

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

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**SECOND DAY'S PROCEEDINGS**

**Twenty-Eighth Extraordinary Session of the Legislature  
Under the Adoption of the  
Constitution of 1974**

Senate Chamber  
State Capitol  
Baton Rouge, Louisiana

Tuesday, June 20, 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	Malone
Bajoie	Gautreaux	Marionneaux
Barham	Hines	Romero
Boissiere	Hoyt	Schedler
Cravins	Johnson	Smith
Dardenne	Jones, B	Tarver
Ellington	Jones, C	Theunissen
Fields, C	Lambert	Thomas
Fields, W	Lentini	Ullo
Total—27		

**ABSENT**

Bean	Dean	McPherson
Cain	Heitmeier	Michot
Campbell	Hollis	Mount
Chaisson	Irons	Robichaux
Total—12		

The President of the Senate announced there were 27 Senators present and a quorum.

**Prayer**

The prayer was offered by Rabbi Barry Weinstein, 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**

**Introduction of  
Senate Concurrent Resolutions**

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

**SENATE CONCURRENT RESOLUTION NO. 6—**  
BY SENATOR SCHEDLER AND REPRESENTATIVE R. ALEXANDER  
**A CONCURRENT RESOLUTION**

To urge and request the Department of Health and Hospitals to promulgate rules and regulations in accordance with the Administrative Procedure Act that will encourage the voluntary placement of nursing home beds in abeyance in an effort to reduce the total number of Medicaid-certified nursing home beds in the state and will result in greater efficiency in the operation of nursing homes.

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	Hines	Romero
Bajoie	Hoyt	Schedler
Barham	Johnson	Smith
Boissiere	Jones, B	Tarver
Dardenne	Jones, C	Theunissen
Ellington	Lambert	Thomas
Fields, C	Lentini	Ullo
Fontenot	Malone	
Gautreaux	Marionneaux	
Total—25		

**NAYS**

Total—0

**ABSENT**

Bean	Dean	McPherson
Cain	Fields, W	Michot
Campbell	Heitmeier	Mount
Chaisson	Hollis	Robichaux
Cravins	Irons	
Total—14		

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

**SENATE CONCURRENT RESOLUTION NO. 7—**  
BY SENATOR C. JONES  
**A CONCURRENT RESOLUTION**

To approve the salaries recommended by the Judicial Compensation Commission and to authorize and direct the state treasurer to pay authorized increases in certain judicial salaries.

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

**SENATE CONCURRENT RESOLUTION NO. 8—**  
BY SENATOR FONTENOT  
**A CONCURRENT RESOLUTION**

To direct the Louisiana Department of Public Safety and Corrections, office of state fire marshal, to continue to maintain the state administrative agent function on behalf of HUD, so that Louisiana consumers of manufactured housing will have a state agency to handle their consumer complaints where code enforcement issues are concerned, and, based on its extensive training in the manufactured housing construction code standards, to handle these complaints and make determinations as to state and federal code enforcement issues, notwithstanding the party making the request for inspection or any other action taken by the parties to said complaint.

On motion of Senator Lambert, the resolution was read by title and referred to the Committee on Commerce and Consumer Protection.

**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 20, 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. 4—**  
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. 5—**  
BY REPRESENTATIVES DOWNER, LEBLANC, MCDONALD, JOHN SMITH, 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. 6—**  
BY REPRESENTATIVE WILKERSON

**A CONCURRENT RESOLUTION**

To urge and request the House Committees on Health and Welfare and the Administration of Criminal Justice and the Senate Committees on Health and Welfare and Judiciary B to meet and to function as a joint committee to study the prevention and treatment of human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), sexually transmitted diseases (STDs), and tuberculosis (TB) in the correctional population, and to report the findings of the joint committee to the legislature prior to the convening of the 2001 Regular Session.

**HOUSE CONCURRENT RESOLUTION NO. 7—**  
BY REPRESENTATIVE WILKERSON

**A CONCURRENT RESOLUTION**

To urge and request the Board of Supervisors of Community and Technical Colleges to provide a written report to the House Committee on Education and the Senate Committee on Education by not later than August 1, 2000, on the procedures used relative to the downsizing and closing of programs of postsecondary vocational-technical education offered at vocational-technical institutions under the jurisdiction of the board and to include in such report a list of all programs currently offered at each institution and all programs that have been downsized or closed at each institution since July 1, 1999, and the justification for each such action.

