

OFFICIAL JOURNAL  
OF THE  
**SENATE**  
OF THE  
STATE OF LOUISIANA

**SIXTEENTH DAY'S PROCEEDINGS**

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

Senate Chamber  
State Capitol  
Baton Rouge, Louisiana

Sunday, June 4, 2000

The Senate was called to order at 5:00 o'clock P.M., by Hon. John Hainkel, President of the Senate.

**ROLL CALL**

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

**PRESENT**

Mr. President	Fontenot	Marionneaux
Bajoie	Gautreaux	McPherson
Barham	Heitmeier	Michot
Bean	Hines	Mount
Boissiere	Hollis	Robichaux
Cain	Hoyt	Romero
Campbell	Irons	Schedler
Chaisson	Johnson	Smith
Cravins	Jones, B	Tarver
Dardenne	Jones, C	Theunissen
Dean	Lambert	Thomas
Ellington	Lentini	Ullo
Fields, W	Malone	
Total—38		

**ABSENT**

Fields, C  
Total—1

The President of the Senate announced there were 38 Senators present and a quorum.

**Prayer**

The prayer was offered by Mr. Ben Mount, following which the Senate joined in pledging allegiance to the flag of the United States of America.

**Reading of the Journal**

On motion of Senator Lambert, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

**Morning Hour**

**Messages from the House**

The following Messages from the House were received and read as follows:

**Message from the House  
DISAGREEMENT TO HOUSE BILL**

June 4, 2000

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has refused to concur in the proposed Senate Amendment(s) to House Bill No. 2 by Representative Hammett, and ask the President to appoint on the part of the Senate a committee to confer with a like committee from the House on the disagreement; and to inform your honorable body that the Speaker of the House of Representatives has appointed the following members as conferees on the part of the House:

Representatives Hammett, Alario, and Dewitt.

Respectfully submitted,  
ALFRED W. SPEER

Clerk of the House of Representatives

**Message from the House**

**CONCURRING IN  
SENATE CONCURRENT RESOLUTIONS**

June 4, 2000

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally concurred in the following Senate Concurrent Resolutions:

**SENATE CONCURRENT RESOLUTION NO. 52—**  
BY SENATOR LENTINI

**A CONCURRENT RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana on the death of James Maselli III.

Reported without amendments.

Respectfully submitted,  
ALFRED W. SPEER

Clerk of the House of Representatives

**Introduction of Resolutions,  
Senate and Concurrent**

Senator Lambert asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Resolutions, Senate and Concurrent, a first and second time and acting upon them as follows:

**SENATE RESOLUTION NO. 33—**

BY SENATOR MARIONNEAUX

**A RESOLUTION**

To direct the Louisiana Gaming Control Board to reject all pending applications and to institute a bidding process for the issuance of the fifteenth license to operate gaming activities upon a riverboat.

On motion of Senator Marionneaux, the resolution was read by title and referred to the Committee on Judiciary B.

**SENATE CONCURRENT RESOLUTION NO. 54—**

BY SENATOR MARIONNEAUX

**A CONCURRENT RESOLUTION**

To direct the Louisiana Gaming Control Board to reject all pending applications and to institute a bidding process for the issuance of the fifteenth license to operate gaming activities upon a riverboat.

On motion of Senator Lambert, the resolution was read by title and referred to the Committee on Judiciary B.

**Messages from the House**

The following Messages from the House were received and read as follows:

**Message from the House**

**ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS**

June 4, 2000

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

**HOUSE BILL NO. 98—**

BY REPRESENTATIVES THOMPSON, ALARIO, DANIEL, DURAND, FARRAR, FAUCHEUX, HEATON, HILL, HUNTER, LANDRIEU, MONTGOMERY, ODINET, TOWNSEND, WARNER, WILLARD, R. ALEXANDER, ANSARDI, BAUDOIN, BAYLOR, BOWLER, BROOME, BRUCE, K. CARTER, CAZAYOUX, CLARKSON, CRANE, CURTIS, DAMICO, DARTEZ, DEVILLIER, DIEZ, DOERGE, DOWNER, DUPRE, ERDEY, FLAVIN, FRITH, FUTRELL, GLOVER, GREEN, GUILLORY, HAMMETT, HOLDEN, HOPKINS, HUDSON, ILES, L. JACKSON, M. JACKSON, JOHNS, KATZ, KENNARD, KENNEY, LAFLEUR, LANCASTER, LEBLANC, MARTINY, MCCALLUM, MCDONALD, MCMAINS, MURRAY, NEVERS, PIERRE, PINAC, PITRE, POWELL, PRATT, QUEZAIRE, RICHMOND, RIDDLE, ROMERO, SALTER, SCALISE, SCHWEGMANN, SHAW, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, SNEED, STELLY, STRAIN, TRAVIS, TRICHE, WADDELL, WALSWORTH, WELCH, WILKERSON, WINSTON, AND WOOTON

**A JOINT RESOLUTION**

Proposing to add Article VII, Section 2.2 of the Constitution of Louisiana, relative to a limitation on the sales and use tax; to provide that food for home consumption, natural gas, electricity, and water shall be exempt from state sales and use taxes; to provide for submission of the amendment to the electors; and to provide for related matters.

