

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

**THIRD DAY'S PROCEEDINGS**

**Twenty-fifth Regular Session of the Legislature  
Under the Adoption of the  
Constitution of 1974**

House of Representatives  
State Capitol  
Baton Rouge, Louisiana

Wednesday, March 31, 1999

The House of Representatives was called to order at 3:00 P.M., by the Honorable Hunt Downer, Speaker of the House of Representatives.

**Morning Hour**

**ROLL CALL**

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

PRESENT

Mr. Speaker	Green	Perkins
Alario	Guillory	Pierre
Alexander	Hammett	Pinac
Ansardi	Heaton	Powell
Barton	Hebert	Pratt
Baudoin	Hill	Quezairre
Baylor	Holden	Riddle
Bowler	Hopkins	Romero
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	Theriot
Daniel	Landrieu	Thompson
Deville	LeBlanc	Thornhill
DeWitt	Long	Toomy
Diez	Marionneaux	Travis
Dimos	Martiny	Triche
Doerge	McCain	Waddell
Donelon	McCallum	Walsworth
Dupre	McDonald	Warner
Durand	McMains	Welch
Fauchoux	Michot	Weston
Flavin	Mitchell	Wiggins
Fontenot	Montgomery	Willard
Frith	Morrell	Windhorst
Fruge	Morrish	Winston

Gautreaux	Murray	Wright
Glover	Odinot	
Total—98		
	ABSENT	
Farve	Vitter	Wilkerson
Strain		
Total—4		

The Speaker announced that there were 98 members present and a quorum.

**Prayer**

Prayer was offered by Rep. Weston.

**Pledge of Allegiance**

Rep. DeWitt 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. Walsworth, the reading of the Journal was dispensed with.

On motion of Rep. Walsworth, the Journal of March 30, 1999, 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. 17—**

BY REPRESENTATIVE CHAISSON  
A RESOLUTION

To request that the office of state parks of the Department of Culture, Recreation and Tourism study the feasibility of including the historic Homeplace Plantation in St. Charles Parish in the state parks system and report study findings and recommendations to the House Committee on Municipal, Parochial and Cultural Affairs prior to the convening of the 2000 Regular Session.

Read by title.

Lies over under the rules.

**HOUSE RESOLUTION NO. 18—**

BY REPRESENTATIVES MCDONALD, DEWITT, DOWNER, AND MCMAINS  
A RESOLUTION

To express the support of the House of Representatives for including secondary and postsecondary vocational education programs in the Unified State Plan to be submitted in compliance with the federal Workforce Investment Act.

Read by title.

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

**HOUSE RESOLUTION NO. 19—**

BY REPRESENTATIVE DEWITT  
A RESOLUTION

To urge and request the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College to reconsider a recent change in its season ticket policy for football, basketball, and baseball that provides for season ticket renewal only by the account holder and for very limited changes in the account holder.

Read by title.

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

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### **HOUSE CONCURRENT RESOLUTION NO. 77—**

BY REPRESENTATIVE HEBERT

#### **A CONCURRENT RESOLUTION**

To urge and request the Louisiana Public Service Commission to lower pay telephone rates for local calls made from hospitals and elderly care facilities in this state, including but not limited to nursing homes, skilled nursing facilities, assisted living facilities, adult residential care homes, and adult day care facilities, from thirty-five cents per call to ten cents.

Read by title.

Lies over under the rules.

### **HOUSE CONCURRENT RESOLUTION NO. 78—**

BY REPRESENTATIVE HEBERT

#### **A CONCURRENT RESOLUTION**

To urge and request the Louisiana Public Service Commission to study and subsequently implement uniform formats for all utility bills, including but not limited to bills for telephone service, electricity, water, sewage treatment, cable television, and any wireless telecommunications services, which shall provide the consumer with a clearly detailed bill containing a complete and accurate itemization of all charges, fees, and taxes being collected.

Read by title.

Lies over under the rules.

