

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

FIFTH DAY'S PROCEEDINGS

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

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Tuesday, May 12, 1998

The Senate was called to order at 4:00 o'clock P.M., by Hon. Randy Ewing, President of the Senate.

ROLL CALL

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

PRESENT

Mr. President	Dyess	Landry
Bagneris	Ellington	Lentini
Bajoie	Fields C	Malone
Barham	Fields W	Robichaux
Bean	Greene	Romero
Branch	Hainkel	Schedler
Cain	Heitmeier	Short
Campbell	Hines	Siracusa
Casanova	Hollis	Smith
Cox	Irons	Tarver
Cravins	Johnson	Theunissen
Dardenne	Jones	Ullo
Dean	Lambert	
Total—38		

ABSENT

Jordan
Total—1

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

Prayer

The prayer was offered by Senator Lambert, 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

**Petitions, Memorials and
Communications**

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

CECIL J. PICARD
State Superintendent of Education
Louisiana State Department of Education
P.O. Box 94064
Baton Rouge, Louisiana 70804-9064

May 8, 1998

The Honorable Randy L. Ewing, President
Louisiana State Senate
P.O. Box 94183
Baton Rouge, Louisiana 70804

RE: Senate Confirmation of Unclassified Personnel
Louisiana Department of Education

Dear Mr. President:

In accordance with mandates of the Louisiana Constitution and Title 36 of the Louisiana Revised Statutes, I am submitting the name of the individuals who were appointed or reappointed for a new term to the following unclassified positions in the Department of Education since the adjournment of the 1997 Regular Session of the Louisiana Legislature.

**CONFIDENTIAL ASSISTANT
TO THE SUPERINTENDENT**

(Effective 11/17/97)

William Joseph Miller
114011 Gattingsburg Avenue
Baton Rouge, Louisiana 70817-2902

**STATE DIRECTOR OF
VOCATIONAL EDUCATION (Acting)**

(Effective 11/1/97)

W. Wayne Meaux
1721 Sherwood Forest Boulevard
Baton Rouge, Louisiana 70815

I respectfully request Senate confirmation of these appointments.

Sincerely,
CECIL J. PICARD
State Superintendent of Education

BOBBY P. JINDAL
Secretary
State of Louisiana
Department of Health and Hospitals

October 22, 1997

Honorable Randy Ewing
President of the Senate
P.O. Box 94183
Baton Rouge, LA 70804

Dear Senator Ewing:

Please be advised that the following persons have been appointed by me to serve on the Louisiana Medical Disclosure Panel.

David S. Hanson, MD
17517 Amelia Dr.
Baton Rouge, LA 70810

Carlos O. Rodriguez-Fierro, MD
3817 Lake Catherine
Harvey, LA 70072

William M. Roeling, MD
232 Audubon Blvd.
New Orleans, LA 70118-5542

Cristina R. Wheat
2232 Ormond Blvd.
Destrehan, LA 70047

Thank you for your attention as it concerns this matter.

Sincerely,
BOBBY P. JINDAL
Secretary

May 12, 1988

KEN DUNCAN
Treasurer of the State of Louisiana
P.O. Box 44154
Baton Rouge, LA 70804

May 12, 1998

Senator Randy L. Ewing
President, Louisiana State Senate
P.O. Box 94183
Capitol Station
Baton Rouge, LA 70804

RE: Confirmation

Dear Senator Ewing:

On November 17, 1997, I appointed William Larry Carroll, III as Deputy State Treasurer pursuant to Title 36 of the Louisiana Revised Statutes. I also appointed Joe Cooper Harrell, Jr. as Assistant State Treasurer of Investments on February 2, 1998 pursuant to Title 36 of the Louisiana Revised Statutes. I am requesting that they be confirmed during the Regular Session of the 1998 Legislative Session.

Sincerely yours,
KEN DUNCAN
State Treasurer

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

May 12, 1998

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. 40— BY REPRESENTATIVE WIGGINS AND SENATOR DYESS A CONCURRENT RESOLUTION

To commend and to congratulate Pineville High School for having members of its student body named the state's Most Valuable Players in boys and girls class AAAA basketball.

HOUSE CONCURRENT RESOLUTION NO. 41— BY REPRESENTATIVES HAMMETT AND BRUNEAU AND SENATOR HAINKEL A CONCURRENT RESOLUTION

To designate September 29, 1998, as Jerry Lee Lewis Day in Louisiana.