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. 4—**  
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. 5—**  
BY REPRESENTATIVES DOWNER, LEBLANC, MCDONALD, JOHN SMITH, 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. 6—**  
BY REPRESENTATIVE WILKERSON

**A CONCURRENT RESOLUTION**

To urge and request the House Committees on Health and Welfare and the Administration of Criminal Justice and the Senate Committees on Health and Welfare and Judiciary B to meet and to function as a joint committee to study the prevention and treatment of human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), sexually transmitted diseases (STDs), and tuberculosis (TB) in the correctional population, and to report the findings of the joint committee to the legislature prior to the convening of the 2001 Regular Session.

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

**HOUSE CONCURRENT RESOLUTION NO. 7—**  
BY REPRESENTATIVE WILKERSON

**A CONCURRENT RESOLUTION**

To urge and request the Board of Supervisors of Community and Technical Colleges to provide a written report to the House Committee on Education and the Senate Committee on Education by not later than August 1, 2000, on the procedures used relative to the downsizing and closing of programs of postsecondary vocational-technical education offered at vocational-technical institutions under the jurisdiction of the board and to include in such report a list of all programs currently offered at each institution and all programs that have been downsized or closed at each institution since July 1, 1999, and the justification for each such action.

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

**Reports of Committees**

The following reports of committees were received and read:

**REPORT OF COMMITTEE ON EDUCATION**

Senator Theunissen, Chairman on behalf of the Committee on Education, submitted the following report:

June 20, 2000

To the President and Members of the Senate:

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

SENATE BILL NO. 6—  
BY SENATOR THOMAS

AN ACT

To amend and reenact the introductory paragraph of R.S. 17:2053(D), relative to payments to independent institutions of higher education; to correct the name of Our Lady of the Lake College in law; to add St. Joseph Seminary College as an independent institution of higher education eligible for certain reimbursements from the state for educating Louisiana residents; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
GERALD J. THEUNISSEN  
Chairman

REPORT OF COMMITTEE ON

LOCAL AND MUNICIPAL AFFAIRS

Senator Johnson, Vice-Chairman on behalf of the Committee on Local and Municipal Affairs, submitted the following report:

June 20, 2000

To the President and Members of the Senate:

I am directed by your Committee on Local and Municipal Affairs to submit the following report:

SENATE BILL NO. 1—  
BY SENATOR ROMERO

AN ACT

To amend and reenact R.S. 47:1908(A)(23), 1925.1, and 1925.2(A)(1) relative to expenses of the Iberia Parish Tax Assessor's Office; to provide for the establishment of a tax assessment district in Iberia Parish; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 2—  
BY SENATOR ROMERO

AN ACT

To amend and reenact R.S. 47:302.13(A), relative to sales tax; to provide for the dedication of an additional one percent of the state sales tax collected on certain rooms in Iberia Parish to the Iberia Parish Tourist Commission; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 3—  
BY SENATOR ROMERO

AN ACT

To enact R.S. 33:2481.2, relative to the chief of police of the city of New Iberia; to provide relative to the procedure by which the position of chief of police is filled in New Iberia; to provide for the applicability of certain civil service provisions to the position of chief of police; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 4—  
BY SENATOR JOHNSON

A JOINT RESOLUTION

Proposing to amend Article VI, Section 29(D) of the Constitution of Louisiana, relative to revenue and finance; to provide for certain voting requirements for enacting certain tax exemptions or

exclusions from sales and use taxes levied by local governmental subdivisions, school boards, and other political subdivisions whose boundaries are not coterminous with those of the state; and to specify an election for submission of the proposition to electors and provide a ballot proposition; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 5—  
BY SENATOR CRAVINS

AN ACT

To enact R.S. 13:2105.1, relative to the Opelousas City Court; to authorize the marshal to collect a fee of six dollars and fifty cents for subpoena services; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 7—  
BY SENATOR HAINKEL

AN ACT

To enact R.S. 40:1498(F), relative to fire protection districts; to provide for an increase in per diem for governing board members of a fire protection district with a population of more than 100,000 persons; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
JON D. JOHNSON  
Vice-Chairman

Senate Bills and Joint Resolutions  
on Second Reading  
Reported by Committees

Senator Johnson 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. 1—  
BY SENATOR ROMERO

AN ACT

To amend and reenact R.S. 47:1908(A)(23), 1925.1, and 1925.2(A)(1) relative to expenses of the Iberia Parish Tax Assessor's Office; to provide for the establishment of a tax assessment district in Iberia Parish; and to provide for related matters.