Respectfully submitted,  
ALFRED W. SPEER  
Clerk of the House of Representatives

**Senator Lambert in the Chair**

**House Bills and Joint Resolutions**

Senator Lambert asked for and obtained a suspension of the rules to take up at this time the following House Bills and Joint Resolutions just received from the House which were taken up, read a first and second time by their titles and acted upon as follows:

**HOUSE BILL NO. 98—**

BY REPRESENTATIVES THOMPSON, ALARIO, DANIEL, DURAND, FARRAR, FAUCHEUX, HEATON, HILL, HUNTER, LANDRIEU, MONTGOMERY, ODINET, TOWNSEND, WARNER, WILLARD, R. ALEXANDER, ANSARDI, BAUDOIN, BAYLOR, BOWLER, BROOME, BRUCE, K. CARTER, CAZAYOUX, CLARKSON, CRANE, CURTIS, DAMICO, DARTEZ, DEVILLIER, DIEZ, DOERGE, DOWNER, DUPRE, ERDEY, FLAVIN, FRITH, FUTRELL, GLOVER, GREEN, GUILLORY, HAMMETT, HOLDEN, HOPKINS, HUDSON, ILES, L. JACKSON, M. JACKSON, JOHNS, KATZ, KENNARD, KENNEY, LAFLEUR, LANCASTER, LEBLANC, MARTINY, MCCALLUM, MCDONALD, MCMAINS, MURRAY, NEVERS, PIERRE, PINAC, PITRE, POWELL, PRATT, QUEZAIRE, RICHMOND, RIDDLE, ROMERO, SALTER, SCALISE, SCHWEGMANN, SHAW, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, SNEED, STELLY, STRAIN, TRAVIS, TRICHE, WADDELL, WALSWORTH, WELCH, WILKERSON, WINSTON, AND WOOTON

**A JOINT RESOLUTION**

Proposing to add Article VII, Section 2.2 of the Constitution of Louisiana, relative to a limitation on the sales and use tax; to provide that food for home consumption, natural gas, electricity, and water shall be exempt from state sales and use taxes; to provide for submission of the amendment to the electors; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

**Messages from the House**

The following Messages from the House were received and read as follows:

**Message from the House**

**ASKING CONCURRENCE IN HOUSE CONCURRENT RESOLUTIONS**

June 4, 2000

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

**HOUSE CONCURRENT RESOLUTION NO. 81—**

BY REPRESENTATIVES HUDSON, BROOME, K. CARTER, CAZAYOUX, CLARKSON, CURTIS, DARTEZ, ERDEY, GUILLORY, HUNTER, JOHNS, LAFLEUR, LUCAS, MORRELL, MORRISH, MURRAY, PIERRE, PITRE, QUEZAIRE, RICHMOND, TRAVIS, TRICHE, WILKERSON, AND WILLARD AND SENATORS CRAVINS AND C. FIELDS

**A CONCURRENT RESOLUTION**

To memorialize the Congress of the United States to take such actions as are necessary to establish and affirm that every citizen of this nation has the right to high quality health care.

**HOUSE CONCURRENT RESOLUTION NO. 82—**

BY REPRESENTATIVE R. ALEXANDER

**A CONCURRENT RESOLUTION**

To urge and request the Louisiana State Board of Medical Examiners to cooperate with companies providing off-site preventive screening tests using ultrasound technology in order to establish reasonable guidelines for their use in a timely manner.

**HOUSE CONCURRENT RESOLUTION NO. 66—**

BY REPRESENTATIVES DOWNER, MCDONALD, JOHN SMITH, LEBLANC, AND TRICHE

**A CONCURRENT RESOLUTION**

To create a special state tax collection task force to help the Department of Revenue identify delinquent taxes owed to the state, the impediments in collecting such taxes and deficiencies in the department's assessment and audit process and dispute resolution procedures, and to suggest alternative collection practices.

**HOUSE CONCURRENT RESOLUTION NO. 67—**

BY REPRESENTATIVES DOWNER, MCDONALD, JOHN SMITH, AND TRICHE

**A CONCURRENT RESOLUTION**

To urge and request the Department of Revenue to create, without delay, a temporary special debt collection team to assist in the collection of delinquent taxes.

**HOUSE CONCURRENT RESOLUTION NO. 79—**

BY REPRESENTATIVE WILKERSON

**A CONCURRENT RESOLUTION**

To commend and congratulate the Grambling State University mens track team and their coaches, managers, and trainers for a great season and for winning the school's first-ever outdoor championship in the Southwestern Athletic Conference

**HOUSE CONCURRENT RESOLUTION NO. 80—**

BY REPRESENTATIVE STELLY AND SENATOR MOUNT

**A CONCURRENT RESOLUTION**

To urge and request the city of Lake Charles to issue a request for proposals for development of the site on the Lakefront in the city of Lake Charles presently occupied by offices of the Department of Wildlife and Fisheries.

Respectfully submitted,  
ALFRED W. SPEER  
Clerk of the House of Representatives

**House Concurrent Resolutions**

Senator Lambert asked for and obtained a suspension of the rules to take up at this time the following House Concurrent Resolutions just received from the House which were taken up, read a first and second time by their titles and acted upon as follows:

**HOUSE CONCURRENT RESOLUTION NO. 66—**  
BY REPRESENTATIVES DOWNER, MCDONALD, JOHN SMITH, LEBLANC, AND TRICHE

**A CONCURRENT RESOLUTION**

To create a special state tax collection task force to help the Department of Revenue identify delinquent taxes owed to the state, the impediments in collecting such taxes and deficiencies in the department's assessment and audit process and dispute resolution procedures, and to suggest alternative collection practices.

On motion of Senator Lambert, the resolution was read by title and referred to the Committee on Revenue and Fiscal Affairs.