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

House Concurrent Resolutions

Senator Bagneris 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. 40— BY REPRESENTATIVE WIGGINS AND SENATOR DYESS A CONCURRENT RESOLUTION

To commend and to congratulate Pineville High School for having members of its student body named the state's Most Valuable Players in boys and girls class AAAA basketball.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Dyess Landry
Bajoie Ellington Lentini
Barham Fields C Malone
Bean Fields W Robichaux
Branch Greene Romero
Cain Heitmeier Schedler
Campbell Hines Siracusa
Cox Hollis Smith
Cravins Irons Tarver
Dardenne Jones Theunissen
Dean Lambert Uilo
Total—33

NAYS

Total—0

ABSENT

Bagneris Hainkel Jordan
Casanova Johnson Short
Total—6

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

HOUSE CONCURRENT RESOLUTION NO. 41— BY REPRESENTATIVES HAMMETT AND BRUNEAU AND SENATOR HAINKEL A CONCURRENT RESOLUTION

To designate September 29, 1998, as Jerry Lee Lewis Day in Louisiana.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Ellington Lentini
Bajoie Fields C Malone
Barham Fields W Robichaux
Bean Greene Romero
Branch Hainkel Schedler
Cain Heitmeier Siracusa
Campbell Hines Smith
Casanova Hollis Tarver
Cox Irons Theunissen
Dardenne Jones Uilo
Dean Lambert
Dyess Landry
Total—34

NAYS

Total—0

ABSENT

Bagneris	Johnson	Short
Cravins	Jordan	
Total—5		

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

Reports of Committees

The following reports of committees were received and read:

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:

May 12, 1998

To the President and Members of the Senate:

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

SENATE BILL NO. 4— BY SENATOR COX

AN ACT

To amend and reenact R.S. 47:301(8)(c) and 305.29, relative to sales and use tax of the state and its political subdivisions; to provide for an exemption and an exclusion for certain purchases of certain persons performing state and political subdivision contract work; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 5— BY SENATOR ROMERO

AN ACT

To amend and reenact R.S. 47:1681, relative to refunds of certain gasoline taxes; to provide gasoline tax refund for catfish farmers and other forms of aquaculture; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 18— BY SENATOR ROMERO

AN ACT

To amend and reenact R.S. 47:648.21(A) and (B), relative to severance tax; to provide for severance tax rates for certain nonhazardous oilfield waste; to provide for definitions; and to provide for related matters.

Reported favorably.

Respectfully submitted, ROBERT J. BARHAM Chairman

REPORT OF COMMITTEE ON HEALTH AND WELFARE

Senator Hines, Chairman on behalf of the Committee on Health and Welfare, submitted the following report:

May 12, 1998

To the President and Members of the Senate:

I am directed by your Committee on Health and Welfare to submit the following report:

SENATE CONCURRENT RESOLUTION NO. 21— BY SENATOR HINES AND REPRESENTATIVE R. ALEXANDER A CONCURRENT RESOLUTION

To direct the attorney general to challenge the legality and constitutionality of the final rule governing the operation of the Organ Procurement and Transplantation Network which was promulgated by the United States Department of Health and Human Services, Health Resources and Services Administration on April 2, 1998, and to direct the secretary of the Department of Health and Hospitals to issue a formal comment letter to the secretary of the Department of Health and Human Services objecting to the enactment of such rule and to the authority of the secretary to promulgate the rule and preempt Louisiana's laws and regulations on organ donation and allocation.

Reported favorably.

SENATE CONCURRENT RESOLUTION NO. 23— BY SENATORS HINES, IRONS, AND SCHEDLER AND REPRESENTATIVES R. ALEXANDER AND WINSTON A CONCURRENT RESOLUTION

To create the Gene Therapy Research Center Task Force to study the feasibility of developing a nationally prominent gene therapy research center in the greater metropolitan New Orleans area.

Reported with amendments.

Respectfully submitted, DONALD E. HINES Chairman

Senate Concurrent Resolutions on Second Reading Reported by Committees

Senator Hines asked for and obtained a suspension of the rules to take up at this time the following Senate Concurrent Resolutions just reported by Committees.

SENATE CONCURRENT RESOLUTION NO. 21— BY SENATOR HINES AND REPRESENTATIVE R. ALEXANDER A CONCURRENT RESOLUTION

To direct the attorney general to challenge the legality and constitutionality of the final rule governing the operation of the Organ Procurement and Transplantation Network which was promulgated by the United States Department of Health and Human Services, Health Resources and Services Administration on April 2, 1998, and to direct the secretary of the Department of Health and Hospitals to issue a formal comment letter to the secretary of the Department of Health and Human Services objecting to the enactment of such rule and to the authority of the secretary to promulgate the rule and preempt Louisiana's laws and regulations on organ donation and allocation.

Reported favorably by the Committee on Health and Welfare.

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

SENATE CONCURRENT RESOLUTION NO. 23— BY SENATORS HINES, IRONS, AND SCHEDLER AND REPRESENTATIVES R. ALEXANDER AND WINSTON A CONCURRENT RESOLUTION

To create the Gene Therapy Research Center Task Force to study the feasibility of developing a nationally prominent gene therapy research center in the greater metropolitan New Orleans area.