### **HOUSE CONCURRENT RESOLUTION NO. 79—**

BY REPRESENTATIVE BRUNEAU AND SENATOR HAINKEL

#### **A CONCURRENT RESOLUTION**

To urge and request the state of Louisiana and political subdivisions and schools and libraries throughout the state to commemorate the George Washington Bicentennial.

Read by title.

Lies over under the rules.

### **HOUSE CONCURRENT RESOLUTION NO. 80—**

BY REPRESENTATIVE MURRAY

#### **A CONCURRENT RESOLUTION**

To direct the attorney general to file an action against gun manufacturers and makers to recoup state Medicaid funds expended in the treatment of gunshot injuries in the state.

Read by title.

Lies over under the rules.

### **HOUSE CONCURRENT RESOLUTION NO. 81—**

BY REPRESENTATIVE CURTIS

#### **A CONCURRENT RESOLUTION**

To express the condolences and heartfelt sorrow of the Legislature of Louisiana to the family of Deverell Laurent Smith.

Read by title.

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

Ordered to the Senate.

### **HOUSE CONCURRENT RESOLUTION NO. 82—**

BY REPRESENTATIVE POWELL

#### **A CONCURRENT RESOLUTION**

To direct the Department of Health and Hospitals to enter into settlement negotiations with Options, Inc. over their dispute regarding Medicaid reimbursement funds.

Read by title.

Lies over under the rules.

### **HOUSE CONCURRENT RESOLUTION NO. 83—**

BY REPRESENTATIVE POWELL

#### **A CONCURRENT RESOLUTION**

To direct the Department of Health and Hospitals to cease Medicaid recovery efforts against Options, Inc. pending the outcome of a legal proceeding filed over funds in dispute between that department and Options, Inc.

Read by title.

Lies over under the rules.

### **HOUSE CONCURRENT RESOLUTION NO. 84—**

BY REPRESENTATIVE DEWITT

#### **A CONCURRENT RESOLUTION**

To urge and request the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College to reconsider a recent change in its season ticket policy for football, basketball, and baseball that provides for season ticket renewal only by the account holder and for very limited changes in the account holder.

Read by title.

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

Ordered to the Senate.

### **HOUSE CONCURRENT RESOLUTION NO. 85—**

BY REPRESENTATIVES WALSWORTH

#### **A CONCURRENT RESOLUTION**

To urge and request the Louisiana State Law Institute to study whether the Code of Civil Procedure should be amended to allow in certain cases, when prayed for by the plaintiff, the sale of mortgaged property under a writ of *fifa* without appraisal.

Read by title.

Lies over under the rules.

### **HOUSE CONCURRENT RESOLUTION NO. 86—**

BY REPRESENTATIVE WALSWORTH

#### **A CONCURRENT RESOLUTION**

To urge and request the Louisiana State Law Institute to study and make recommendations to the legislature on whether security should be required to protect any descendant when a usufruct is granted in favor of the surviving spouse.

Read by title.

Lies over under the rules.

### **HOUSE CONCURRENT RESOLUTION NO. 87—**

BY REPRESENTATIVE WALSWORTH

#### **A CONCURRENT RESOLUTION**

To urge and request the Louisiana State Board of Examiners of Nursing Facility Administrators to waive all or part of Administrator in Training requirements for internships completed for persons with degrees in gerontology.

Read by title.

Lies over under the rules.

### **Introduction of House Bills and Joint Resolutions**

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

**HOUSE BILL NO. 1992—**

BY REPRESENTATIVE QUEZAIRE  
AN ACT

To enact R.S. 42:66(N), relative to dual officeholding; to provide an exception to the dual officeholding and dual employment prohibitions for a toll collector employed in the classified state civil service to be employed as an emergency rural carrier with the United States Postal Service at the same time; and to provide for related matters.

Read by title.

**HOUSE BILL NO. 1993 (Duplicate of Senate Bill No. 383)—**

BY REPRESENTATIVE MCCALLUM  
AN ACT

To amend and reenact R.S. 43:147(B) through (D), relative to the maximum rates charged for publication of legal minutes in official journals; to provide for effective dates; and to provide for related matters.