**HOUSE CONCURRENT RESOLUTION NO. 67—**  
BY REPRESENTATIVES DOWNER, MCDONALD, JOHN SMITH, AND TRICHE

**A CONCURRENT RESOLUTION**

To urge and request the Department of Revenue to create, without delay, a temporary special debt collection team to assist in the collection of delinquent taxes.

On motion of Senator Lambert, the resolution was read by title and referred to the Committee on Revenue and Fiscal Affairs.

**HOUSE CONCURRENT RESOLUTION NO. 79—**  
BY REPRESENTATIVE WILKERSON

**A CONCURRENT RESOLUTION**

To commend and congratulate the Grambling State University mens track team and their coaches, managers, and trainers for a great season and for winning the school's first-ever outdoor championship in the Southwestern Athletic Conference

The resolution was read by title. Senator Barham moved to concur in the House Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fontenot	Marionneau
Bajoie	Gautreaux	McPherson
Barham	Heitmeier	Michot
Bean	Hines	Mout
Boissiere	Hollis	Robichaux
Cain	Hoyt	Romero
Campbell	Irons	Schedler
Chaisson	Johnson	Smith
Cravins	Jones, B	Theunissen
Dardenne	Jones, C	Thomas
Dean	Lambert	Ullio
Ellington	Lentini	
Fields, W	Malone	
Total—37		

**NAYS**

Total—0

**ABSENT**

Fields, C

Tarver

Total—2

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**HOUSE CONCURRENT RESOLUTION NO. 80—**  
BY REPRESENTATIVE STELLY AND SENATOR MOUNT  
**A CONCURRENT RESOLUTION**

To urge and request the city of Lake Charles to issue a request for proposals for development of the site on the Lakefront in the city of Lake Charles presently occupied by offices of the Department of Wildlife and Fisheries.

The resolution was read by title. Senator Mount moved to concur in the House Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fontenot	Marionneau
Bajoie	Gautreaux	McPherson
Barham	Heitmeier	Michot
Bean	Hines	Mout
Boissiere	Hollis	Robichaux
Cain	Hoyt	Romero
Campbell	Irons	Schedler
Chaisson	Johnson	Smith
Cravins	Jones, B	Theunissen
Dardenne	Jones, C	Thomas
Dean	Lambert	Ullio
Ellington	Lentini	
Fields, W	Malone	
Total—37		

**NAYS**

Total—0

**ABSENT**

Fields, C  
Total—2

Tarver

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**HOUSE CONCURRENT RESOLUTION NO. 81—**  
BY REPRESENTATIVES HUDSON, BROOME, K. CARTER, CAZAYOUX, CLARKSON, CURTIS, DARTEZ, ERDEY, GUILLORY, HUNTER, JOHNS, LAFLEUR, LUCAS, MORRELL, MORRISH, MURRAY, PIERRE, PITRE, QUEZAIRE, RICHMOND, TRAVIS, TRICHE, WILKERSON, AND WILLARD AND SENATORS CRAVINS AND C. FIELDS

**A CONCURRENT RESOLUTION**

To memorialize the Congress of the United States to take such actions as are necessary to establish and affirm that every citizen of this nation has the right to high quality health care.

On motion of Senator Lambert, the resolution was read by title and referred to the Committee on Health and Welfare.

**HOUSE CONCURRENT RESOLUTION NO. 82—**  
BY REPRESENTATIVE R. ALEXANDER  
**A CONCURRENT RESOLUTION**

To urge and request the Louisiana State Board of Medical Examiners to cooperate with companies providing off-site preventive screening tests using ultrasound technology in order to establish reasonable guidelines for their use in a timely manner.

On motion of Senator Lambert, the resolution was read by title and referred to the Committee on Health and Welfare.

Reports of Committees

The following reports of committees were received and read:

SUPPLEMENTAL

REPORT OF COMMITTEE ON REVENUE AND FISCAL AFFAIRS

Senator Barham, Chairman on behalf of the Committee on Revenue and Fiscal Affairs, submitted the following report:

June 3, 2000

To the President and Members of the Senate:

I am directed by your Committee on Revenue and Fiscal Affairs to submit the following report:

HOUSE BILL NO. 44— BY REPRESENTATIVES DANIEL, BOWLER, BRUCE, R. CARTER, CLARKSON, CRANE, DEVILLIER, DIEZ, FARRAR, FAUCHEUX, FLAVIN, FRITH, FUTRELL, HEBERT, HILL, HOPKINS, MCCALLUM, MONTGOMERY, ODINET, PERKINS, PINAC, QUEZAIRE, JOHN SMITH, STELLY, STRAIN, TOWNSEND, WADDELL, WALSWORTH, WINDHORST, AND WINSTON AN ACT

To enact R.S. 47:301(16)(f), relative to the sales and use taxes of all tax authorities in the state; to define tangible personal property to exclude certain transactions relating to manufactured homes; to provide for an effective date; and to provide for related matters.

Reported with amendments.

Respectfully submitted, ROBERT J. BARHAM Chairman

House Bills and Joint Resolutions on Second Reading Reported by Committees

Senator Barham asked for and obtained a suspension of the rules to take up at this time the following House Bills and Joint Resolutions just reported by Committees.