Reported with amendments by the Committee on Health and Welfare.

May 12, 1988

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Concurrent Resolution No. 23 by Senator Hines, et al.

AMENDMENT NO. 1

On page 2, line 20, between "Research" and "Task" insert "Center"

AMENDMENT NO. 2

On page 3, between lines 18 and 19, insert the following:

"(10) The commissioner of the division of administration, or his designee.

(11) The chairman of the Louisiana Economic Development Council, or his designee."

AMENDMENT NO. 3

On page 3, line 28, between "Center," and "the" insert the following:

"Alton Oschner Medical Foundation, Woman's Research Institute of Woman's Health Foundation in Baton Rouge, the University of Southwestern Louisiana, Louisiana Tech University,"

On motion of Senator Hines, the committee amendment was adopted.

Senator Hines moved to adopt the amended Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Bagneris, Bajoie, Barham, Bean, Cain, Campbell, Casanova, Cox, Cravins, Dardenne, Dean, Total—36; Dyess, Ellington, Fields C, Fields W, Greene, Heitmeier, Hines, Hollis, Irons, Johnson, Jones, Lambert; Landry, Lentini, Malone, Robichaux, Romero, Schedler, Short, Siracusa, Smith, Tarver, Theunissen, Ullo.

NAYS

Total—0

ABSENT

Table with 2 columns: Branch, Total—3; Hainkel, Jordan.

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

Senate 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 Senate Bills and Joint Resolutions just reported by Committees.

SENATE BILL NO. 4— BY SENATOR COX

AN ACT

To amend and reenact R.S. 47:301(8)(c) and 305.29, relative to sales and use tax of the state and its political subdivisions; to provide for an exemption and an exclusion for certain purchases of certain persons performing state and political subdivision contract work; 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 Original Senate Bill No. 4 by Senator Cox

AMENDMENT NO. 1

On page 1, line 2, delete "and 305.29"

AMENDMENT NO. 2

On page 1, line 4, delete "exemption and an"

AMENDMENT NO. 3

On page 1, line 5, after "state" change "and" to a comma "," and after "subdivision" insert ", and federal government"

AMENDMENT NO. 4

On page 1, line 8, change "and 305.29 are" to "is"

AMENDMENT NO. 5

On page 2, line 2, after "include" insert "the government of the United States,"

AMENDMENT NO. 6

On page 2, line 7, after "(c)" insert a colon ":" delete the remainder of the line, and insert:

"(aa) For purposes of the state sales and use tax levied by R.S. 47:302(A), 321(A), and 331(A), such tax shall not be due on the sale or purchase"

AMENDMENT NO. 7

On page 2, line 8, delete "purchase, or lease or rental"

AMENDMENT NO. 8

On page 2, line 9, delete "service is mainly" and on line 10 delete "used or consumed" and insert: "the property provided in such service is incorporated into the construction"

AMENDMENT NO. 9

On page 2, line 11, after "contractor" insert "or subcontractor"

AMENDMENT NO. 10

On page 2, between lines 12 and 13, insert:

"(bb)(AA) For purposes of the sales, use, and lease tax levied by political subdivisions, the governing authority of a political subdivision may by ordinance or resolution provide either that the sales and use tax of that political subdivision shall not be due, or that such tax shall be refundable, on the sale or purchase of any tangible personal property, or on the purchase or sale of any service, if such property or the property provided in such service is incorporated into the construction in the performance of a contract or subcontract with the entities provided for in this Subparagraph or with a contractor on such contract.

(BB) If the political subdivision enacts such an ordinance or resolution, a contractor or subcontractor who pays the tax of that political subdivision on such transactions may present documentation to the collector of such payment and the collector shall reimburse the contractor or subcontractor for the amount of tax paid."

AMENDMENT NO. 11

On page 2, delete lines 14 through 26

On motion of Senator Barham, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 5—
BY SENATOR ROMERO

AN ACT

To amend and reenact R.S. 47:1681, relative to refunds of certain gasoline taxes; to provide gasoline tax refund for catfish farmers and other forms of aquaculture; 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 Original Senate Bill No. 5 by Senator Romero

AMENDMENT NO. 1

On page 2, line 6, between "machinery" and "used" insert ", not licensed for highway use,"

On motion of Senator Barham, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 18—
BY SENATOR ROMERO

AN ACT

To amend and reenact R.S. 47:648.21(A) and (B), relative to severance tax; to provide for severance tax rates for certain nonhazardous oilfield waste; to provide for definitions; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. On motion of Senator Barham, the bill was read by title, ordered engrossed and passed to a third reading.