Read by title.

**HOUSE BILL NO. 1994—**

BY REPRESENTATIVE HILL  
AN ACT

To enact Chapter 4-B of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:350 through 352, relative to agriculture; to provide for the preservation of rural lands; to provide for legislative findings; to provide that certain local regulations affecting rural unincorporated areas be submitted to the electors in that area for approval; and to provide for related matters.

Read by title.

**Reports of Committees**

The following reports of committees were received and read:

**Report of the Committee on Education**

March 31, 1999

To the Speaker and Members of the House of Representatives:

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

House Bill No. 345, by Long  
Reported favorably. (10-0) (Local and Consent)

House Bill No. 415, by Shaw  
Reported favorably. (9-0) (Local and Consent)

House Bill No. 448, by Salter  
Reported favorably. (10-0) (Local and Consent)

CHARLES MCDONALD  
Chairman

**Report of the Committee on  
House and Governmental Affairs**

March 31, 1999

To the Speaker and Members of the House of Representatives:

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

House Resolution No. 3, by Bruneau  
Reported favorably. (8-0)

House Resolution No. 11, by LeBlanc  
Reported favorably. (8-0)

House Bill No. 374, by Thompson  
Reported with amendments. (12-0) (Regular)

House Bill No. 455, by Lancaster  
Reported favorably. (8-0) (Regular)

House Bill No. 456, by Lancaster  
Reported favorably. (8-0) (Regular)

House Bill No. 498, by Bruneau  
Reported with amendments. (8-0) (Regular)

CHARLES LANCASTER  
Chairman

**Report of the Committee on Natural Resources**

March 31, 1999

To the Speaker and Members of the House of Representatives:

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

House Bill No. 87, by Wright  
Reported favorably with recommendation to recommit the bill to the Committee on Administration of Criminal Justice. (11-0)

House Bill No. 188, by Dupre  
Reported with amendments. (11-0) (Regular)

House Bill No. 241, by R. Alexander  
Reported favorably. (11-0) (Local and Consent)

House Bill No. 243, by DeWitt  
Reported with amendments. (11-0) (Regular)

House Bill No. 305, by Hill  
Reported favorably. (11-0) (Local and Consent)

House Bill No. 428, by John Smith  
Reported with amendments. (11-0) (Regular)

House Bill No. 485, by Faucheux  
Reported with amendments. (12-0) (Regular)

House Bill No. 494, by Salter  
Reported favorably. (12-0) (Regular)

House Bill No. 565, by John Smith  
Reported favorably. (12-0) (Regular)

House Bill No. 1258, by John Smith  
Reported favorably. (12-0) (Regular)

House Bill No. 1259, by John Smith  
Reported with amendments. (10-0) (Regular)

House Bill No. 1260, by John Smith  
Reported with amendments. (12-0) (Regular)

House Bill No. 1264, by John Smith  
Reported with amendments. (12-0) (Regular)

House Bill No. 1268, by Durand  
Reported favorably. (11-0) (Regular)

JOHN R. SMITH  
Chairman

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

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

**HOUSE BILL NO. 1990—**

BY REPRESENTATIVE SALTER

AN ACT

To enact R.S. 17:235.2, relative to commitments by public school students and their parents or guardians; to require public school students and their parents or guardians to sign statements of compliance relative to school attendance, homework assignments, and school rules; to provide relative to rules and regulations of city and parish school boards; to provide for effectiveness; and to provide for related matters.

Read by title.

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

**HOUSE BILL NO. 1991—**

BY REPRESENTATIVE MONTGOMERY

AN ACT

To repeal R.S. 17:176(F), relative to participation in extracurricular interscholastic athletic activities; to repeal provisions which allow for participation of certain nonpublic high school students in such activities.

Read by title.

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

**House Bills and Joint Resolutions on Second Reading Reported by Committees**

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

**HOUSE BILL NO. 8—**

BY REPRESENTATIVE MCCAIN

AN ACT

To amend and reenact R.S. 35:191(C)(3), relative to notaries public; to increase the amount of the surety bond required for non-attorney notaries from five thousand dollars to twenty-five thousand dollars; to authorize security in the form of insurance coverage; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Civil Law and Procedure.