HOUSE BILL NO. 44— BY REPRESENTATIVES DANIEL, BOWLER, BRUCE, R. CARTER, CLARKSON, CRANE, DEVILLIER, DIEZ, FARRAR, FAUCHEUX, FLAVIN, FRITH, FUTRELL, HEBERT, HILL, HOPKINS, MCCALLUM, MONTGOMERY, ODINET, PERKINS, PINAC, QUEZAIRE, JOHN SMITH, STELLY, STRAIN, TOWNSEND, WADDELL, WALSWORTH, WINDHORST, AND WINSTON AN ACT

To enact R.S. 47:301(16)(f), relative to the sales and use taxes of all tax authorities in the state; to define tangible personal property to exclude certain transactions relating to manufactured homes; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Revenue and Fiscal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Engrossed House Bill No. 44 by Representative Daniel

AMENDMENT NO. 1

On page 1, line 2, delete "all tax" and on line 3, delete "authorities in the state" and insert "the state"

AMENDMENT NO. 2

On page 2, line 21, change "all tax authorities of the state" to "the state only."

AMENDMENT NO. 3

On page 2, delete lines 23 through 26, and insert:

"Section 2. This Act shall become effective if, as, and when a judgement in Shirley M. Avants, et al v. John Neely Kennedy, Secretary, No. 434575, Division D, Nineteenth Judicial District Court, Parish of East Baton Rouge, State of Louisiana, becomes final and non-appealable or a written compromise settlement disposing of all claims is finalized and signed."

On motion of Senator Barham, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

Senate Concurrent Resolutions Returned from the House of Representatives with Amendments

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

SENATE CONCURRENT RESOLUTION NO. 10— BY SENATOR SCHEDLER

A CONCURRENT RESOLUTION

To create the Louisiana Child Visitation Center Review Commission to study the feasibility of establishing child visitation centers in the state to provide safe, supervised settings for noncustodial parents to meet and visit with their children.

The resolution was read by title. Returned from the House of Representatives with the following amendments:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Engrossed Senate Concurrent Resolution No. 10 by Senator Schedler

AMENDMENT NO. 1

On page 1, line 2, delete "create the Louisiana Child Visitation Center Review Commission" and insert "urge and request the Senate Committee on Judiciary A and the House Committee on Civil Law to meet and function as a joint committee"

AMENDMENT NO. 2

On page 1, line 15, after "opportunity" delete the remainder of the line, delete line 16 in its entirety and on page 2, delete line 1 in its entirety and insert "for either the custodial or non-custodial parent to further abuse or harass the other parent or interfere with the proper implementation of any custody or visitation orders, and"

AMENDMENT NO. 3

On page 2, lines 13 and 14, delete "create the Louisiana Child Visitation Center Review Commission" and insert "urge and request the Senate Committee on Judiciary A and the House Committee on Civil Law to meet and function as a joint committee"

AMENDMENT NO. 4

On page 2 delete lines 17 through 27, delete page 3 in its entirety, and on page 4 delete lines 1 through 18 and insert:

"BE IT FURTHER RESOLVED that the joint committee shall invite the following persons to appear before the committee to provide testimony relative to the study:

- (1) The assistant secretary of the office of public health, Department of Health and Hospitals, or his designee.

(2) The assistant secretary of the office of community services, Department of Social Services, or his designee.

(3) The executive director of the Louisiana Children's Cabinet, or his designee.

(4) A representative from the Southwest Louisiana Coalition for Child Safety Centers.

(5) The executive director of The Extra Mile, Region IV, or his designee.

(6) The chief executive officer from the office of women's services, or his designee.

(7) The executive director of the Louisiana District Attorney's Association, or his designee.

(8) The executive director of the Louisiana Chapter of the National Association of Social Workers, or his designee.

(9) The executive director of the Coroners Association, or his designee.

(10) The president of the Louisiana Juvenile and Family Court Judges Association, or his designee.

(11) The president of the Louisiana State Bar Association, or his designee.

(12) The president of the State Child Advocacy Center Association, or his designee.

(13) The executive director of Agenda for Children, or his designee.

(14) The executive director of the Louisiana Coordinating Council on Domestic Violence, or his designee.

(15) A representative from the battered women's program.

(16) The executive director of the Louisiana Council on Child Abuse, or his designee.

(17) The executive director of the Louisiana Coalition Against Domestic Violence, or his designee.

"BE IT FURTHER RESOLVED that the joint committee shall call its first meeting to conduct this study no later than September 15, 2000."

**AMENDMENT NO. 5**

On page 4, line 19, delete "commission" and insert "joint committee"

**AMENDMENT NO. 6**

On page 4 delete lines 23 and 24.

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Murray to Engrossed Senate Concurrent Resolution No. 10 by Senator Schedler

**AMENDMENT NO. 1**

In Amendment No. 4 of the House Committee Amendments proposed by the House and Governmental Affairs Committee and adopted by the House on June 1, 2000, on page 2, between lines 18 and 19, insert the following:

"(18) The assistant secretary of the office of family support, Department of Social Services, or his designee."

Senator Schedler moved to concur in the amendments proposed by the House.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Gautreaux	Marionneaux
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Bean	Hollis	Mount
Boissiere	Hoyt	Robichaux
Cain	Irons	Romero

Campbell	Johnson	Schedler
Chaisson	Jones, B	Smith
Dardenne	Jones, C	Theunissen
Ellington	Lambert	Thomas
Fields, W	Lentini	Ullo
Fontenot	Malone	
Total—35		

**NAYS**

Dean  
Total—1

**ABSENT**

Cravins	Fields, C	Tarver
Total—3		

The Chair declared the amendments proposed by the House were concurred in. Senator Schedler moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

**Senate Concurrent Resolutions  
on Second Reading  
Reported by Committees**

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

**SENATE CONCURRENT RESOLUTION NO. 33—  
BY SENATOR SCHEDLER**

**A CONCURRENT RESOLUTION**

To continue and provide with respect to the task force created by the Joint Legislative Committee on the Budget to study the practices of the departments and agencies of the executive branch of state government concerning contracts with nonprofit organizations.