Rules Suspended

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

**Introduction of Resolutions,
Senate and Concurrent**

Senator Bagneris 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. 6—
BY SENATORS ROMERO, CASANOVA, CRAVINS, HINES, JORDAN,
SIRACUSA AND THEUNISSEN
A RESOLUTION

To commemorate the beginning of the University of Southwestern Louisiana on the occasion of its centennial.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President
Bagneris
Bajoie
Barham
Bean
Branch
Cain
Campbell
Casanova
Cox
Cravins
Dardenne
Dean
Total—38

Dyess
Ellington
Fields C
Fields W
Greene
Hainkel
Heitmeier
Hines
Hollis
Irons
Johnson
Jones
Lambert

Landry
Lentini
Malone
Robichaux
Romero
Schedler
Short
Siracusa
Smith
Tarver
Theunissen
Ullo

NAYS

Total—0

ABSENT

Jordan
Total—1

The Chair declared the Senate had adopted the Senate Resolution.

SENATE RESOLUTION NO. 7—
BY SENATOR HINES AND REPRESENTATIVE DEVILLE
A RESOLUTION

To commend the players, coaches, managerial personnel, and statisticians of the Pine Prairie High School girls' softball team upon its excellence during the 1998 season that culminated in its winning a first Class B state high school softball title and in compiling a record of 25-1 and a district record of 6-0.

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

SENATE RESOLUTION NO. 8—
BY SENATOR HINES AND REPRESENTATIVE DEVILLE
A RESOLUTION

To commend the players, coaches, managerial personnel, and statisticians of the Sacred Heart High School girls softball team upon its excellence during the 1998 season that culminated in its winning a third consecutive Class A state high school softball title and in compiling a record of 30-2 and a district record of 10-0.

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

SENATE CONCURRENT RESOLUTION NO. 28—
BY SENATOR ULLO
A CONCURRENT RESOLUTION

To commend and congratulate Paul Atkinson on thirty-three years of service as a newspaper reporter with the Times-Picayune.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President
Bagneris
Bajoie
Barham
Bean
Branch
Cain
Campbell

Ellington
Fields C
Fields W
Greene
Hainkel
Heitmeier
Hines
Hollis

Lentini
Malone
Robichaux
Romero
Schedler
Short
Siracusa
Smith

May 12, 1988

Casanova
Cox
Dardenne
Dean
Dyess
Total—37

Irons
Johnson
Jones
Lambert
Landry

Tarver
Theunissen
Ullo

NAYS

Total—0

ABSENT

Cravins
Total—2

Jordan

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

SENATE CONCURRENT RESOLUTION NO. 29—
BY SENATOR BAGNERIS

A CONCURRENT RESOLUTION

To suspend until sixty days after final adjournment of the 1999 Regular Session of the Legislature of Louisiana those portions of Sections 2403, 2405, 2407, and 2413 of Title 42 of the Louisiana Administrative Code and any other rule or rules, promulgated pursuant to Section 15(B) of Title 27 of the Louisiana Revised Statutes of 1950, which prohibits the public exhibition of video draw poker devices.

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

SENATE CONCURRENT RESOLUTION NO. 30—
BY SENATOR C FIELDS

A CONCURRENT RESOLUTION

To create and provide a special committee, called the Nursing Assistants Study Committee, to study and make recommendations to the legislature on the compensation of nursing assistants and its relationship to job performance.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President
Bajoie
Barham
Bean
Branch
Cain
Campbell
Casanova
Cox
Dardenne
Dyess
Ellington
Total—34

Fields C
Fields W
Greene
Hainkel
Heitmeier
Hines
Hollis
Irons
Johnson
Jones
Lambert
Landry

Lentini
Malone
Robichaux
Schedler
Short
Syracusa
Smith
Tarver
Theunissen
Ullo

NAYS

Dean
Total—1

ABSENT

Bagneris
Cravins
Total—4

Jordan
Romero

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

Regular Order of the Day Resumed

**Senate Concurrent Resolutions on
Third Reading
and Final Passage**

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

SENATE CONCURRENT RESOLUTION NO. 2—
BY SENATORS CAIN AND BARHAM AND REPRESENTATIVE JOHN R. SMITH

A CONCURRENT RESOLUTION

To create and provide with respect to a joint legislative committee to study the effects of a proposed oil and gas processing tax.

The resolution was read by title.

Floor Amendments Sent Up

Senator Cain sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Cain to Engrossed Senate Concurrent Resolution No. 2 by Senator Cain

AMENDMENT NO. 1

On page 1, lines 2 and 14 and on page 2, lines 1 and 7 change "joint legislative" to "special"

AMENDMENT NO. 2

On page 2, line 5 after "(3)" delete the remainder of the line and insert: "The chancellor of Louisiana State University."

AMENDMENT NO. 3

On page 2 at the end of 15 delete "joint" and at the beginning of line 16 change "legislative" to "special"

On motion of Senator Cain, the amendments were adopted.

