

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

Senate Bill Nos. 1, 2, 5, 9, 18, 20, 21, 22, 33, 34, 38, 39, 41, 42, 44, 57, 71, 78, 93, 101, 106, 108, 112, 117, 121, 122, 136, 146, 152, 154, 155, 156, 157, 163, 165, and 168

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

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

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

Reports of Committees

The committee appointed to notify the Governor that the House had completed its labors and was prepared to adjourn *sine die* reported that it had performed that duty.

The committee appointed to notify the Senate that the House had completed its labors and was prepared to adjourn *sine die* reported that it had performed that duty.

The Speaker thanked and discharged the committees.

Committee from the Senate

A committee from the Senate notified the House that the Senate has completed its labors and is prepared to adjourn *sine die*.

The Speaker thanked and dismissed the committee.

Suspension of the Rules

Rep. Bruneau moved for a suspension of the rules in order to take up House Bills and Joint Resolutions Returned from the Senate with Amendments at this time.

Rep. Landrieu objected.

By a vote of 71 yeas and 20 nays, the rules were suspended.

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. 192—
BY REPRESENTATIVES BRUNEAU, COPELIN, AND RIDDLE
AN ACT

To amend and reenact R.S. 18:465(A), 481, 511(A) and (B), 512(B), and 551(C)(1) and to enact R.S. 18:1275.1, relative to elections; to provide the manner in which candidates for congress qualify for the general election; to allow a candidate to qualify for the general election by nominating petition under certain circumstances; to provide for the form, time, and manner of filing and certifying such petitions; to provide with respect to challenging such candidates nominated by petition; to provide for the printing of a candidate's name on the ballot; to provide for the election of candidates to office; and to provide for related matters.

Read by title.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Reengrossed House Bill No. 192 by Representative Bruneau

AMENDMENT NO. 1

On page 1, line 2, after "512" insert "(A) and" and after "512(B)," delete the remainder of the line

AMENDMENT NO. 2

On page 1, line 3, after "551(C)(1) insert ",1272(A) and 1279" and after "18:" insert "402(B)(3) and"

AMENDMENT NO. 3

On page 1, line 10, after "office;" insert " to provide for dates of runoff elections;"

AMENDMENT NO. 4

On page 1, line 13, after "512" insert "(A) and" and after "512(B)," delete the remainder of the line and insert "551(C)(1), 1272(A) and 1279"

AMENDMENT NO. 5

On page 1, line 14, after "18:" insert "402(B)(3) and" and change "is" to "are"

AMENDMENT NO. 6

On page 1, after line 15 insert the following:

"§402. Dates of primary and general elections

* * *

B.

* * *

(3) A congressional runoff election shall be held on the first Saturday after the first Monday in December in every even-numbered year for the office of United States senator or for the office of United States representative when a candidate for such office was not elected at the federal election in accordance with the provisions of R.S. 18:512(A)(2).

* * **

AMENDMENT NO. 7

On page 4, delete line 20 and insert in lieu thereof the following:

"A.(1) Generally, Except as provided in Paragraph (2) of this Subsection the candidate who receives the most votes cast for an office in a general election is elected. If there are two or more offices of the same character to be filled, those candidates receiving the highest total number of votes shall be elected, to the number required to fill all of the offices.

(2) Candidates for United States senator or United States representative. A candidate who receives a majority of the votes cast for an office for United States senator or United States representative in a general election is elected. If no candidate receives a majority of the votes cast for an office for United States senator or United States representative in a general election, a runoff election shall be held."

AMENDMENT NO. 8

On page 6, between lines 7 and 8 insert the following:

"§1272. United States senators, representatives in congress; time of electing

A. All general elections for representatives in congress, sometimes referred to in this Title as congressional elections, shall be held on the first Tuesday next following the first Monday in November, 1982, and every two years thereafter. The primary election shall be held on the first Saturday in October next preceding the date of the general election. The runoff election for representatives in congress, when necessary, shall be held on the first Saturday after the first Monday in December in every even-numbered year.

* * **

AMENDMENT NO. 9

On page 8, between lines 23 and 24 insert the following:

"§1279. Vacancies; representatives in Congress

When a vacancy occurs in the office of representative in Congress, the governor shall determine the dates on which the special elections shall be held and the dates of the qualifying period and shall issue his proclamation ordering a special election and specifying the dates on which the primary and general and runoff elections will be held and the dates of the qualifying period for the election. Immediately thereafter he shall publish the proclamation in the official journal of each parish in which the election is to be held. Within twenty-four hours after issuing the proclamation, the governor shall send a copy

of the proclamation to the secretary of state who shall within twenty-four hours of receipt of the information notify all election officials having any duty to perform in connection with a special election to fill such vacancy, including the parish boards of election supervisors for the parish or parishes in which the vacancy occurred. The election shall be conducted in the same manner and at the same places and the returns shall be certified as in regular congressional elections. If at a primary or general election in a congressional district one representative in Congress is to be elected for a full term and another to fill a vacancy, the ballots containing the names of the candidates shall, as a part of the title of the office, designate the term for which the candidates are respectively nominated."

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Reengrossed House Bill No. 192 by Representative Bruneau

AMENDMENT NO. 1

Delete the set of amendments, consisting of Amendment Nos. 1 through 9, proposed by the Committee on Senate and Governmental Affairs and adopted by the Senate on April 13, 1998

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Ellington to Reengrossed House Bill No. 192 by Representative Bruneau

AMENDMENT NO. 1

On page 1, line 2, after "512" insert "(A) and" and after "512(B)," delete the remainder of the line

AMENDMENT NO. 2

On page 1, line 3, after "551(C)(1)" insert ",1272(A), 1278(B), and 1279" and after "18:" insert "402(B)(3) and"

AMENDMENT NO. 3

On page 1, line 10, after "office;" insert "to provide for dates of runoff elections;"

AMENDMENT NO. 4

On page 1, line 13, after "512" insert "(A) and" and after "512(B)," delete the remainder of the line and insert "551(C)(1), 1272(A), 1278(B), and 1279"

AMENDMENT NO. 5

On page 1, line 14, after "18:" insert "402(B)(3) and" and change "is" to "are"

AMENDMENT NO. 6

On page 1, after line 15 insert the following:

"§402. Dates of primary and general elections

* * *

B.

* * *

(3) A congressional runoff election shall be held on the first Saturday after the first Monday in December in every even-numbered

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year for the office of United States senator or for the office of United States representative when a candidate for such office was not elected at the federal election in accordance with the provisions of R.S. 18:512(A)(2).

* * *

AMENDMENT NO. 7

On page 3, line 4, after "R.S. 18:1275.1" delete the remainder of the line and delete lines 5 and 6 in their entirety and insert "'shall"

AMENDMENT NO. 8

On page 3, line 10, after "election" delete the remainder of the line and delete line 11

AMENDMENT NO. 9

On page 3, at the beginning of line 12, delete "(i) He" and insert "if he"

AMENDMENT NO. 10

On page 3, delete lines 14 and 15 in their entirety

AMENDMENT NO. 11

On page 4, delete line 20 and insert in lieu thereof the following:

"A.(1) Generally. Except as provided in Paragraph (2) of this Subsection the candidate who receives the most votes cast for an office in a general election is elected. If there are two or more offices of the same character to be filled, those candidates receiving the highest total number of votes shall be elected, to the number required to fill all of the offices.