Reported favorably by the Committee on Finance.

The resolution was read by title. Senator Schedler moved to adopt the Senate Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fontenot	Malone
Bajoie	Gautreaux	Marionneaux
Barham	Heitmeier	McPherson
Bean	Hines	Michot
Boissiere	Hollis	Mount
Cain	Hoyt	Robichaux
Campbell	Irons	Romero
Chaisson	Johnson	Schedler
Cravins	Jones, B	Smith
Dardenne	Jones, C	Theunissen
Ellington	Lambert	Thomas
Fields, W	Lentini	Ullo
Total—36		

**NAYS**

Dean  
Total—1

**ABSENT**

Fields, C	Tarver
Total—2	

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

June 4, 2000

**House Concurrent Resolutions  
on Second Reading  
Reported by Committees**

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

**HOUSE CONCURRENT RESOLUTION NO. 51—**  
BY REPRESENTATIVES POWELL AND MCMAINS AND SENATOR SCHEDLER

**A CONCURRENT RESOLUTION**

To urge and request that the State Employees Group Benefits Program Board of Trustees adopt actuarially certified premium rates for the operation of the group life and health benefits program sponsored by the state of Louisiana.

Reported favorably by the Committee on Finance.

The resolution was read by title. Senator Schedler moved to concur in the House Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fontenot	Marionneaux
Bajoie	Gautreaux	McPherson
Barham	Heitmeier	Michot
Bean	Hines	Mount
Boissiere	Hollis	Robichaux
Cain	Hoyt	Romero
Campbell	Irons	Schedler
Chaisson	Johnson	Smith
Cravins	Jones, B	Theunissen
Dardenne	Jones, C	Thomas
Dean	Lambert	Ullo
Ellington	Lentini	
Fields, W	Malone	
Total—37		

**NAYS**

Total—0

**ABSENT**

Fields, C	Tarver
Total—2	

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

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

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

**Rules Suspended**

Senator Dardenne asked for and obtained a suspension of the rules for the purpose of taking up the following House Bills out of their regular order.

**HOUSE BILL NO. 108—**  
BY REPRESENTATIVE LEBLANC  
**AN ACT**

To provide for the establishment and reestablishment of agency ancillary funds, to be specifically known as internal service funds, auxiliary funds, or enterprise funds for certain state institutions, officials, and agencies; to provide for appropriation of funds; and to regulate the administration of said funds.

The bill was read by title. Senator Dardenne moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fontenot	Marionneaux
Bajoie	Gautreaux	McPherson
Barham	Heitmeier	Michot
Bean	Hines	Mount
Boissiere	Hollis	Robichaux
Cain	Hoyt	Romero
Campbell	Irons	Schedler
Chaisson	Johnson	Smith
Cravins	Jones, B	Theunissen
Dardenne	Jones, C	Thomas
Ellington	Lambert	Ullo
Fields, W	Lentini	
Total—35		

**NAYS**

Dean	Malone
Total—2	

**ABSENT**

Fields, C	Tarver
Total—2	

The Chair declared the bill was passed. The title was read and adopted. Senator Dardenne moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 244—**  
BY REPRESENTATIVES LEBLANC AND DEWITT AND SENATORS HAINKEL DARDENNE

**AN ACT**

To appropriate funds to defray the expenses of the Louisiana Judiciary, including the Supreme Court, Courts of Appeal, District Courts, Criminal District Court of Orleans Parish, and other courts; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Fontenot sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senators Fontenot, Marionneaux, Michot, Malone, Mount, Dean, and Gautreaux to Engrossed House Bill No. 244 by Representative Leblanc

**AMENDMENT NO. 1**

Delete Committee Amendment Nos. 1-30 proposed by the Senate Committee on Finance and adopted by the Senate on June 3, 2000.

The Chair declared the amendments were adopted.

The bill was read by title. Senator Dardenne moved final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Bajoie	Gautreaux	McPherson
Barham	Heitmeier	Michot
Bean	Hines	Mount
Boissiere	Hollis	Robichaux
Cain	Hoyt	Romero
Chaisson	Irons	Schedler
Cravins	Johnson	Smith
Dardenne	Jones, B	Tarver
Dean	Jones, C	Theunissen
Ellington	Lentini	Thomas
Fields, W	Malone	Ullo
Fontenot	Marionneaux	
Total—35		

**NAYS**

Total—0

**ABSENT**

Mr. President	Fields, C
Campbell	Lambert
Total—4	

The Chair declared the amended bill was passed. The title was read and adopted. Senator Dardenne moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Rules Suspended**

Senator Dardenne asked for and obtained a suspension of the rules for the purpose of taking up at this time.

**House Bills and Joint Resolutions on Third Reading and Final Passage, Subject to Call**

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

**Called from the Calendar**

Senator Dardenne asked that House Bill No. 246 be called from the Calendar at this time for its final passage.