Floor Amendments Sent Up

Senator Johnson sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Johnson to Engrossed Senate Concurrent Resolution No. 2 by Senator Cain, et al

AMENDMENT NO. 1

Delete Senate Floor Amendment Nos. 1, 2, and 3 proposed by Senator Cain and adopted by the Senate on May 12, 1998.

AMENDMENT NO. 2

On page 1, line 2, after "to" delete "create and provide with respect to" and insert "direct the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means to function as"

AMENDMENT NO. 3

On page 1, line 14, delete "creates" and insert "directs the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means to function as"

AMENDMENT NO. 4

On page 2, line 2, after "shall" insert "also"

AMENDMENT NO. 5

On page 2, delete line 5

AMENDMENT NO. 6

On page 2, line 6, change "each" to "the president of the Senate and the speaker of the House of Representatives shall each appoint a neutral consultant,"

AMENDMENT NO. 7

On page 2, delete line 7

AMENDMENT NO. 8

On page 2, at the end of line 11, insert "The consultant selected by the president of the Senate shall be approved by the Senate Committee on Revenue and Fiscal Affairs and the consultant selected by the speaker of the House of Representatives shall be approved by the House Committee on Ways and Means."

Senator Johnson moved adoption of the amendments.

Senator Cain objected.

ROLL CALL

The roll was called with the following result:

YEAS

Bagneris	Fields W	Landry
Bajoie	Hainkel	Lentini
Branch	Heitmeier	Robichaux
Campbell	Hines	Romero
Cox	Irons	Schedler
Dyess	Johnson	Theunissen
Ellington	Jones	Ullo
Fields C	Lambert	
Total—23		

NAYS

Barham	Dean	Siracusa
Cain	Hollis	Smith
Casanova	Malone	
Dardenne	Short	
Total—10		

ABSENT

Mr. President	Cravins	Jordan
Bean	Greene	Tarver
Total—6		

The Chair declared the amendments were adopted.

Motion

Senator Malone moved the previous question on the entire subject matter.

Senator Campbell objected.

ROLL CALL

The roll was called with the following result:

YEAS

Bean	Hainkel	Schedler
Cain	Hollis	Short
Dean	Malone	Tarver
Dyess	Romero	Theunissen
Total—12		

NAYS

Barham	Fields C	Landry
Branch	Greene	Lentini
Campbell	Heitmeier	Robichaux
Casanova	Hines	Siracusa
Cox	Irons	Smith
Dardenne	Jones	Ullo
Ellington	Lambert	
Total—20		

ABSENT

Mr. President	Cravins	Jordan
Bagneris	Fields W	
Bajoie	Johnson	
Total—7		

The Chair declared the Senate refused to call the previous question on the entire subject matter.

Motion

Senator Hainkel moved the previous question on the entire subject matter.

Without objection, so ordered.

Senator Cain moved to adopt the amended Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Lentini
Barham	Hainkel	Romero
Cain	Heitmeier	Schedler
Casanova	Hines	Smith
Dyess	Johnson	Tarver
Total—15		

NAYS

Bajoie	Dean	Landry
Bean	Fields C	Malone
Branch	Fields W	Robichaux
Campbell	Hollis	Short
Cox	Irons	Siracusa
Cravins	Jones	Theunissen
Dardenne	Lambert	Ullo
Total—21		

ABSENT

Bagneris	Greene	Jordan
Total—3		

The Chair declared the amended resolution failed to pass. Senator Bagneris moved to reconsider the vote by which the resolution failed to pass and laid the motion on the table.

Rules Suspended

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

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**

May 12, 1998

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. 27—
BY SENATOR C. FIELDS

A CONCURRENT RESOLUTION

To express the condolences of the legislature upon the death of Leroy M. Smith, Sr.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 24—
BY SENATOR LAMBERT

A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of Caleb J. Mire, war hero, college graduate, accomplished businessman, community leader, and friend.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 22—
BY SENATOR HINES AND REPRESENTATIVE RIDDLE

A CONCURRENT RESOLUTION

To designate May 15th as National Police Officers Day.

Reported without amendments.

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

Message from the House

**ASKING CONCURRENCE IN
HOUSE CONCURRENT RESOLUTIONS**

May 12, 1998

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. 3—
BY REPRESENTATIVE WINDHORST

A CONCURRENT RESOLUTION

To adopt Joint Rule No. 20 of the Joint Rules of the Senate and House of Representatives to require the appointment of members to conference committees after the rejection of amendments.

HOUSE CONCURRENT RESOLUTION NO. 4—
BY REPRESENTATIVES JOHN SMITH, DANIEL, DEVILLE, FAUCHEUX, FLAVIN, FRITH, FRUGE, GAUTREAU, HAMMETT, HEBERT, HILL, HOPKINS, HUDSON, MICHOT, ODINET, PIERRE, SCHNEIDER, JACK SMITH, AND TRICHE

A CONCURRENT RESOLUTION

To approve the Coastal Wetlands Conservation and Restoration Plan for Fiscal Year 1998-1999, prepared by the Wetlands Conservation and Restoration Authority.