The committee amendments were read as follows:

**HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on Civil Law and Procedure to Original House Bill No. 8 by Representative McCain

AMENDMENT NO. 1

On page 1, line 4, after the semicolon ";" and before "and" insert "to authorize security in the form of insurance coverage;"

AMENDMENT NO. 2

On page 1, line 13, after "(3)" and before "Giving" insert "(a)"

AMENDMENT NO. 3

On page 1, at the end of line 16, after "notary" change the period "." to a semicolon ";" and add "or"

AMENDMENT NO. 4

On page 1, between lines 16 and 17 insert the following:

"(b) Maintaining a policy of errors and omissions insurance coverage with limits of at least twenty-five thousand dollars and written for a policy term of five years. The written certificate of the insurer certifying that the policy is in effect shall be submitted to the secretary of state. If the policy is canceled for any cause, the insurer shall notify the secretary of state in writing that the policy is canceled or no longer in force."

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

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

Under the rules, placed on the regular calendar.

**HOUSE BILL NO. 17—**

BY REPRESENTATIVE BRUNEAU

AN ACT

To amend and reenact Code of Civil Procedure Articles 2883(B), 2884(B), 2885(C), 2886(C), and 2887(C), relative to probate and the registry of an olographic testament, a nuncupative testament by private act, a mystic testament, and a statutory testament; to remove the form requirement that the affidavits of witnesses be executed before a notary and two witnesses; to authorize witnesses to give testimony in the form of an affidavit in lieu of an authentic act, unless the court in its discretion requires the person to appear and testify orally; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Civil Law and Procedure.

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

Under the rules, placed on the regular calendar.

**HOUSE BILL NO. 62—**

BY REPRESENTATIVES SCHNEIDER, BRUNEAU, DONELON, MCMAINS, AND WINSTON AND SENATORS LAMBERT AND DARDENNE

AN ACT

To amend and reenact Civil Code Articles 776, 780, and 783 and to enact Part II-B of Chapter 1 of Code Title I of Code Book II of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:1141.1 through 1141.9, all relative to the use of property burdened with building restrictions; to clarify the codal authority to amend such restrictions, generally; to provide specifically for the application of such restrictions in residential planned communities and to statutorily recognize homeowners' communities; to provide definitions and applicability of the Louisiana Homeowners Association Act; to provide for the establishment, amendment, and termination of building restrictions imposed on homeowners association property; to provide with respect to enforcement of such restrictions; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Civil Law and Procedure.

The committee amendments were read as follows:

#### HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Civil Law and Procedure to Original House Bill No. 62 by Representative Schneider

##### AMENDMENT NO. 1

On page 4, line 21, after the period "." delete the remainder of the line and delete lines 22 through 24 in their entirety

##### AMENDMENT NO. 2

On page 8, line 9, after "which" and before "ballot" delete "a" and insert in lieu thereof "the return"

##### AMENDMENT NO. 3

On page 8, at the end of line 10, after the period "." add the following: "The ballot shall be accompanied by the full text of the building restriction being established, amended, or terminated and shall be mailed to the owner by certified mail not less than thirty days prior to the date by which the return ballot must be received."

##### AMENDMENT NO. 4

On page 8, at the end of line 12, after the period "." add the following: "The notice shall be accompanied by an agenda of the meeting and the full text of the building restriction being established, amended, or terminated. Such notice shall be mailed to the owner, by certified mail, not less than thirty days prior to the date of the meeting."

##### AMENDMENT NO. 5

On page 8, delete line 13 in its entirety

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

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

Under the rules, placed on the regular calendar.

#### **HOUSE BILL NO. 76—** BY REPRESENTATIVE BRUNEAU AN ACT

To enact R.S. 51:2613(I), relative to enforcement of the Louisiana Open Housing Act by private persons; to authorize courts to award court costs and reasonable attorney fees to a prevailing defendant; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Civil Law and Procedure.