(2)(a)(i) Candidates for United States senator or representative in congress. A candidate who receives a majority of the votes cast for an office for United States senator or representative in congress in a general election is elected. If no candidate receives a majority of the votes cast for an office for United States senator or representative in congress in a general election, a runoff election shall be held between those candidates who received the two highest numbers of votes in the general election.

(ii) The runoff election shall be considered a general election for the purpose of administering the provisions of this Title.

(b) If, as a result of a tie vote in a general election, the number of candidates who would qualify for the runoff election is more than two, all of the candidates who received the same number of votes in the general election qualify for the runoff election.

(c) If, both candidates in a runoff election receive the same number of votes, then neither candidate is elected. The election for officers thus not elected shall be returned to the people on the third Saturday after the date on which the results of the runoff election were promulgated."

AMENDMENT NO. 12

On page 6, between lines 7 and 8 insert the following:

"§1272. United States senators, representatives in congress; time of electing

A. All general elections for representatives in congress, sometimes referred to in this Title as congressional elections, shall be

held on the first Tuesday next following the first Monday in November, 1982, and every two years thereafter. The primary election shall be held on the first Saturday in October next preceding the date of the general election. The runoff election for representatives in congress, when necessary, shall be held on the first Saturday after the first Monday in December in every even-numbered year.

* * *

AMENDMENT NO. 13

On page 6, line 10, after "election" delete the remainder of the line and at the beginning of line 11, delete "party"

AMENDMENT NO. 14

On page 7, line 14, after "him," insert "the political party with which he is affiliated, if any,"

AMENDMENT NO. 15

On page 8, between lines 23 and 24 insert the following:

** * *

§1278. Vacancies; United States senator

* * *

B. If a vacancy occurs in the office of United States senator and the unexpired term is more than one year, an appointment to fill the vacancy shall be temporary. Any senator so appointed shall serve until his successor is elected at a special election and takes office. Within ten days after receiving official notice of the vacancy, the governor shall issue his proclamation for special election to fill the vacancy for the unexpired term. The date dates of the special election primary and general elections shall be established by the governor in accordance with the provisions of R.S. 18:402(E). The date of the special runoff election shall be the fifth Saturday after the special general election, except when the special general election is held on the date provided in R.S. 18:402(E)(2)(b), the date of the special runoff election shall be as provided in R.S. 18:402(B)(3). The dates of the qualifying period shall be established by the governor in accordance with R.S. 18:467, 467.1, and 468. Immediately after issuance of the proclamation, which shall include the dates of the primary, and general, and runoff elections and the dates of the qualifying period, the governor shall publish the proclamation in the official journal of each parish in which the election is to be held. Within twenty-four hours after its issuance, the governor shall send a copy of the proclamation to the secretary of state. Within twenty-four hours after he receives the copy, the secretary of state shall notify all election officials having any duty to perform in connection with a special election to fill such vacancy, including the parish boards of election supervisors for the parish or parishes in which the vacancy occurred. The election shall be conducted and the returns shall be certified as in regular elections for United States senator.

* * *

§1279. Vacancies; representatives in Congress

When a vacancy occurs in the office of representative in Congress, the governor shall determine the dates on which the special elections shall be held and the dates of the qualifying period and shall issue his proclamation ordering a special election and specifying the dates on which the primary and, general and runoff elections will be held and the dates of the qualifying period for the election. Immediately thereafter he shall publish the proclamation in the

official journal of each parish in which the election is to be held. Within twenty-four hours after issuing the proclamation, the governor shall send a copy of the proclamation to the secretary of state who shall within twenty-four hours of receipt of the information notify all election officials having any duty to perform in connection with a special election to fill such vacancy, including the parish boards of election supervisors for the parish or parishes in which the vacancy occurred. The election shall be conducted in the same manner and at the same places and the returns shall be certified as in regular congressional elections. If at a primary, or general, or runoff election in a congressional district one representative in Congress is to be elected for a full term and another to fill a vacancy, the ballots containing the names of the candidates shall, as a part of the title of the office, designate the term for which the candidates are respectively nominated."

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Cleo Fields to Reengrossed House Bill No. 192 by Representative Bruneau

AMENDMENT NO. 1

Delete Senate Floor Amendment Nos. 1 through 15 proposed by Senator Ellington and adopted by the Senate on April 17, 1998.

AMENDMENT NO. 2

On page 1, line 2, after "R.S. 18:" delete the remainder of the line and delete lines 3 through 11 and insert the following:

"44(A) and (B)(5)(b), 424(D), 431(A)(1)(b), 433(G)(1) and (H)(1), 434(A)(1), (C)(introductory paragraph), and (D)(1) and (2) and (E)(1), 435(A) and (B), 436(A), 453, 552(A) (introductory paragraph), 1272, 1306(A)(4), (C)(1) and (2), 1307(A)(5) and (D), 1308(2)(a), 1311(D)(5)(a), 1314(C)(1) and (2) and (D), 1333(D)(1)(e) and (E)(1), 1355(6), 1401(B), 1402(B)(1)(c), 1405(A), 1406(B), 1407, 1409(B), 1432(A), 1461(A)(17), 1483(8) and (12); to enact R.S. 18:1275.1 through 1275.24, and to repeal R.S. 18:402(B); all relative to elections; to provide for a closed party primary system for the election of United States senators and representatives; to provide for first and second primary elections; to provide generally and specifically with respect to the conduct of primary election and matters pertaining thereto; to provide for effective dates; and to provide for related matters."

AMENDMENT NO. 3

On page 1, line 13, after "R.S. 18:" delete the remainder of the line and delete lines 14 and 15 and insert the following:

"44(A) and (B)(5)(b), 424(D), 431(A)(1)(b), 433(G)(1) and (H)(1), 434(A)(1), (C)(introductory paragraph), and (D)(1) and (2) and (E)(1), 435(A) and (B), 436(A), 453, 552(A) (introductory paragraph), 1272, 1306(A)(4), (C)(1) and (2), 1307(A)(5) and (D), 1308(2)(a), 1311(D)(5)(a), 1314(C)(1), and (2) and (D), 1333(D)(1)(e) and (E)(1), 1355(6), 1401(B), 1402(B)(1)(c), 1405(A), 1406(B), 1407, 1409(B), 1432(A), 1461(A)(17), and 1483(8) and (12) are hereby amended and reenacted and R.S. 18:1275.1 through 1275.24 are hereby enacted, all to read as follows:"

AMENDMENT NO. 4

Delete pages 2 through 8 and insert the following:

"§44. Contesting election; referral for prosecution

A. Whenever the board determines as a result of an investigation that violations of law, irregularities, error, or fraud have

occurred in the conduct of an election which in the judgment of the board has resulted in the apparent qualification for the a second primary election or for the general election or the apparent election of a candidate not entitled to be so qualified or elected, the board, upon the favorable vote of three members, may institute suit to contest the election in order to protect the interest and rights of the state in fair and honest elections. In addition, for the same cause and upon the same vote, the board may intervene in any suit instituted by any other party to contest an election.

B. In any suit instituted by the board to contest an election, the provisions of Chapter 9 of Title 18 shall apply, except that:

* * *

(5) The petition shall contain, but shall not be limited to, the following:

* * *

(b) The allegation that except for substantial irregularities or error, fraud, or other unlawful activities in the conduct of the election, a different candidate would have qualified for a second primary election or a general election or would have been elected.