**HOUSE BILL NO. 246—**  
BY REPRESENTATIVE LEBLANC  
AN ACT

To provide with respect to the Revenue Sharing Fund and the allocation and distribution thereof for Fiscal Year 2000-2001; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Gautreaux sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Gautreaux to Engrossed House Bill No. 246 by Representative LeBlanc

AMENDMENT NO. 1

On page 32, line 8, change "Hospital District No.7" to "Hospital District No. 1"

The Chair declared the amendments were adopted.

The bill was read by title. Senator Dardenne moved final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Bajoie	Gautreaux	McPherson
Barham	Heitmeier	Michot
Bean	Hines	Mount
Boissiere	Hollis	Robichaux
Cain	Hoyt	Romero
Campbell	Irons	Schedler
Chaisson	Johnson	Smith
Cravins	Jones, B	Tarver
Dardenne	Jones, C	Theunissen
Dean	Lambert	Thomas
Ellington	Lentini	Ullo
Fields, W	Malone	
Fontenot	Marionneaux	
Total—37		

**NAYS**

Total—0

**ABSENT**

Mr. President	Fields, C
Total—2	

The Chair declared the amended bill was passed. The title was read and adopted. Senator Dardenne moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Mr. President in the Chair**

**Privilege Report of the Legislative Bureau**

June 4, 2000

To the President and Members of the Senate:

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

The following bills are approved as to construction and duplication.

**HOUSE BILL NO. 44—**  
BY REPRESENTATIVES DANIEL, BOWLER, BRUCE, R. CARTER, CLARKSON, CRANE, DEVILLIER, DIEZ, FARRAR, FAUCHEUX, FLAVIN, FRITH, FUTRELL, HEBERT, HILL, HOPKINS, MCCALLUM, MONTGOMERY, ODINET, PERKINS, PINAC, QUEZAIRES, JOHN SMITH, STELLY, STRAIN, TOWNSEND, WADDELL, WALSWORTH, WINDHORST, AND WINSTON  
AN ACT

To enact R.S. 47:301(16)(f), relative to the sales and use taxes of all tax authorities in the state; to define tangible personal property to exclude certain transactions relating to manufactured homes; to provide for an effective date; and to provide for related matters.

Reported without amendments.

Respectfully submitted,  
LOUIS LAMBERT  
Chairman

June 4, 2000

Adoption of Legislative Bureau Report

On motion of Senator Lambert, the Bills and Joint Resolutions were read by title and passed to a third reading.

Rules Suspended

Senator Marionneaux asked for and obtained a suspension of the rules for the purpose of reverting to the Morning Hour.

Introduction of Resolutions, Senate and Concurrent

Senator Lambert asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Resolutions, Senate and Concurrent, a first and second time and acting upon them as follows:

SENATE RESOLUTION NO. 34— BY SENATORS MARIONNEAUX, FONTENOT, ROMERO, MICHOT AND GAUTREAUX

A RESOLUTION

To express the concern of the Senate for the need to continue the critical operations of state government and to clarify the efforts of the Senate in raising needed revenue.

On motion of Senator Marionneaux, the resolution was read by title and adopted.

SENATE RESOLUTION NO. 35— BY SENATOR SCHEDLER

A RESOLUTION

To urge and request the membership of the conference committee meeting on the General Appropriation Bill (House Bill No. 1) of the 2000 Regular Session of the Legislature to give funding of Medicaid provider payments requested by the Care Coalition, including appropriations affecting hospitals, nursing homes, prescription drugs, physicians, and certified ambulance transportation services, and funding of local law enforcement needs, such as housing of state inmates and supplemental pay to policemen, firemen, and deputy sheriffs, the highest priority in the budget deliberations.

On motion of Senator Schedler, the resolution was read by title and adopted.

SENATE RESOLUTION NO. 36— BY SENATOR MARIONNEAUX

A RESOLUTION

To urge and request the Union Pacific Railroad Company not to move any railroad car from the train derailment which occurred in Eunice, Louisiana to any site situated in Iberville, Pointe Coupee or West Baton Rouge parishes in consideration of the rights of residents to enjoy their property free of harm and threat and, in the event relocation of any rail car does occur, to urge and request the Louisiana Department of Environmental Quality to monitor the surface water and air quality for concentrations of any hazardous chemicals involved in the derailment at any site of relocation.

The resolution was read by title. Senator Marionneaux moved to adopt the Senate Resolution.

Senator Dean objected.

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie Heitmeier Michot

Barham Bean Boissiere Cain Campbell Chaisson Dardenne Ellington Fields, W Fontenot Gautreaux Total—34

Hines Hollis Hoyt Irons Johnson Jones, C Lambert Lentini Malone Marionneaux McPherson

Mount Robichaux Romero Schedler Smith Tarver Theunissen Thomas Uilo

NAYS

Dean Total—1

ABSENT

Mr. President Cravins Total—4

Fields, C Jones, B

The Chair declared the Senate had adopted the Senate Resolution.

SENATE CONCURRENT RESOLUTION NO. 55— BY SENATOR C. JONES

A CONCURRENT RESOLUTION

To urge and request the United States Department of Labor, the Louisiana Department of Labor and the Louisiana congressional delegation to work with Louisiana state legislators to provide flexibility in the use of up to twenty-five million of the fifty million dollars credited to the Workforce Development Training Account from funds in the social charge account that are collected from Louisiana employers as part of the unemployment compensation program.

The resolution was read by title; lies over under the rules.