HOUSE CONCURRENT RESOLUTION NO. 11—

BY REPRESENTATIVES PRATT AND DEWITT
A CONCURRENT RESOLUTION

To direct the secretary of the Department of Health and Hospitals to study the effect of obesity in both adults and children on costly health complications such as diabetes, hypertension, heart disease, and stroke, and health complications in children, and to make recommendations for improvement in awareness of the problem of obesity and suggested treatment modalities, and to report the findings of such study and recommendations to the legislature prior to the convening of the 1999 Regular Session.

HOUSE CONCURRENT RESOLUTION NO. 14—

BY REPRESENTATIVE JETSON
A CONCURRENT RESOLUTION

To urge and request the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College and the Board of Supervisors of Southern University and Agricultural and Mechanical College jointly to establish and implement, by not later than August 15, 1998, a program for the enrollment of certain high school students in freshman basic courses for credit offered by the Baton Rouge Community College, on a tuition-free basis, where space is available.

HOUSE CONCURRENT RESOLUTION NO. 15—

BY REPRESENTATIVE JETSON
A CONCURRENT RESOLUTION

To urge and request the Board of Trustees for State Colleges and Universities, the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, and the Board of Supervisors of Southern University and Agricultural and Mechanical College to establish and implement, by not later than August 15, 1998, programs for the enrollment of certain high school students in freshman basic courses for credit offered by certain institutions under their jurisdictions, on a tuition-free basis, where space is available.

HOUSE CONCURRENT RESOLUTION NO. 45—

BY REPRESENTATIVE WILKERSON
A CONCURRENT RESOLUTION

To commend Dr. Dorothy I. Height upon her retirement at age 85 from the presidency of the National Council of Negro Women, concluding 60 years of activism and extraordinary leadership in the arena of civil rights.

HOUSE CONCURRENT RESOLUTION NO. 46—

BY REPRESENTATIVE WALSWORTH
A CONCURRENT RESOLUTION

To commend Christine Clampit Owens of West Monroe on the occasion of being named Louisiana Mother of the Year in recognition of the qualities and service that have made her a role model for her children, her community, and her state.

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

House Concurrent Resolutions

Senator Bagneris 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 of Representatives with a view of acting on same:

HOUSE CONCURRENT RESOLUTION NO. 3—

BY REPRESENTATIVE WINDHORST
A CONCURRENT RESOLUTION

To adopt Joint Rule No. 20 of the Joint Rules of the Senate and House of Representatives to require the appointment of members to conference committees after the rejection of amendments.

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

HOUSE CONCURRENT RESOLUTION NO. 4—
BY REPRESENTATIVES JOHN SMITH, DANIEL, DEVILLE, FAUCHEUX,
FLAVIN, FRITH, FRUGE, GAUTREAU, HAMMETT, HEBERT, HILL,
HOPKINS, HUDSON, MICHOT, ODINET, PIERRE, SCHNEIDER, JACK
SMITH, AND TRICHE

A CONCURRENT RESOLUTION

To approve the Coastal Wetlands Conservation and Restoration Plan for
Fiscal Year 1998-1999, prepared by the Wetlands Conservation
and Restoration Authority.

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

HOUSE CONCURRENT RESOLUTION NO. 11—

BY REPRESENTATIVES PRATT AND DEWITT

A CONCURRENT RESOLUTION

To direct the secretary of the Department of Health and Hospitals to
study the effect of obesity in both adults and children on costly
health complications such as diabetes, hypertension, heart disease,
and stroke, and health complications in children, and to make
recommendations for improvement in awareness of the problem of
obesity and suggested treatment modalities, and to report the
findings of such study and recommendations to the legislature prior
to the convening of the 1999 Regular Session.

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

HOUSE CONCURRENT RESOLUTION NO. 14—

BY REPRESENTATIVE JETSON

A CONCURRENT RESOLUTION

To urge and request the Board of Supervisors of Louisiana State
University and Agricultural and Mechanical College and the Board
of Supervisors of Southern University and Agricultural and
Mechanical College jointly to establish and implement, by not later
than August 15, 1998, a program for the enrollment of certain high
school students in freshman basic courses for credit offered by the
Baton Rouge Community College, on a tuition-free basis, where
space is available.