* * *

§424. Commissioners-in-charge

* * *

D. Oath of office. Every commissioner-in-charge shall take the constitutional oath or affirmation. The original oath, signed by the commissioner-in-charge and the officer administering the oath, shall be filed with the parish board of election supervisors before the day of the primary or first primary election during the term of office for which he has been selected to serve as commissioner-in-charge.

* * *

§431. Commissioners; courses of instructions; certificates; reports; list of certified persons furnished by parish board of election supervisors

A.(1)(a)

* * *

(b) The clerk shall furnish to the persons who attend the course of instruction a copy of the informational pamphlet provided by the secretary of state, and he shall instruct them in the use of voting machines and the duties of commissioners in conducting a primary and general election elections. All such instruction and materials shall be provided pursuant to minimum standards issued by the secretary of state and the commissioner of elections for that course of instruction.

* * *

§433. Commissioners-in-charge; course of instruction, selection; commission; disqualification; replacement

* * *

G. Replacement. (1) Except as provided in Subsection H hereof, if it becomes certain that a commissioner-in-charge will not be able to serve for a primary election, or if a commissioner-in-charge fails to attend a course of instruction held immediately prior to a primary or first primary election as provided in R.S. 18:431(B), the

parish board of election supervisors shall select a replacement commissioner-in-charge who shall serve for both the primary and general elections. Except as provided in Subsection H hereof, if it becomes certain that a commissioner-in-charge will not be able to serve for a general election, or if a commissioner-in-charge fails to attend the course of instruction held prior to a general election, the parish board of election supervisors shall select a replacement commissioner-in-charge for that election.

* * *

H. Replacement. (1) If a commissioner-in-charge fails to appear at the polling place at least thirty minutes before the time when the polls are to open on election day, the commissioners in attendance at the polling place shall immediately notify the clerk of court of the absence. Immediately upon receipt of the notice, the clerk of court shall select a replacement commissioner-in-charge for that precinct. Subject to the provisions of Subsection G herein, a replacement commissioner-in-charge selected for a primary election also shall serve for the second primary election and the general election. The replacement commissioner-in-charge shall be selected from the following categories in the order of priority listed:

* * *

§434. Commissioners and alternate commissioners; selection; commission; disqualification; replacement

A. Time and place of selection. (1) The parish board of election supervisors shall meet at 10:00 a.m. on the twenty-ninth day before a primary or first primary election to select the commissioners and alternate commissioners for each precinct. The meeting shall be open to the public. Except that for purposes of the primary election scheduled on the second Tuesday in March of the presidential election year, said meeting shall be held on the twentieth day before the primary election. The board shall have previously posted a notice on the front courthouse door designating the location within the courthouse where the meeting is to be held.

* * *

C. Commission. Once the commissioners and alternate commissioners are selected for a primary, first primary, second primary, and general election, the parish board of election supervisors shall immediately:

* * *

D. Replacement of a commissioner. (1) If prior to the day of the election a commissioner notifies the parish board of election supervisors that he is unable to serve as commissioner, the parish board of election supervisors shall select an alternate commissioner to serve in place of the absent commissioner. An alternate commissioner who replaces an absent commissioner in a primary or first primary election shall replace the absent commissioner in the second primary and general election. If there are no alternate commissioners or an insufficient number of alternate commissioners available, the parish board of election supervisors shall select a person to serve as commissioner from the list containing the names of persons within that ward who have received certificates of instruction from the clerk of court pursuant to R.S. 18:431(A)(1). If no person on that list is available to serve as commissioner, the parish board of election supervisors shall select any person within the parish who has received a certificate of instruction from the clerk of court pursuant to R.S. 18:431(A)(1). If there is no such qualified person available, the parish board of election supervisors shall select a watcher.

(2) If a commissioner fails to appear at the polling place at least thirty minutes before the time when the polls are to open on election day, or if a commissioner is selected as commissioner-in-charge, the commissioner-in-charge shall select an alternate commissioner to serve in place of the absent commissioner. An alternate commissioner who replaces an absent commissioner in a primary election or first primary shall replace the absent commissioner in the any second primary election and the general election. If there are no alternate commissioners or an insufficient number of alternate commissioners available, the commissioner-in-charge shall select a person to serve as commissioner from the list containing the names of those who have received certificates of instruction that was furnished him by the parish board of election supervisors pursuant to R.S. 18:431(A)(5). If no person on that list is available to serve as commissioner, the commissioner-in-charge shall select any person present at the polls who possesses the qualifications of a commissioner as set forth in R.S. 18:425(B). If there is no such qualified person available, the commissioner-in-charge shall select a watcher.

E. (1) Disqualification. A commissioner who fails to appear at the polling place at least thirty minutes before the opening of the polls on election day is disqualified from serving ass such in the next first primary, and primary, or general elections held in the ward where he is registered to vote unless he establishes to the satisfaction of the parish board of election supervisors that his absence was for just cause.

* * *

§435. Watchers; appointment and commission

A. Right to have watchers. Each candidate is entitled to have one watcher at every polling place where the office he seeks is voted on in a the first primary, primary, or general election: elections. However, in the case of a presidential election, each slate of candidates for presidential elector is entitled to have one watcher at every polling place.

B. Lists of watchers. A list of watchers shall be filed with the parish board of election supervisors before five o'clock p.m. on the tenth day before the primary, first primary or general election: elections. If any candidate submits a list for the primary or first primary election and does not submit a list for the any second primary election or the general election, the list submitted in the first primary election shall be treated as his list submitted for the second primary election and the general election. A list of watchers shall only contain one watcher and one alternate watcher for each precinct where the candidate submitting the list is entitled to have a watcher. The list shall be typed or legibly written, and it shall contain the name and mailing address of each watcher and a designation of the precinct where he is to serve.

* * *

§436. Election officials at certain special elections

A. When a special primary election to fill a vacancy or an anticipated vacancy in elective public office is called to be held at the same time as a previously scheduled general election, or if a previously scheduled election is delayed for any reason, the commissioners who were selected to serve at the previously scheduled primary, first primary and general election elections also shall be the commissioners for the special primary and general elections, and the compensation for each shall be only that amount provided for in R.S. 18:424 and R.S. 18:425 for a day of service as a commissioner or commissioner-in-charge. Each candidate to be voted on in the special primary election may appoint one watcher for each precinct in which that candidate is to be voted on.

Notwithstanding the provisions of R.S. 18:427(C) or of any other law to the contrary, the watchers so appointed shall be allowed to remain in the polling place at all times.

* * *

§453. Dual candidacy

A. General prohibitions. A person shall not become a candidate in a any primary, first primary, or general election for more than one office unless one of the offices is membership on a political party committee, nor shall a person be a candidate at the same time for two or more different offices to be filled at separate elections.

B. Unexpired and succeeding term of office. A person may become a candidate in a primary, or first or second primary election or general election for the unexpired and the succeeding term of an office when both terms are to be filled at the same election.

C. Political party committees. A person may become a candidate in a any primary or general election for membership on more than one committee of a political party, but a person may only become a candidate for one position, either at-large or from a political subdivision, on the same committee of a political party.

* * *

§552. Election materials

A. Materials furnished. At least twenty-two days before a primary election and as soon as possible for a second primary election and for a general election:

* * *

PART II. UNITED STATES CONGRESS;

CLOSED PRIMARIES

* * *

§1272. United States senator; representatives in Congress; time of electing

A. All general elections for representatives in congress, sometimes referred to in this Title as congressional elections, shall be held on the first Tuesday next following the first Monday in November, 1982, and every two years thereafter. The first and second primary election elections shall be held on the first Saturday in October next preceding the date of the general election in accordance with the provisions of this Part.