The committee amendments were read as follows:

#### HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Civil Law and Procedure to Original House Bill No. 76 by Representative Bruneau

##### AMENDMENT NO. 1

On page 1, delete line 2 in its entirety and insert: "To enact R.S. 51:2613(I), relative to enforcement of the"

##### AMENDMENT NO. 2

On page 1, delete lines 4 and 5 and insert the following:

"award court costs and reasonable attorney fees to a prevailing defendant; and to provide for related"

##### AMENDMENT NO. 3

On page 1, line 8, after "Section 1." delete the remainder of the line and insert "R.S. 51:2613(I) is hereby enacted to read"

##### AMENDMENT NO. 4

On page 1, delete lines 12 through 17, and insert the following:

"I. The court may grant as relief, as it deems appropriate, court costs and reasonable attorney fees to a prevailing defendant."

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

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

Under the rules, placed on the regular calendar.

#### **HOUSE BILL NO. 88—** BY REPRESENTATIVE BRUNEAU AN ACT

To amend and reenact R.S. 9:2792.7, relative to offenses and quasi offenses; to provide a statutory definition of a "homeowners association"; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Civil Law and Procedure.

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

Under the rules, placed on the regular calendar.

#### **HOUSE BILL NO. 94—** BY REPRESENTATIVE BRUNEAU AN ACT

To enact Code of Civil Procedure Art. 1915(A)(6), relative to judgments for sanctions and disciplinary actions; to authorize the rendition of a partial, final judgment on the issue of sanctions or disciplinary actions; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Civil Law and Procedure.

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

Under the rules, placed on the regular calendar.

#### **HOUSE BILL NO. 198—** BY REPRESENTATIVE BRUNEAU AN ACT

To enact R.S. 42:855, relative to the State Employees' Group Benefits Program; to limit the time within which a paid claim may be audited by the program for verification of eligibility; to prohibit requiring a refund of expenditures on certain paid claims on the basis of ineligibility under certain circumstances; and to provide for related matters.

Read by title.

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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 Original House Bill No. 198 by Representative Bruneau

### AMENDMENT NO. 1

On page 1, delete lines 3 and 4 in their entirety and insert "Program; to prohibit requiring a refund"

### AMENDMENT NO. 2

On page 1, line 5, after "of expenditures" and before "on certain" insert "from a plan member or health care provider"

### AMENDMENT NO. 3

On page 1, line 9, after "§855." delete the remainder of the line and delete line 10 in its entirety and insert "Refund of expenditures ineligible for reimbursement"

### AMENDMENT NO. 4

On page 1, at the beginning of line 11, insert "A."

### AMENDMENT NO. 5

On page 1, line 12, after "contrary." delete the remainder of the line, delete lines 13, 14 and 15 in their entirety, and insert "no refund shall be required from a plan member or health care provider on"

### AMENDMENT NO. 6

On page 1, at the end of line 16, delete "if a period" and delete line 17 in its entirety and insert:

"under the following circumstances:

(1) For claims paid after June 30, 1999 and before July 1, 2001 if a period of more than twenty-four months has elapsed since the date of payment of such claim.

(2) For claims paid on or after July 1, 2001 if a period of more than eighteen months has elapsed since the date of payment of such claim.

### AMENDMENT NO. 7

On page 2, at the beginning of line 1, delete "such claim.", and insert "B."

### AMENDMENT NO. 8

On page 2, at the end of line 2, insert "The provisions of this Section shall not apply to refunds collected pursuant to Part XXVI-B of Chapter I of Title 22 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 engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

## HOUSE BILL NO. 217—

BY REPRESENTATIVES BRUNEAU, MCMAINS, DIMOS, DURAND, FRUGE, JOHNS, WALSWORTH, AND WIGGINS  
AN ACT

To amend and reenact R.S. 13:3881(D)(1) and (2), R.S. 20:33(1), and R.S. 22:647(B) and to enact R.S. 13:3881(D)(3), relative to general exemptions from seizure; to include all annuity contracts and tax-deferred arrangements as exempt; to provide subject to standard exemptions; to define annuity contract; to provide for applicability; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Civil Law and Procedure.