SENATE CONCURRENT RESOLUTION NO. 56— BY SENATOR ROMERO

A CONCURRENT RESOLUTION

To urge and request the National Transportation Safety Board to provide the Louisiana Legislature with a report detailing the causes of the derailment in Eunice, Louisiana of thirty cars of the Union Pacific Railroad Company one hundred and thirteen car train carrying chemicals on May 27, 2000, and any other derailments that potentially jeopardized life or property in Louisiana that have been recently reviewed by the board, and to include in such report any recommendations regarding prevention of future similar accidents.

The resolution was read by title. Senator Romero moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Bajoie Barham Bean Boissiere Cain Campbell Chaisson Cravins Dardenne Dean

Fontenot Gautreaux Heitmeier Hines Hollis Hoyt Irons Johnson Jones, C Lambert Lentini

McPherson Michot Mount Robichaux Romero Schedler Smith Tarver Theunissen Thomas Uilo

Ellington Fields, W Total—37	Malone Marionneaux
	NAYS
Total—0	
	ABSENT
Fields, C Total—2	Jones, B

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

**Messages from the House**

The following Messages from the House were received and read as follows:

**Message from the House**

**CONCURRING IN  
SENATE CONCURRENT RESOLUTIONS**

June 4, 2000

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally concurred in the following Senate Concurrent Resolutions:

**SENATE CONCURRENT RESOLUTION NO. 32—  
BY SENATOR JOHNSON**

**A CONCURRENT RESOLUTION**

To urge and request the Louisiana Public Service Commission to study the disparity among utility rates in the city of New Orleans and surrounding areas.

Reported with amendments.

**SENATE CONCURRENT RESOLUTION NO. 31—  
BY SENATOR HINES AND REPRESENTATIVES RIDDLE AND THOMPSON**

**A CONCURRENT RESOLUTION**

To create the Tri-Parish Freshwater Advisory Committee to study and make recommendations relative to providing water for agricultural irrigation purposes.

Reported without amendments.

Respectfully submitted,  
ALFRED W. SPEER  
Clerk of the House of Representatives

**Reports of Committees**

The following reports of committees were received and read:

**CONFERENCE COMMITTEE REPORT  
House Bill No. HB 254 By Representative Daniel**

June 4, 2000

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. HB 254 by

Representative Daniel, recommend the following concerning the engrossed bill:

1. That Senate Committee Amendment No. 1 proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on May 30, 2000, be adopted.
2. That Senate Committee Amendments Nos. 2 through 5 proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on May 30, 2000, be rejected.
2. That Senate Floor Amendment No. 1 proposed by Senator Barham and adopted by the Senate on May 31, 2000, be rejected.
3. That the following amendments to the engrossed bill be adopted:

AMENDMENT NO. 1

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

"To enact Chapter 2-C of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:340.1 through 340.4, relative to the sales and use tax; to levy a tax on the sale at retail of alcoholic beverages consumed on the premises; to provide for advance collection of the tax by certain wholesalers; to provide for collection and enforcement of the tax;"

AMENDMENT NO. 2

On page 1, at the beginning of line 5, delete "effectiveness of the exemption for boiler fuel;"

AMENDMENT NO. 3

On page 1, delete lines 8 through 18 in their entirety and on page 2, delete lines 1 through 9 in their entirety and insert the following:

"Section 2. Chapter 2-C of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, consisting of R.S. 47:340.1 through 340.4, is hereby enacted to read as follows:

CHAPTER 2-C. TAX ON ALCOHOLIC BEVERAGES  
CONSUMED ON PREMISES

§340.1. Tax on retail sales of alcoholic beverages; imposition  
Notwithstanding the provisions of R.S. 26:343 and in addition to the taxes levied in R.S. 26:341 and 342, on and after July 1, 2000, there is hereby levied a tax on the sale at retail of alcoholic beverages consumed on the premises in the amount of five percent of the retail price.

§340.2. Collection of tax; rules and regulations  
A. The tax levied by R.S. 47:340.1 shall be collectible from all persons holding a Class A permit pursuant to R.S. 26:71(A)(3)(a) and 71.1 or 271(A)(2) and 271.2.

B.(1) The tax levied by R.S. 47:340.1 shall be due at the same time and shall be collected by the Department of Revenue in the same manner and according to the same procedures as is provided to the department in Chapters 2 and 18 of this Subtitle.

(2) In addition, notwithstanding any other law to the contrary, failure by any taxpayer to file the returns required by this Chapter and remit the tax and any interest or penalty due shall be sufficient cause for suspension or revocation of any permit in the manner and according to the procedure provided for in Title 26 of the Louisiana Revised Statutes of 1950.

C. The department shall adopt and promulgate rules and regulations as may be necessary for the proper administration of this Chapter, in accordance with the Administrative Procedure Act.

D. Collection by wholesalers. (1)(a) Notwithstanding the provisions of this Section or any other provision of this Chapter or Title 26 of the Louisiana Revised Statutes of 1950, every wholesale dealer who sells to anyone for sale at retail alcoholic beverages, the retail sale of which is taxable under this Chapter, shall collect as advance tax a

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percentage of the price of the wholesale sale of such alcoholic beverage by the wholesale dealer to the retail dealer, such tax to be equal to the rate of the tax levied on such beverages by this Chapter.

(b) "Wholesale dealer" shall be defined as R.S. 26:2(16) and R.S. 26:241(18).

(c) The secretary of the Department of Revenue shall promulgate such regulations as are necessary to carry into force and effect the purpose and intent of this Subsection.