B. One United States senator shall be elected in the year 1980, and every six years thereafter, at the same time and at the same polling places as representatives in Congress. In the same manner, one United States senator shall be elected in the year 1978, and every six years thereafter. The first and second primary elections and the general election for United States senators shall be held at the same time as the elections for representatives to congress during the year of any election for the United States senate.

* * *

§1275.1. Purpose and nature of congressional primary and general elections

R.S. 18:1275.1 is all proposed new law.

A. Nature of primary elections. All recognized political parties shall make all nominations of candidates for United States senator or United States representative by direct primary elections held under the provisions of this Part and applicable general election law. In congressional primary elections including elections for the United States Senate, each qualified voter of this state may vote only on the candidates for public office who are affiliated with the same political party with which the voter is affiliated.

B. Nature of congressional general elections. Each qualified voter of this state may vote on candidates for the United States Congress and Senate in general elections without regard to the voter's party affiliation or lack thereof, and all candidates for such offices who qualify for a general election may be voted on without regard to the candidates' party affiliation or lack thereof.

§1275.2. Dates of congressional primary and general elections

R.S. 18:1275.2 is all proposed new law.

Congressional elections. Elections for members of congress shall be held every two years as follows:

(1) Congressional first primary elections shall be held on the first Saturday in September of an election year.

(2) Congressional second primary elections shall be held on the first Saturday in October of an election year.

(3) Congressional general elections shall be held on the first Tuesday after the first Monday in November of an election year.

§1275.3. Manner of qualifying for the first primary election

R.S. 18:1275.3 is all proposed new law.

A. A person who desires to become a candidate in the first primary election shall qualify as a candidate by timely filing notice of his candidacy, which shall be accompanied either by a nominating petition or by the qualifying fee and any additional fee imposed. No person, whether or not currently registered as a voter with the registrar of voters, shall qualify to become a candidate if he is under an order of imprisonment for conviction of a felony. A candidate whose notice of candidacy is accompanied by a nominating petition shall not be required to pay any qualifying fee or any additional fee.

B. A person who desires to become a candidate in the first primary election must be affiliated with a recognized political party.

C. When a candidate has filed multiple notices of candidacy for election to more than one office at the same election, which multiple candidacies would be in violation of R.S. 18:453, and no action objecting to candidacy on the grounds provided in R.S. 18:492(4) has been commenced in a court of competent jurisdiction within the time for such objections as provided in R.S. 18:493, then, upon expiration of the time for such objections to candidacy, the person filing such multiple notices of candidacy shall be disqualified as a candidate in the first primary election for all but the last of such offices for which he filed notices of candidacy, and any qualifying fees for those offices paid by the candidate shall be refunded as provided in R.S. 18:501. The secretary of state shall include the name of the candidate on the ballot for election to the last of such offices for which the candidate filed notices of candidacy and to no other such office for which dual candidacy would be prohibited.

§1275.4. Officials with whom candidates qualify

R.S. 18:1275.4 is all proposed new law.

Candidates shall qualify for the first primary election with the secretary of state or a person in his office designated to receive qualifying papers.

§1275.5. Notice of candidacy; qualifying fees

R.S. 18:1275.5 is all proposed new law.

A. A notice of candidacy shall be in writing and shall state the candidate's name, the office he seeks, the address of his domicile, the parish, ward, and precinct where he is registered to vote, and the political party with which he is registered as being affiliated. No candidate shall change or add his political party designation, for purposes of printing on the election ballot by R.S. 18:551(D) after he has qualified for the election.

B. Qualifying fees shall be paid as provided by law in the Louisiana Election Code.

§1275.6. Nominating petitions

R.S. 18:1275.6 is all proposed new law.

A. A nomination petition shall be filed with the official with whom the candidate qualifies and shall accompany the notice of candidacy.

B. A person may only be nominated as a candidate in the first primary election by persons within the same political party who are registered to vote on the office he seeks who sign a nominating petition for him no more than one hundred twenty days before the qualifying period opens for candidates in the first primary election. In addition to his signature, each voter who signs a nominating petition shall date his signature and shall provide the ward and precinct in which he is registered to vote, his residence address, including the municipal number, the apartment number, if any, the rural route and box number, or any other physical description that will identify his actual place of residence and his political party affiliation. Once a voter has signed a nominating petition, he may not withdraw the nomination. The secretary of state shall prepare forms which may be used by any person who seeks nomination as a candidate by nominating petition. The secretary of state shall furnish copies of the forms to each clerk of court, and the forms shall be available, upon request, at the office of the secretary of state or at the office of the clerk of court. Nothing in this Subsection shall be construed to require nominating petitions to be filed only on forms prepared by the secretary of state.

C. The number of qualified voters who must timely sign a nominating petition is:

(1) For a candidate for the United States Senate - 5000 with not less than 500 being from each congressional district;

(2) For the United States House of Representatives - 1000 from within the congressional district.

D. Form. Each sheet of the nominating petition shall set forth the candidate's name, the address of his domicile, the office for which the signers nominate him, the political party with which he is affiliated, and the date of the first primary election for which he seeks to qualify. The name of each voter who signed the nominating petition shall be typed or legibly written on the petition, and each signature on the nominating petition shall be dated and witnessed by the candidate or the person who obtained the signature on his behalf. The candidate and all persons who obtained signatures on his behalf shall certify on the nominating petition that to the best of their knowledge, information, and belief all of the signatures on the

nominating petition are genuine and all of the statements contained in the nominating petition are true and correct.

E. Certification. (1) A nominating petition shall be submitted to the registrars of voters in the parishes where the signers reside not less than thirty days before the qualifying period ends for candidates in the first primary election or, in the case of presidential elector, in the presidential election, except that in a special election the nominating petition shall be submitted by the candidate to the registrars of voters in the parishes where the signers reside prior to the opening of the qualifying period.

(2) The registrar for each parish shall endorse upon the nominating petitions, whether original or supplemental, the date and time of submission and shall promptly certify the nominating petitions, in the order received, by determining and certifying on each nominating petition which of the signers who provided a residence address in the parish signed the nominating petition timely and are registered to vote on the office the candidate seeks. A supplemental nominating petition shall be certified in the order in which it is received, without regard to the time when the original nominating petition for that candidate was submitted. A registrar may stop certifying the signatures on a nominating petition when the total number of the signers he has certified as having signed the petition timely and as being registered to vote on the office the candidate seeks equals one hundred fifteen percent of the number of qualified voters required to nominate the candidate for the office he seeks. A registrar's certification shall be conclusive as to the number of qualified voters who timely signed a nominating petition, and evidence to the contrary shall not be admitted in an action objecting to the candidacy of the candidate who filed the nominating petition.

§1275.7. Time for qualifying in a first primary election

R.S. 18:1275.7 is all proposed new law.

A notice of candidacy, accompanied either by the qualifying fee or by a nominating petition, is filed timely only if received by the secretary of state, for state candidates, or by the clerk of court, for local or municipal candidates, during the qualifying period for candidates in the first primary election.

§1275.8. Opening of qualifying period

R.S. 18:1275.8 is all proposed new law.