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

SENATE BILL NO. 2—  
BY SENATOR ROMERO

AN ACT

To amend and reenact R.S. 47:302.13(A), relative to sales tax; to provide for the dedication of an additional one percent of the state sales tax collected on certain rooms in Iberia Parish to the Iberia Parish Tourist Commission; and to provide for related matters.

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

SENATE BILL NO. 3—  
BY SENATOR ROMERO

AN ACT

To enact R.S. 33:2481.2, relative to the chief of police of the city of New Iberia; to provide relative to the procedure by which the position of chief of police is filled in New Iberia; to provide for the applicability of certain civil service provisions to the position of chief of police; and to provide for related matters.

June 20, 2000

Reported with amendments by the Committee on Local and Municipal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 3 by Senator Romero

AMENDMENT NO. 1

On page 1, line 2, after "enact" insert "Section 14.1 of the charter of the city of New Iberia, as originally enacted by Act No. 187 of the 1910 Regular Session, and "

AMENDMENT NO. 2

On page 1, line 5, after "police;" insert "to provide for voter approval;"

AMENDMENT NO. 3

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

"Section 1. Section 14.1 of the charter of the city of New Iberia, as originally enacted by Act No. 187 of the 1910 Regular Session is hereby enacted to read as follows:

Section 14.1. Chief of Police; unclassified service.

Notwithstanding any other provision of this Charter, or any other provision of law to the contrary, the chief of police of the city of New Iberia shall be included in the unclassified service and shall have a term concurrent with the term of the mayor."

AMENDMENT NO. 4

On page 1, line 8, change "Section 1" to "Section 2"

AMENDMENT NO. 5

On page 1, line 11, change " 33:2481.2" to "33:2481"

AMENDMENT NO. 6

On page 1, delete lines 14 through 16 and on page 2, delete lines 1 through 3 in their entirety and insert in lieu thereof the following:

"Section 3. The provisions of this Act shall become effective only when approved by a majority of the electors of the city of New Iberia voting thereon at an election held for that purpose."

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

SENATE BILL NO. 4—

BY SENATOR JOHNSON

A JOINT RESOLUTION

Proposing to amend Article VI, Section 29(D) of the Constitution of Louisiana, relative to revenue and finance; to provide for certain voting requirements for enacting certain tax exemptions or exclusions from sales and use taxes levied by local governmental subdivisions, school boards, and other political subdivisions whose boundaries are not coterminous with those of the state; and to specify an election for submission of the proposition to electors and provide a ballot proposition; and to provide for related matters.

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

SENATE BILL NO. 5—

BY SENATOR CRAVINS

AN ACT

To enact R.S. 13:2105.1, relative to the Opelousas City Court; to authorize the marshal to collect a fee of six dollars and fifty cents for subpoena services; and to provide for related matters.

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

SENATE BILL NO. 6—

BY SENATOR THOMAS

AN ACT

To amend and reenact the introductory paragraph of R.S. 17:2053(D), relative to payments to independent institutions of higher education; to correct the name of Our Lady of the Lake College in law; to add St. Joseph Seminary College as an independent institution of higher education eligible for certain reimbursements from the state for educating Louisiana residents; and to provide for related matters.

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

SENATE BILL NO. 7—

BY SENATOR HAINKEL

AN ACT

To enact R.S. 40:1498(F), relative to fire protection districts; to provide for an increase in per diem for governing board members of a fire protection district with a population of more than 100,000 persons; and to provide for related matters.

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

Leaves of Absence

The following leaves of absence were asked for and granted:

Bean	1 Day	Cain	1 Day
Campbell	1 Day	Chaisson	1 Day
Dean	1 Day	Heitmeier	1 Day
Hollis	1 Day	Irons	1 Day
McPherson	1 Day	Michot	1 Day
Mount	1 Day	Robichaux	1 Day

Adjournment

Senator Lambert moved that the Senate adjourn until Wednesday, June 21, 2000 at 5:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 5:00 o'clock P.M. on Wednesday, June 21, 2000.

MICHAEL S. BAER, III  
Secretary of the Senate

GAYE F. HAMILTON  
Journal Clerk