The committee amendments were read as follows:

## HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Civil Law and Procedure to Original House Bill No. 217 by Representative Bruneau

### AMENDMENT NO. 1

On page 1, line 6, after the semicolon ";" and before "and" insert "to define "annuity contract"; to provide for applicability;"

### AMENDMENT NO. 2

On page 4, line 11, after "contract" delete the remainder of the line and add the following:

"which (a) is issued by a life insurance company licensed to provide the contract in the state in which it was issued at the time of issue; (b) states on its face or anywhere within the terms of the contract that is an "annuity" including, but not limited to, an immediate, deferred, fixed, equity indexed or variable annuity, irrespective of current pay status or any other definition of "annuity" in Louisiana law; (c) provides the contract owner the ability to defer United States income taxes on any interest earned and not distributed to the owner; (d) transfers some risk of financial loss to the insurance company for financial consideration; and (e) was approved as an annuity contract by the Department of Insurance of the state in which it was issued prior to issue."

### AMENDMENT NO. 3

On page 4, delete lines 13 through 18 in their entirety

### AMENDMENT NO. 4

On page 4, after line 19, add the following:

"Section 4. This Act is interpretive and shall apply to any annuity contract or tax-deferred arrangement covered by the provisions of this Act which is in existence on or prior to the effective date of this Act."

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

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

Under the rules, placed on the regular calendar.

**HOUSE BILL NO. 389—**

BY REPRESENTATIVES MCMAINS, DEWITT, AND DOWNER  
AN ACT

To amend and reenact R.S. 12:91 and 1314, relative to liability of officers and directors of certain business organizations and members and managers of limited liability companies; to provide for liability based on a standard of gross negligence and the requirements of the business judgment rule; to provide relative to the fiduciary duty rules applicable to business organizations and limited liability companies; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Civil Law and Procedure.

The committee amendments were read as follows:

**HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on Civil Law and Procedure to Original House Bill No. 389 by Representative McMains

**AMENDMENT NO. 1**

On page 1, line 3, after "of" and before "and" delete "corporations" and insert in lieu thereof "certain business organizations"

**AMENDMENT NO. 2**

On page 1, line 6, after "rules" delete the remainder of the line and insert "applicable to business organizations and limited liability companies;"

**AMENDMENT NO. 3**

On page 1, line 7, delete "liability law;"

**AMENDMENT NO. 4**

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

"F. The provisions of this Section shall apply to all business organizations, whether incorporated or unincorporated, formed under Louisiana law."

**AMENDMENT NO. 5**

On page 4, between lines 23 and 24 insert the following:

"B. Notwithstanding the provisions of Subsection A of this Section, a member or manager shall not be personally liable to the limited liability company or the members thereof for monetary damages unless the member or manager acted in a grossly negligent manner as defined in Subsection C of this Section, or engaged in conduct which demonstrates a greater disregard of the duty of care than gross negligence, including intentional tortious conduct or intentional breach of his duty of loyalty."

**AMENDMENT NO. 6**

On page 5, line 21, after "law" and before the period "." insert "and shall apply to any claim or action pending on its effective date and to any claim arising or action filed on and after its effective date"

**AMENDMENT NO. 7**

On page 5, line 25, after "to" delete the remainder of the line and insert "all business organizations, whether incorporated or unincorporated, formed under Louisiana law."

**AMENDMENT NO. 8**

On page 5, after line 25, add the following:

"Section 4. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval."

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

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

Under the rules, placed on the regular calendar.

**Privileged Report of the Committee on Enrollment**

March 31, 1999

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. 22—**

BY REPRESENTATIVE FARVE

**A CONCURRENT RESOLUTION**

To recognize the Ursuline Sisters for the integral role they have played in the history of Louisiana, from their arrival in 1727 and their critical intercession in the Battle of New Orleans and continuing even today in their educational mission.