The qualifying period for candidates in the first primary election shall open for candidates in a congressional or United States Senate first primary election and those in any special first primary election to be held at the same time, on the fourth Wednesday in July of the year of the election.

§1275.9. Opening of qualifying period in event of change of date for the first primary election

R.S. 18:1275.9 is all proposed new law.

In the event that the date for the first primary election is advanced in accordance with R.S. 18:402(G), the qualifying period for candidates in the first primary election shall be advanced from the date specified in R.S. 18:1275.8 the same number of weeks as the first primary election.

§1275.10. Close of the qualifying period

R.S. 18:1275.10 is all proposed new law.

The qualifying period for candidates in a first primary election shall close at 5:00 p.m. on the Friday after the opening of the

qualifying period for candidates in the first primary election or, if that Friday is a legal holiday, at 5:00 p.m. on the next day which is not a legal holiday.

§1275.11. Reopening of qualifying period; effect

R.S. 18:1275.11 is all proposed new law.

A. When a person who qualified as a candidate in a first primary election for a public office dies after the close of the qualifying period and before the time for closing the polls on the day of the first primary election, the qualifying period for candidates in the first primary election for that office shall reopen for candidates from each recognized political party on the day after the death and shall close at 5:00 p.m. on the third day after the death or, if that day is a legal holiday, at 5:00 p.m. on the next day which is not a legal holiday. The name of the deceased candidate shall not be printed on the first primary election ballot. If the primary election ballot was printed with the deceased candidate's name on it, any votes received by the deceased candidate shall be void and shall not be counted for any purpose whatsoever.

B. When, at the close of the qualifying period, no candidate has qualified for an office or the number of candidates who have qualified for an office is fewer than the number of positions to be filled in that office, the qualifying period shall be reopened for candidates from each recognized political party, but only for the office or offices for which no candidates qualified or for which an insufficient number of candidates qualified, on the first Wednesday after the close of the qualifying period and shall close at 5:00 p.m. on the Friday thereafter or, if that day is a legal holiday, at 5:00 p.m. on the next day which is not a legal holiday.

C. Whenever the qualifying period is reopened as required by Subsections A or B hereof, the clerk of court shall cause notice of the reopening, listing the dates and times the period shall run, to be posted in a prominent place at or near the courthouse door and also in a prominent place in the office of the clerk of court. If the qualifying period is reopened solely for the qualification of one or more municipal candidates, or, if the municipal offices to be filled by election are in a building other than the courthouse, the clerk of court shall cause the notice provided for herein to be posted in a prominent place at or near the door of the municipal building for the city for which the candidates are seeking an elective office, as well as in the court house and the clerk's office as above required.

D. Effect on primary election. (1) If the qualifying period for candidates reopens within thirty days before a first primary election, all the votes cast in the first primary election for that public office are void, unless the qualifying period for the office reopened and closed without additional candidates qualifying for the office. If additional candidates qualify for the office and the votes for the first primary will be void for that reason, the clerk of court with whom any of the additional candidates qualified shall immediately publish in the official journal of the parish a notice to the electorate that the election for that office has been voided because new candidates qualified. Such notice shall include the dates for the rescheduled first primary, second primary, and general elections. If the election district includes all or part of more than one parish, the clerk of court shall notify the secretary of state, who shall notify the clerk of court of each of the parishes, and the clerk of court shall publish such notice. If the additional candidates have qualified with the secretary of state, he shall publish such notice in the official state journal.

(2) If all the votes cast in a first primary election for a public office are void because of the death of a candidate, the first primary election for the office shall be held on the date of the second primary election, the second primary election for the office shall be held on the fourth Saturday after the first primary election and the general

election for the office shall be held on the fourth Saturday after the second primary election. However, if the first primary election is held on the date scheduled for a congressional general election, the second primary election for the office shall be held on the fifth Saturday after the first primary election and the general election for the office shall be held on the fourth Saturday after the second primary election.

§1275.12. List of candidates

R.S. 18:1275.12 is all proposed new law.

The secretary of state shall furnish the appropriate listing of candidates for each of the offices to be voted on in each election to any applicable federal or state official responsible for enforcement of laws regulating the conduct of campaigns. For the first primary election, the list shall be furnished no later than five days after the close of the qualifying period for candidates; for the second primary election, no later than the day after the day on which the first primary election returns are promulgated, and for a general election, no later than the day after the day on which the second primary election returns are promulgated. For purposes of this Section, "candidate" shall be defined as in R.S. 18:1483. All other matters regarding the disposition of notice fees and actions shall be as provided in R.S. 18:470.

§1275.13. Majority vote required; second primary

R.S. 18:1275.13 is all proposed new law.

No candidate for office shall be declared nominated to the office he seeks if such candidate has received less than a majority of the votes cast in a primary, and a second primary shall be held for those offices for which no candidate received a majority of the votes cast in the first primary. The second primary shall be held in accordance with the provisions of this Part.

§1275.14. Second primary; effect of the tie vote, withdrawal or death of a candidate

R.S. 18:1275.14 is all proposed new law.

A. Except in the case of a tie vote, the two candidates, from each recognized political party, who received the greatest number of votes in the first primary shall be voted on in the second primary.

(1) In the case of a tie vote in the first primary, all of the candidates affiliated with the same political party who received both the same number of votes and the highest number of votes qualify for the second primary.

(2) If one of the persons receiving the highest number of votes in the first primary withdraws his candidacy, dies, or is otherwise disqualified, thereby leaving only one candidate from the same political party in the race, the remaining candidate who has received the highest number of votes for the office for which he was a candidate shall be declared the nominee of the party.

B. There shall be no third primary. For any situation not specifically provided for herein, the state central committee or parish executive committee of the recognized political party involved, as the case may be, shall provide for the selection of a nominee or nominees from the candidates.

§1275.15. Candidates who qualify for a general election

R.S. 18:1275.15 is all proposed new law.

All nominations by recognized political parties for the general election shall be in accordance with the provisions relative to primary

elections. The candidate or candidates from each recognized political party who received the highest number of votes, the two highest number of votes, and so on, in the second primary election, unless the candidate or candidates obtained a majority in the first primary election, until the maximum number of candidates for each office on the general election ballot is reached, shall qualify for the general election. A candidate who received a majority of the votes cast in the first primary election, shall qualify for the general election.

§1275.16. Number of candidates who may qualify for a general election

R.S. 18:1275.16 is all proposed new law.

The number of candidates for an office who may qualify for the general election by party nomination is one candidate from each political party, except in the case of a tie vote.

§1275.17. Candidates not affiliated with a recognized political party; qualifying for the general election

R.S. 18:1275.17 is all proposed new law.

A. Any person desiring to become a candidate in a general election who is not registered as being affiliated with a recognized political party shall file his notice of candidacy which shall be accompanied by a nominating petition. The number of signatures required on a nominating petition shall be the same number as that required for candidates seeking the same office in the primary election as set forth in this Part.

B. The notice of candidacy shall comply with all of the requirements of this Chapter relative to notice of candidacy, except that the candidate shall indicate "none" relative to his party affiliation.

C. The nominating petition shall comply with all of the requirements of this Chapter relative to nominating petitions, except that no person signing the petition shall be required to indicate a party affiliation.

D. The time of qualifying and the official with whom a candidate qualifies shall be in accordance with all of the provisions of this Chapter relative to qualifying.

§1275.18. Effect of tie vote in a primary election

R.S. 18:1275.18 is all proposed new law.