(2) The amount paid by retail dealers to wholesale dealers shall be an advance payment of the tax provided for in this Chapter which the retail dealer is required to collect upon the retail sales he makes, and the advance payment is required only as a means of facilitating collection of this tax. Wholesale dealers who collect advance tax from their purchasers pursuant to the preceding provision shall remit the tax to the secretary in accordance with the rules and regulations prescribed by the secretary.

(3) In making their returns to the secretary, retail dealers who have paid advance tax shall deduct from the total tax collected by them upon the retail sale of the alcoholic beverages the amount of tax paid by them to wholesale dealers during the period reported, provided tax paid invoices evidencing the payment are retained by the retail dealer claiming the refund or credit. If the amount so paid during any reporting period amounts to more than the tax collected by him for the period reported, the excess so paid shall be allowed as refund or credit against the tax collected by the retail dealer during the succeeding period or periods.

§340.3. Definitions

The terms used in this Chapter shall have the respective meanings ascribed to them in Chapter 2 of Title 26 of the Louisiana Revised Statutes of 1950, except in those instances where the context indicates a different meaning. In addition, the retail price of alcoholic beverages consumed on the premises shall include the price of any drink which is sold for the purpose of being mixed with an alcoholic beverage on the premises.

§340.4. Timely implementation

Notwithstanding any provision of law to the contrary, the Department of Revenue may do all things necessary in order to provide for the timely implementation of this Chapter.

"Section 2. This Act shall become effective on July 1, 2000; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2000, or on the day following such approval by the legislature, whichever is later."

Respectfully submitted,

Representatives
Bryant O. Hammett, Jr.
F. Charles McMains, Jr.

Senators
Robert Barham
Jay Dardenne
Bill Jones

Rules Suspended

Senator Barham asked for and obtained a suspension of the rules for the purpose of considering the Conference Committee Report. On motion of Senator Barham, a vote was taken on the adoption of the report.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President
Barham
Bean
Boissiere
Fontenot
Heitmeier
Hines
Hollis
Lentini
Marionneaux
Mount
Robichaux

Cain
Cravins
Dardenne
Dean
Ellington
Irons
Johnson
Jones, B
Jones, C
Lambert
Romero
Schedler
Smith
Thomas
Ullo
Total—27

NAYS

Bajoie
Campbell
Chaisson
Hoyt
Malone
McPherson
Michot
Total—7

ABSENT

Fields, C
Fields, W
Gautreaux
Tarver
Theunissen
Total—5

The Chair declared the Conference Committee Report was adopted. Senator Barham moved to reconsider the vote by which the report was adopted and laid the motion on the table.

Personal Privilege

Senator Marionneaux asked for and obtained the floor of the Senate on a point of personal privilege, and stated he had voted in error on the motion to adopt the Conference Committee Report on House Bill No. 254. He voted yea on the motion and had intended to vote nay. He asked that the Official Journal so state.

Personal Privilege

Senator Theunissen asked for and obtained the floor of the Senate on a point of personal privilege, and stated he appeared as absent on the vote on the Conference Committee Report on House Bill No. 254. He had intended to vote yea on the adoption of the report. He asked that the Official Journal so state.

CONFERENCE COMMITTEE REPORT
House Bill No. 117 by Representative DeWitt, et al.

June 4, 2000

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. 117 by Representative DeWitt, et al., recommend the following concerning the reengrossed bill:

- 1. That Senate Committee Amendments Nos. 6 and 7 proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on May 30, 2000, be adopted.
2. That Senate Committee Amendments Nos. 1 through 5 and 8 through 10 proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on May 30, 2000, be rejected.
3. That Senate Floor Amendments Nos. 1 and 3 proposed by Senator Lambert and adopted by the Senate on May 31, 2000, be adopted.
4. That Senate Floor Amendment No. 2 proposed by Senator Lambert and adopted by the Senate on May 31, 2000, be rejected.

Respectfully submitted:

Representatives:  
Charles DeWitt  
Bryant O. Hammett, Jr.

Senators:  
Robert Barham  
John Hainkel, Jr.  
Jay Dardenne

**Rules Suspended**

Senator Dardenne asked for and obtained a suspension of the rules for the purpose of considering the Conference Committee Report. On motion of Senator Dardenne, a vote was taken on the adoption of the report.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fields, W	Lentini
Bajoie	Gautreaux	Michot
Barham	Heitmeier	Mount
Bean	Hines	Robichaux
Boissiere	Hollis	Romero
Cain	Hoyt	Schedler
Chaisson	Irons	Smith
Cravins	Johnson	Tarver
Dardenne	Jones, B	Theunissen
Dean	Jones, C	Thomas
Ellington	Lambert	Ullo
Total—33		

**NAYS**

Campbell	Malone	McPherson
Fontenot	Marionneaux	
Total—5		

**ABSENT**

Fields, C  
Total—1

The Chair declared the Conference Committee Report was adopted. Senator Dardenne moved to reconsider the vote by which the report was adopted and laid the motion on the table.

**Appointment of Conference Committee on House Bill No. 2**

The President of the Senate appointed on the Conference Committee on House Bill No. 2 the following members of the Senate: Senators Barham, Irons, and Hainkel.

**Leaves of Absence**

The following leaves of absence were asked for and granted:

C. Fields            1 Day

**Adjournment**

Senator Lambert moved that the Senate adjourn until Monday, June 5, 2000 at 9:00 o'clock A.M.

The President of the Senate declared the Senate adjourned until 9:00 o'clock A.M. on Monday, June 5, 2000.

MICHAEL S. BAER, III  
Secretary of the Senate

GAYE F. HAMILTON