**HOUSE CONCURRENT RESOLUTION NO. 27—**

BY REPRESENTATIVE FARVE

**A CONCURRENT RESOLUTION**

To commend the Reserve Officers Training Corps color guard of George Washington Carver, Sr., High School, New Orleans, Louisiana, for its participation in the opening ceremonies of the 1999 Regular Session of the Louisiana Legislature.

**HOUSE CONCURRENT RESOLUTION NO. 31—**

BY REPRESENTATIVE WILKERSON

**A CONCURRENT RESOLUTION**

To commend and congratulate Everson Walls for his induction into the Louisiana Sports Hall of Fame due to his career as an outstanding football player for Grambling State University, the Dallas Cowboys, and the New York Giants.

**HOUSE CONCURRENT RESOLUTION NO. 32—**

BY REPRESENTATIVE WILKERSON

**A CONCURRENT RESOLUTION**

To commend Mr. Oatess Archey, a graduate of Grambling State University and sheriff of Grant County, Indiana, for becoming the first black elected sheriff in the state of Indiana.

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3rd Day's Proceedings - March 31, 1999

## **HOUSE CONCURRENT RESOLUTION NO. 33—**

BY REPRESENTATIVE HILL

### **A CONCURRENT RESOLUTION**

To commend Ms. Amanda Langley of Kinder High School for being named as a recipient of the Prudential Spirit of Community Award in recognition of her volunteer service.

## **HOUSE CONCURRENT RESOLUTION NO. 34—**

BY REPRESENTATIVE CURTIS

### **A CONCURRENT RESOLUTION**

To express the condolences and heartfelt sorrow of the Legislature of Louisiana upon the death of James William Cleveland, Jr.

## **HOUSE CONCURRENT RESOLUTION NO. 35—**

BY REPRESENTATIVE CURTIS

### **A CONCURRENT RESOLUTION**

To express the condolences and heartfelt sorrow of the Legislature of Louisiana upon the death of Donald Lee Allen.

## **HOUSE CONCURRENT RESOLUTION NO. 41—**

BY REPRESENTATIVES JOHN SMITH, DEWITT, DOWNER, MCMAINS, DIEZ, AND CRANE AND SENATORS DARDENNE, EWING, HAINKEL, BARHAM, AND SCHEDLER

### **A CONCURRENT RESOLUTION**

To commend and congratulate the Gulf States Marine Fisheries Commission on its 50th Anniversary for leadership in coordinating the efforts of the five gulf states in developing marine fisheries management and research activities.

## **HOUSE CONCURRENT RESOLUTION NO. 47—**

BY REPRESENTATIVE HUDSON

### **A CONCURRENT RESOLUTION**

To congratulate Dr. James A. Caillier upon his retirement from the position of president of the University of Louisiana System and to recognize and commend him for his many years of distinguished and dedicated service to the cause of educating Louisiana's citizens.

## **HOUSE CONCURRENT RESOLUTION NO. 48—**

BY REPRESENTATIVE FLAVIN

### **A CONCURRENT RESOLUTION**

To express sympathy and extend the heartfelt condolences of the Legislature of Louisiana to the family of Edwin Kelley upon his death.