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

HOUSE CONCURRENT RESOLUTION NO. 15—

BY REPRESENTATIVE JETSON

A CONCURRENT RESOLUTION

To urge and request the Board of Trustees for State Colleges and
Universities, the Board of Supervisors of Louisiana State
University and Agricultural and Mechanical College, and the
Board of Supervisors of Southern University and Agricultural and
Mechanical College to establish and implement, by not later than
August 15, 1998, programs for the enrollment of certain high
school students in freshman basic courses for credit offered by
certain institutions under their jurisdictions, on a tuition-free basis,
where space is available.

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

HOUSE CONCURRENT RESOLUTION NO. 45—

BY REPRESENTATIVE WILKERSON

A CONCURRENT RESOLUTION

To commend Dr. Dorothy I. Height upon her retirement at age 85 from
the presidency of the National Council of Negro Women,
concluding 60 years of activism and extraordinary leadership in the
arena of civil rights.

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

HOUSE CONCURRENT RESOLUTION NO. 46—

BY REPRESENTATIVE WALSWORTH

A CONCURRENT RESOLUTION

To commend Christine Clampit Owens of West Monroe on the
occasion of being named Louisiana Mother of the Year in
recognition of the qualities and service that have made her a role
model for her children, her community, and her state.

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

Introduction of Resolutions,
Senate and Concurrent

Senator Bagneris 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. 9—

BY SENATOR LAMBERT

A RESOLUTION

To provide relative to the membership of the Bayou Manchac-Alligator
Bayou-Spanish Lake Study Commission and the deadline for the
commission to submit its report to the Louisiana Senate, the
Department of Culture, Recreation, and Tourism, and the
Department of Wildlife and Fisheries.

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

SENATE CONCURRENT RESOLUTION NO. 31—

BY SENATOR ELLINGTON

A CONCURRENT RESOLUTION

To direct the Department of Wildlife and Fisheries to report to the
legislature on the beaver and nutria problem in the state and to
further report on the actions taken by the department as directed by
House Concurrent Resolution No. 79 of the 1995 Regular Session.

On motion of Senator Bagneris, the resolution was read by title and
referred to the Committee on Natural Resources.

Rules Suspended

Senator Landry asked for and obtained a suspension of the rules for
the purpose of holding a meeting of the Committee on Transportation,
Highways, and Public Works without the required 24 hour notice.

Message from the House

SIGNED HOUSE CONCURRENT RESOLUTIONS

May 12, 1998

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the
House of Representatives has signed the following House Concurrent
Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 7—

BY REPRESENTATIVES DOWNER, 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, EWING, 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

May 12, 1988

To recognize and record the accomplishments and contributions of a distinguished jurist and former member of the Louisiana House of Representatives, Morris A. Lottinger, Jr., and to commend him for his service to Louisiana and her people as he prepares to retire from office after twenty-seven years of public service.

HOUSE CONCURRENT RESOLUTION NO. 10—
BY REPRESENTATIVE PINAC AND SENATOR THEUNISSEN
A CONCURRENT RESOLUTION

To designate May 5, 1998, as "FFA Day" at the Legislature of Louisiana.

HOUSE CONCURRENT RESOLUTION NO. 12—
BY REPRESENTATIVE JOHNS
A CONCURRENT RESOLUTION

To express condolences of the Legislature of Louisiana upon the death of Mr. Nick Gerard Farris and to remember his contributions to the Sulphur community.

HOUSE CONCURRENT RESOLUTION NO. 19—
BY REPRESENTATIVE WILLARD
A CONCURRENT RESOLUTION

To recognize and to commend the efforts of the girls of the St. Mary's Academy basketball team and head coach, Keith Haywood, Sr., for completing a successful season that ended with capturing the state championship.

HOUSE CONCURRENT RESOLUTION NO. 22—
BY REPRESENTATIVE JOHNS
A CONCURRENT RESOLUTION

To commend and congratulate Mr. Robert "Bob" Davidson for his commitment to the Sulphur community through his many local and statewide endeavors and for his twelve years of dedicated service on the Sulphur City Council.

HOUSE CONCURRENT RESOLUTION NO. 23—
BY REPRESENTATIVE FAUCHEUX AND SENATORS LAMBERT AND LANDRY
A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to consider the construction of a new highway connecting U.S. Highway 61 at its intersection with La. Highway 3217 to U.S. Highway 51 at its intersection with Woodland Drive when compiling the Highway Priority Program for Fiscal Year 1999-2000.

HOUSE CONCURRENT RESOLUTION NO. 25—
BY REPRESENTATIVE JOHNS
A CONCURRENT RESOLUTION

To commend Roy Loup for his years of service to his community and as a councilman on the Sulphur City Council.

HOUSE CONCURRENT RESOLUTION NO. 26—
BY REPRESENTATIVE JOHNS
A CONCURRENT RESOLUTION

To commend Mr. Melvin Estess for serving eight years on the Sulphur City Council.