All of the candidates from one political party who received both the same number of votes and the highest number of votes in the second primary election qualify for the general election.

§1275.19. Time for objecting to candidacy

R.S. 18:1275.19 is all proposed new law.

An action objecting to candidacy shall be commenced in a court of competent jurisdiction within seven days after the close of qualifications for candidates in a first primary election. After the expiration of the time period set forth in this Section, no action shall be commenced objecting to candidacy based on the grounds for objections to candidacy contained in R.S. 18:492. All other matters regarding objecting to candidacy shall be as provided by law in the Election Code.

§1275.20. Nomination of candidates in a primary election; general election

R.S. 18:1275.20 is all proposed new law.

A. Nomination of unopposed candidates for public office. If, after the close of the qualifying period for candidates in a first primary election, the number of candidates for a public office does not exceed the number of persons to be nominated by a recognized political party for the office, the candidates for that office, or those remaining after the withdrawal of one or more candidates, are declared nominated by the people, and their names shall not appear on the ballot in the second primary election but shall be on the ballot for the general election.

B. Effect of a tie vote. If, as a result of a tie vote in the first primary election, the number of candidates who would be nominated by a recognized political party for an office exceeds the number of persons to be nominated for the office, the candidates who received the same majority of the votes cast in the first primary election are not nominated, but they are qualified as candidates in the second primary election.

C. Matters regarding the election and certification of candidates in a general election shall be as provided by law in the election code.

§1275.21. Qualifications of voters

R.S. 18:1275.21 is all proposed new law.

Candidates for public office. All persons who have registered to vote in this state prior to the time the registration records are closed as required in R.S. 18:135 may vote in each primary election only for the candidates who are affiliated with the same political party as the voter. The commissioner of elections shall adjust the voting machines so that the candidates in each primary election shall only be voted on by voters who are registered as being affiliated with the same political party as the candidates.

§1275.21.1. Election of candidates in a general election

R.S. 18:1275.21.1 is all proposed new law.

A. Notwithstanding the provisions of R.S. 18:512, the candidate for United States senator or representative in congress who receives a majority of the votes cast for an office is elected. If no candidate receives a majority of the votes cast, then a runoff election shall be held on the third Saturday after the first Monday in December.

B. The runoff election shall be considered a general election for the purpose of administering the provisions of this Title. If, as a result of a tie vote in a general election, the number of candidates who would qualify for the runoff election is more than two, all of the candidates who received the same number of votes in the general election qualify for the runoff election. If, both candidates in a runoff election receive the same number of votes, then neither candidate is elected. The election for officers thus not elected shall be returned to the people on the third Saturday after the date on which the results of the runoff election were promulgated.

§1275.22. Ballots

R.S. 18:1275.22 is all proposed new law.

A. Preparation. The secretary of state shall prepare and certify the absentee ballots and the ballots to be used on the voting machines in primary and general elections.

B. Titles of offices. The titles of the offices to be voted on in any primary or general election shall be printed on the ballot in capital letters in the following order:

- (1) United States Senator

(2) United States Representative

C. Names and numbers of candidates. The names of the candidates in any primary or general election shall be printed on the ballot as follows:

(1) In any primary election only the names of candidates who qualified for election and were not subsequently disqualified by a judgment rendered in an action objecting to candidacy shall be printed on the ballot. The name of each state candidate shall be printed on the ballot in the form designated by the candidate in his notice of candidacy on file with the secretary of state. The names of the candidates for each office shall be arranged by party affiliation and shall be listed alphabetically by surname within each party and printed below the title of the office and below the respective party designation, in smaller capital letters. The names of the candidates shall be numbered from first to last. Once the secretary of state has assigned numbers to the candidates on the first primary election ballot, the numbers shall not be changed. If the qualifying period reopens because of the death of a candidate, additional candidates who qualify for the primary election shall be given the numbers following the number assigned to the last candidate on the ballot. If two or more candidates have the same surname, the word "Incumbent" shall be printed after the name of each candidate having the same surname who is an incumbent and the residence address shall be printed after the name of each candidate having the same surname who is not an incumbent.

(2) In a general election only the names of the candidates who qualified for election shall be printed on the ballot, and the names shall be printed in the same form as they were printed on the ballot for the first primary election. The names of the candidates for each office shall be arranged by party affiliation of the candidate and alphabetically by surname, and shall be printed below the title of the office and below the respective party designation in smaller capital letters. Names of candidates with no party affiliation shall be arranged alphabetically by surname below the title of the office and below the designation "No Party Affiliation" in smaller capital letters. The names of the candidates shall be given the same number assigned to them on the first primary election ballot. Additional candidates who qualify who were not on the first primary election ballot shall be given the numbers following the number assigned to the last candidate on the ballot for the first primary election.

§1275.23. Prerequisites to voting

R.S. 18:1275.23 is all proposed new law.

Application to vote. A person who desires to vote in any primary or general election shall give his name, address, and party affiliation, if any, to a commissioner, who shall announce the applicant's name, address, and party affiliation, if any, to the persons at the polling place.

§1275.24. Compilation and promulgation of returns

R.S. 18:1275.24 is all proposed new law.

A. On or before the twelfth day after the first or second primary election or general election, the secretary of state shall promulgate the returns for candidates by publishing in the official journal of the state the names of the candidates for each office in the election, and the number of votes received by each such candidate, shown by the returns transmitted by the clerks of court from the compiled statements by the parish boards of election supervisors. In a parish containing a municipality with a population of four hundred seventy-five thousand or more the promulgation shall be from the returns transmitted by the parish board of election supervisors. Additionally, on or before the twelfth day after the first or second

primary election or general election, the secretary of state shall promulgate the returns for the election for candidates other than state candidates by transmitting to the clerk of court for the parish wherein the state capitol is located, a notice containing the results of the elections for candidates other than state candidates. The clerk of court shall post this notice in a prominent place in his office.

B. However, if the twelfth day after the first or second primary election or general election falls on a Saturday, Sunday, or other legal holiday, and the secretary of state does not promulgate said returns prior to the twelfth day after the first or second primary election or general election, he shall promulgate said returns on the next day which is not a Saturday, Sunday, or other legal holiday.

§1306. Preparation and distribution of absentee ballots

A.

* * *

(4) The secretary of state shall prepare a special absentee ballot for candidates and constitutional amendments to be voted on in second primary or general elections, subject to approval as to content by the attorney general. This special ballot shall only be for use by a qualified voter who is either a member of the United States Service or who resides outside of the United States. Such special ballot shall contain a list of the titles of all offices being contested at the primary election and the candidates qualifying for the primary election for each office, and shall permit the elector to vote in the second primary or general election by indicating his order of preference for each candidate for each office. On the special ballot shall also be printed each constitutional amendment to be voted on in the second primary or general election. To indicate his order of preference for each candidate for each office to be voted on in the election, the voter shall put the number one next to the name of the candidate who is the voter's first choice, the number two for his second choice and so forth so that, in consecutive numerical order, a number indicating the voter's preference is written by the voter next to each candidate's name on the ballot. A space shall be provided for the voter to indicate his preference for or against each constitutional amendment contained on the ballot. The voter shall not be required to indicate his preference for more than one candidate on the ballot if the voter so chooses. The secretary of state shall also prepare instructions for use of the special ballot.