## **HOUSE CONCURRENT RESOLUTION NO. 49—**

BY REPRESENTATIVES DOWNER, ALARIO, ALEXANDER, ANSARDI, BARTON, BAUDOIN, BAYLOR, BOWLER, BRUCE, BRUNEAU, CARTER, CHAISSON, CLARKSON, COPELIN, CRANE, CURTIS, DAMICO, DANIEL, DEVILLE, DEWITT, DIEZ, DIMOS, DOERGE, DONELON, DUPRE, DURAND, FARVE, FAUCHEUX, FLAVIN, FONTENOT, FRITH, FRUGE, 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, SALTER, SCALISE, SCHNEIDER, SCHWEGMANN, SHAW, JACK SMITH, JOHN SMITH, STELLY, STRAIN, THERIOT, THOMPSON, THORNHILL, TOOMY, TRAVIS, TRICHE, VITTER, WADDELL, WALSWORTH, WARNER, WELCH, WESTON, WIGGINS, WILKERSON, WILLARD, WINDHORST, WINSTON, AND WRIGHT AND SENATORS EWING, BAJOIE, BARHAM, BEAN, BOISSIERE, BRANCH, CAIN, CAMPBELL, CASANOVA, COX, CRAVINS, DARDENNE, DEAN, DYESS, ELLINGTON, C. FIELDS, W. FIELDS, GREENE, HAINKEL, HETTMEIER, HINES, HOLLIS, IRONS, JOHNSON, JONES, JORDAN, LAMBERT, LANDRY, LENTINI, MALONE, ROBICHAUX, ROMERO, SCHEDLER, SIRACUSA, SMITH, TARVER, THEUNISSEN, THOMAS, AND ULLO

### **A CONCURRENT RESOLUTION**

To commend Dr. Allen Copping upon his retirement as President of the Louisiana State University System after fourteen years of unparalleled achievement in that office; to recognize and record his myriad accomplishments and contributions to the Louisiana State University System, the communities involved with that system, and the state of Louisiana.

## **HOUSE CONCURRENT RESOLUTION NO. 50—**

BY REPRESENTATIVE JOHN SMITH

### **A CONCURRENT RESOLUTION**

To commend and congratulate Hugh "Butch" Bateman on the occasion of his retirement from the Department of Wildlife and Fisheries after thirty-three years of service.

## **HOUSE CONCURRENT RESOLUTION NO. 51—**

BY REPRESENTATIVE SALTER

### **A CONCURRENT RESOLUTION**

To commend Logansport, Louisiana, and the Logansport Lions Club for their upcoming Christmas fundraiser and Christmas Pageant Tour.

## **HOUSE CONCURRENT RESOLUTION NO. 52—**

BY REPRESENTATIVE DANIEL

### **A CONCURRENT RESOLUTION**

To commend and congratulate Mr. Greg Grandy for being named 1998 Conservation Educator of the Year by the Louisiana Wildlife Federation at the Sixth Annual Louisiana Wildlife Federation Convention in Lafayette, Louisiana.

## **HOUSE CONCURRENT RESOLUTION NO. 53—**

BY REPRESENTATIVE WILKERSON

### **A CONCURRENT RESOLUTION**

To commend Mr. Leon Garr for his leadership and contributions to the states of Louisiana and California.

## **HOUSE CONCURRENT RESOLUTION NO. 54—**

BY REPRESENTATIVE WILKERSON

### **A CONCURRENT RESOLUTION**

To commend Russell Maryland, a member of the Oakland Raiders, for establishing the Russell Maryland Foundation, a nonprofit organization whose mission is to promote the desire to achieve and excel among inner-city boys and girls.

## **HOUSE CONCURRENT RESOLUTION NO. 60—**

BY REPRESENTATIVE MCMAINS

### **A CONCURRENT RESOLUTION**

To commend Mr. Edward G. Duffard, certified flight instructor, on his efforts to promote flight training and flight safety and to provide a first-class group of certified pilots for commercial, corporate, and general aviation.

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**

March 31, 1999

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. 18—**

BY REPRESENTATIVES MCDONALD, DEWITT, DOWNER, AND MCMAINS  
A RESOLUTION

To express the support of the House of Representatives for including secondary and postsecondary vocational education programs in the Unified State Plan to be submitted in compliance with the federal Workforce Investment Act.

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.

**Leave of Absence**

Rep. Wilkerson - 1 day

Rep. Strain - 1 day

Rep. Farve - 1 day

Rep. Vitter - 1 day

**Adjournment**

On motion of Rep. Kenney, at 4:15 P.M., the House agreed to adjourn until Thursday, April 1, 1999, at 9:00 A.M.

The Speaker of the House declared the House adjourned until 9:00 A.M., Thursday, April 1, 1999.

ALFRED W. SPEER  
Clerk of the House

C. Wayne Hays  
Journal Clerk, *Emeritus*