HOUSE CONCURRENT RESOLUTION NO. 27—
BY REPRESENTATIVE FAUCHEUX AND SENATOR LAMBERT
A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to enter into a cooperative endeavor, donation, lease, or other form of arrangement or agreement with the town of Gramercy in St. James Parish for the use of certain property by the town as a police department office.

HOUSE CONCURRENT RESOLUTION NO. 33—
BY REPRESENTATIVE TRICHE
A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to consider the issuance of a permit for the placement of a "Blue Star" highway monument on Louisiana Highway 1 in Lafourche Parish.

HOUSE CONCURRENT RESOLUTION NO. 34—
BY REPRESENTATIVE JOHN SMITH AND SENATOR CAIN
A CONCURRENT RESOLUTION

To commend and congratulate Miss Ashley Fletcher for being named Louisiana's "Middle School Student of the Year" for the year 1998.

HOUSE CONCURRENT RESOLUTION NO. 35—
BY REPRESENTATIVE WILLARD
A CONCURRENT RESOLUTION

To express condolences of the Louisiana Legislature upon the passing of Mr. Robino Joseph Barnes, Jr. and to remember his life.

HOUSE CONCURRENT RESOLUTION NO. 38—
BY REPRESENTATIVE WIGGINS AND SENATOR DYESS
A CONCURRENT RESOLUTION

To commend and congratulate the Pineville Lady Rebels Softball Team upon winning the 1998 4-A State Softball Championship.

HOUSE CONCURRENT RESOLUTION NO. 39—
BY REPRESENTATIVES CURTIS, HUNTER, DEWITT, A. ALEXANDER, BAYLOR, COPELIN, FARVE, GLOVER, GREEN, GUILLORY, HOLDEN, HUDSON, JETSON, MITCHELL, MORRELL, MURRAY, PRATT, PIERRE, QUEZAIRE, WELCH, WESTON, WILKERSON, AND WILLARD AND SENATORS BAGNERIS, BAJOIE, CRAVINS, C. FIELDS, W. FIELDS, IRONS, JOHNSON, JONES, TARVER, AND DYESS
A CONCURRENT RESOLUTION

To express the condolences and heartfelt sorrow of the Legislature of Louisiana upon the death of Louis Berry, civil rights activist, lawyer, and educator.

and asked that the President of the Senate affix his signature to the same.

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

The House Concurrent Resolutions contained herein were signed by the President of the Senate.

Message from the House

SIGNED HOUSE BILLS AND JOINT RESOLUTIONS

May 12, 1998

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has signed the following House Bills and Joint Resolutions:

HOUSE BILL NO. 126—
BY REPRESENTATIVES ALARIO, DEWITT, DOWNER, AND MCMAINS AND SENATORS DARDENNE, EWING, HAINKEL, BARHAM, AND ROMERO
AN ACT

To enact R.S. 47:302(N) and 331(L), relative to the state sales and use tax; to provide relative to the effectiveness of certain exemptions to the tax; and to provide for related matters.

and asked that the President of the Senate affix his signature to the same.

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

The House Bills and Joint Resolutions contained herein were signed by the President of the Senate.

**Privilege Report of the Committee on
Senate and Governmental Affairs**

ENROLLMENTS

Senator Dardenne, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

May 12, 1998

To the President and Members of the Senate:

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

The following Senate Concurrent Resolutions have been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 12—
BY SENATOR IRONS

A CONCURRENT RESOLUTION

To designate the month of May 1998 as "The More You Know About Teen Pregnancy" Awareness and Prevention Month.

SENATE CONCURRENT RESOLUTION NO. 16—

BY SENATORS JONES, BAGNERIS, BAJOIE, CRAVINS, C. FIELDS, W. FIELDS, IRONS, JOHNSON, AND TARVER, AND REPRESENTATIVES ALEXANDER, BAYLOR, COPELIN, CURTIS, FARVE, GLOVER, GREEN, GULLORY, HOLDEN, HUDSON, HUNTER, JETSON, MITCHELL, MORRELL, MURRAY, PIERRE, PRATT, QUEZAIRE, WELCH, WESTON, WILKERSON, AND WILLARD

A CONCURRENT RESOLUTION

To recognize the considerable accomplishments of Marilyn Joy Clemons and to extend heartfelt condolences to her family on the occasion of her death.

Respectfully submitted,
JAY DARDENNE
Chairman

The foregoing Senate Concurrent Resolutions were signed by the President of the Senate.

Leaves of Absence

The following leaves of absence were asked for and granted:

Jordan 1 Day

Adjournment

Senator Bagneris moved that the Senate adjourn until Wednesday, May 13, 1998 at 1:30 o'clock P.M.

The President of the Senate declared the Senate adjourned until 1:30 o'clock P.M. on Wednesday, May 13, 1998.

MICHAEL S. BAER, III
Secretary of the Senate

GAYE F. HAMILTON
Journal Clerk