* * *

C.(1) At least twenty days before each primary or first primary election and at least thirteen days before each second primary election and/or each general election, the secretary of state shall deliver to the registrar in each parish in which the election is to be held the absentee ballots, envelopes, certificates, instructions to be used in voting by absentee ballot in that election, and a statement, approved by the attorney general, explaining the scope and nature of any proposed constitutional amendment. The number of absentee ballots and other necessary paraphernalia to be so delivered shall be up to ten percent of the registered voters within each parish.

(2) At least twenty days before each primary or first primary election the secretary of state shall deliver to the registrar in each parish in which the election is to be held the special write-in absentee ~~ballot~~ ballots for qualified voters who are either members of the United States Service or persons residing outside of the United States. The number of special ballots and other necessary paraphernalia, including instructions for the use of the special ~~ballot~~ ballots, to be so delivered shall be up to one percent of the registered voters within each parish.

* * *

§1307. Application by mail

A. A person qualified to vote absentee by mail under this Chapter may make application therefor to the registrar by letter; over his signature; setting forth:

* * *

(5) If the person requests that a ballot for a second primary election and/or a general election be sent in addition to a ballot for the primary, he shall declare in writing to the registrar that he will be eligible to vote absentee by mail in the second primary election and/or the general election.

* * *

D. A person entitled to vote absentee by mail may request in his application for an absentee ballot for a primary or first primary election that an absentee ballot for the succeeding second primary election and/or the general election be sent to him when such ballots become available for distribution. However, in such case, the applicant shall declare in writing to the registrar that he will be eligible to vote absentee by mail in the second primary election and/or the general election.

* * *

§1308. Absentee voting by mail

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(2)(a) With respect to persons on active duty in the United States military service or outside the continental boundaries of the United States, these materials shall be mailed as provided by the Uniformed and Overseas Citizens Voting Rights Act (39 USC 3406 and 42 USC 1973 et seq.) and shall include both the primary election ballot and the special ballot for the second primary election and/or the general election. The envelope mailed to the voter shall contain four envelopes, two of which shall be the ballot envelopes and two of which shall be return envelopes. Each return envelope shall bear the official title and mailing address of the registrar, whether it contains a primary or first primary or a second primary and/or a general election ballot, and the name, return address, and precinct or district number of the voter. The voter shall return his voted primary election ballot and special ballot for the general election to the registrar in the appropriate envelopes. The registrar of voters shall not mail a regular general election absentee ballot to a member of the United States Service or to persons residing overseas if the registrar has mailed the special write-in ballot, as provided herein, to such voter. The envelopes for the special write-in ballots shall contain language on the outside of the envelope which will clearly designate which envelope is to be used for return of the second primary election ballot and which envelope is to be used for return of the general election ballot.

* * *

§1311. List of absentee voters; posting; delivery of alphabetized list to precincts; supplements

* * *

D.

* * *

(5)(a) Upon receipt of the special ballot for members of the United States Service and persons residing outside of the United States, the registrar shall endorse the day and hour of receipt on said

ballots and place those received on the day of the general election for which the ballot is cast, in an envelope separate from any other mail ballot. The registrar shall include, on a separate list for this purpose, in alphabetical order and by precinct, the name of each voter submitting such special write-in absentee ballot.

* * *

§1314. Absentee commissioners

* * *

C. Selection for a primary or first primary election. (1) The parish board of election supervisors shall determine the number of absentee commissioners necessary to count the absentee ballots in the parish. The parish board of election supervisors shall select a minimum of three absentee commissioners.

(2) The parish board of election supervisors shall meet at 10:00 a.m. on the fifth day before a primary or first primary election and shall select the absentee commissioners and alternate absentee commissioners for the parish in the manner provided by law for the selection of commissioners and alternate commissioners. If there are not enough certified commissioners to select the appropriate number of absentee commissioners and alternate absentee commissioners, the board of election supervisors may select a qualified elector of the parish to serve; however, no such elector shall serve as an absentee commissioner if certified commissioner has been selected as an alternate absentee commissioner.

* * *

D. Selection for a second primary and general election. (1)(a) The parish board of election supervisors shall determine if the number of absentee commissioners necessary to count the absentee ballots in the second primary and general election can be reduced or should be increased from the number which counted absentee ballots in the primary or first primary election.

(b) If it determines that the number cannot be reduced or should be increased, those persons who served as absentee commissioners and alternate absentee commissioners for the parish in the primary election shall serve in the general election, unless replaced or disqualified in the manner provided by law for commissioners and alternate commissioners. The number of absentee commissioners for a second primary and general election shall not be less than five.

(2)(a) If the parish board determines that the number of absentee commissioners can be reduced, it shall notify each person who served as an absentee commissioner or alternate absentee commissioner in the primary or first primary election of its decision to reduce the number of absentee commissioners and of the date and time of the meeting to select the absentee commissioners for the second primary and/or general election. The parish board shall meet at 10:00 a.m. on the fifth day before a general or second primary election and shall select the absentee commissioners and alternate absentee commissioners to serve in the second primary and/or general election for the parish.

(b)(i) The parish board shall prepare a list containing the names of all persons who served as absentee commissioners in the primary or first primary election. The absentee commissioners and alternate absentee commissioners for the second primary election and/or for the general election shall be selected from that list in the manner provided by law for the selection of commissioners and absentee commissioners. The absentee commissioners so chosen shall then serve for both any second primary election and the general election.

(ii) If the list does not contain sufficient names to select the number of absentee commissioners and alternate absentee commissioners determined by the board to be needed for the second primary election and/or the general election, the board shall fill any remaining alternate commissioner positions from a list of those persons who were selected as alternate absentee commissioners for the primary or first primary election, such list to be prepared and the selection made in the same manner provided herein for selection of absentee commissioners for the second primary election and/or the general election.

(3) If the parish board determines that the number of absentee commissioners should be increased, the parish board shall meet at 10:00 a.m. on the fifth day before the second primary election and/or the general election and shall select the additional absentee commissioners and alternate absentee commissioners to serve in the second primary election and/or the general election for that parish from the list of certified commissioners who have not been chosen to serve in the general election as a commissioner-in-charge, commissioner, or, if applicable, absentee commissioner in the manner provided by law for the selection of commissioners and alternate commissioners. If there are not enough certified commissioners to select the appropriate number of absentee commissioners and alternate absentee commissioners, the board of election supervisors may select a qualified elector of the parish to serve; however, no such elector shall serve as an absentee commissioner if certified commissioner has been selected as an alternate absentee commissioner.

* * *

§1333. Voting by persons confined to a nursing home

* * *

D.(1) A voter qualified to vote under this Section and approved for participation in the special program for handicapped voters shall make application to vote by absentee ballot to the registrar of voters by letter, over his signature, setting forth the following:

* * *

(e) If at the time the disabled voter requests an absentee ballot for a primary or first primary election, he also requests an absentee ballot for the second primary election and/or for the general election, he shall declare in writing to the registrar that he will be eligible to vote absentee in the any second primary election and in the general election.

* * *

E.(1) Upon receipt of the application for an absentee ballot, the registrar shall first enter the date and time of receipt thereof and ascertain to his satisfaction the accuracy of the information contained in the application. An application not timely submitted and received as required in Subsection (D) of this Section shall be immediately returned to the applicant with a brief statement citing the reasons for the return; however, if such application requested an absentee ballot for both a primary or first primary, and second primary election and general election, the registrar shall retain the application, notify the applicant that the request to vote by absentee ballot in the primary or first primary election was not timely submitted and received, and process the application for the second primary election and/or for the general election as provided herein.

* * *

§1355. Construction and equipment of machines; requirements

Each voting machine used in an election shall be so constructed and equipped as to:

* * *

(6) When used in a first or second congressional primary election at which members of a political party committee are to be voted on, or it shall be so equipped that, by a single adjustment on the outside of the machine, the election officials can lock out all candidate counters except those of the party with which the voter is affiliated.

* * *

§1401. Objections to candidacy and contests of elections; parties authorized to institute actions

* * *

B. A candidate who alleges that, except for substantial irregularities or error, or except for fraud or other unlawful activities in the conduct of the election, he would have qualified for a second primary election or for a general election or would have been elected may bring an action contesting the election.

* * *

§1402. Proper parties

* * *

B. (1) The following persons are the proper parties against whom election contests may be instituted:

* * *

(c) The person or persons whose eligibility to be a candidate in a second primary election or in a general election or whose election to office is contested.

* * *

§1405. Time for commencement of action

A. An action objecting to candidacy shall be instituted within seven days after the close of qualifications for candidates in the primary election: or within ten days after the close of qualifications for candidates in a general election who are not affiliated with a recognized political party. After the expiration of the later time period set forth in this Section, no further action shall be commenced objecting to candidacy based on the grounds for objections to candidacy contained in R.S. 18:492.

* * *

§1406. Petition; answer; notification

* * *

B. The petition shall set forth in specific detail the facts upon which the objection or contest is based. If the action contests an election, the petition shall allege that except for substantial irregularities or error, fraud, or other unlawful activities in the conduct of the election, the petitioner would have qualified for a second primary election or for a general election or would have been elected. The trial judge may allow the filing of amended pleadings for good cause shown and in the interest of justice.

* * *

§1407. Appointment of agent for service of process

By filing notice of candidacy a candidate appoints the clerk of court for each parish in which he is to be voted on as his agent for service of process in any action objecting to his candidacy, contesting his qualification as a candidate in a second primary election or in a general election, or contesting his election to office.

* * *

§1409. Trial; decision; appeal

* * *

B.(1) If the action involves the contest of a primary or first primary election for a major office, the trial judge, for good cause shown, may postpone the date of the second primary election and the general election for the office as to which the contest was filed for a period not to exceed five weeks: if the contest is of a second primary congress or United States senate, he may, for good cause shown, so postpone the general election.

(2) Whenever the trial of an action contesting a primary or first or second primary election for a major office, extends past 5:00 p.m. on the fourteenth day after the day of the election, the trial judge shall order the second primary election and the general election, or the general election, as the case may be, for the affected office postponed to a Saturday specified by him which, for a second primary election is at least thirty days after the date on which the trial court renders judgment and which for a general election is at least thirty days after the applicable primary election.

* * *

§1432. Remedies

A. If the trial judge in an action contesting an election determines that:

(1) it is impossible to determine the result of election, or (2) the number of qualified voters who were denied the right to vote by the election officials was sufficient to change the result in the election, if they had been allowed to vote, or (3) the number of unqualified voters who were allowed to vote by the election officials was sufficient to change the result of the election if they had not been allowed to vote, or (4) a combination of the factors referred to in (2) and (3) herein would have been sufficient to change the result had they not occurred, the judge may render a final judgment declaring the election void and ordering a new primary or first and second primary or general election for all the candidates, or, if the judge determines that the appropriate remedy is the calling of a restricted election, specifying the date of the election, the appropriate candidates for the election, the office or other position for which the election shall be held, and indicating which voters will be eligible to vote.

* * *

§1461. Election offenses; penalties

A. No person shall knowingly, willfully, or intentionally:

* * *

(17) Give or offer to give, directly or indirectly, any money or thing of present or prospective value to any person who has withdrawn or who was eliminated prior or subsequent to the a primary election as a candidate for public office, for the purpose of securing or giving his political support to any remaining candidates

or to candidates for public office in the primary or first or second primary or general election;

* * *

§1483. Definitions

As used in this Chapter, the following terms shall have the meanings herein given to each unless the context clearly indicates otherwise:

* * *

(8) "Election" means any primary, general, or special election held, pursuant to the laws of this state or a parish or municipal charter or ordinance or a court order, to choose a public officer or nominee. For purposes of this Chapter, a primary or first primary election, second primary election, and a general election for a particular office shall constitute one election. For purposes of the reporting requirements for the support or opposition of a proposition or question submitted to the voters, "election" shall also mean any primary, general, or special election, except local option elections held pursuant to the provisions of Chapter 3 of Title 26 of the Louisiana Revised Statutes of 1950, at which a proposition or question is submitted to the voters in accordance with Chapters 6-A, 6-B, and 6-C of this Code.

* * *

(12) "Participation" or "participating" in an election means the following:

(a) With regard to a candidate, that the candidate was opposed by another candidate in the election; however, any person who is a candidate as defined in this Chapter shall be deemed to participate in the primary or first primary election whether or not the candidate has failed to qualify for office after becoming a candidate, has withdrawn from the election, or is unopposed therefor. Additionally, any candidate who withdraws from a second primary election subsequent to the first primary election and prior to the second primary election who would have been qualified to appear on the second primary election ballot shall be deemed to participate in the second primary election, as shall the person or persons who would have been opposed by the one withdrawing. Additionally, any candidate who withdraws from a general election subsequent to the primary or second primary election and prior to the general election who would have been qualified to appear on the general election ballot shall be deemed to participate in the general election, as shall the person or persons who would have been opposed by the one withdrawing.

(b) With regard to a political committee, that the committee:

(i) With regard to the primary or first primary election, gave or received a contribution prior to the primary or first primary election from, to, or for a candidate participating in that primary election, made an expenditure in support of or in opposition to a candidate participating in that primary election, made a loan to or received a loan from a candidate or committee participating in that primary election, or made a transfer of funds to or from another committee participating in that primary election.

(ii) With regard to the second primary election, gave or received a contribution subsequent to the first primary election and prior to that second primary election, made an expenditure in support of or in opposition to a candidate participating in that primary election, made a loan to or received a loan from a candidate or committee participating in that primary election, or made a transfer of funds to or from another committee participating in that primary election.

(ii) (iii) With regard to the general election, that the committee gave or received a contribution subsequent to the primary or second primary election from, to, or for a candidate participating in the general election, made an expenditure in support of or in opposition to a candidate participating in the general election, made a loan to or received a loan from a candidate or committee participating in that general election, or made a transfer of funds to or from another committee participating in the general election.

(c) A candidate or committee which participates in a primary or first or second primary election or the general election shall be deemed to participate in the election.

* * *

Section 2. R.S. 18:402(B) is hereby repealed.

Section 3. The provisions of this Act shall become effective on August 19, 1998, if and only if, prior to August 19, 1998, federal legislation is not enacted to legislatively overrule, in effect, the United States Supreme Court"

Rep. Bruneau moved that the amendments proposed by the Senate be rejected.

As a substitute motion, Rep. Lancaster moved that the amendments proposed by the Senate be concurred in.

Leave of Absence

Rep. Thornhill - 1 day

Adjournment

On motion of Rep. Jetson, at 5:00 P.M., the House agreed to adjourn *sine die*.

The Speaker of the House declared the House adjourned *sine die*.

ALFRED W. SPEER
Clerk of the House

C. Wayne Hays
Journal Clerk, *Emeritus*

