

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

FIFTH DAY'S PROCEEDINGS

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

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Thursday, March 15, 2001

The Senate was called to order at 1:00 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	Ellington	Lambert
Bajoie	Fields, C	Lentini
Barham	Fields, W	Malone
Bean	Fontenot	Marionneaux
Boissiere	Gautreaux	Michot
Cain	Heitmeier	Mount
Campbell	Hines	Romero
Chaisson	Hollis	Smith
Cravins	Hoyt	Theunissen
Dardenne	Irons	Thomas
Dean	Jones, B	Ullo
Dupre	Jones, C	
Total—35		

ABSENT

Johnson	Schedler
McPherson	Tarver
Total—4	

The President of the Senate announced there were 35 Senators present and a quorum.

Prayer

The prayer was offered by Senator Smith, 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 Smith, 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
ASKING CONCURRENCE IN
HOUSE BILLS AND JOINT RESOLUTIONS**

March 15, 2001

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. 6—

BY REPRESENTATIVES FARRAR, DONELON, CURTIS, AND DEWITT AND
SENATORS MCPHERSON AND ELLINGTON
AN ACT

To amend and reenact the heading of Subpart B-27 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, to enact R.S. 29:33.2 and R.S. 33:130.541.1, and to repeal R.S. 33:130.541 and 130.542 through 130.547, relative to the Esler Industrial Development District; to transfer ownership by cooperative endeavor of the immovable and movable property and assets of the Esler Industrial Development District to the military department of the state for use by the Louisiana National Guard; to authorize the Rapides Parish Police Jury to transfer certain property including Esler Field in Rapides Parish to the military department of the state; to repeal provisions creating the Esler Industrial Development District; to provide for the Esler Industrial Development Area Advisory Board and the powers and duties thereof; to provide for effective dates; and to provide for related matters.

HOUSE BILL NO. 14—

BY REPRESENTATIVES HAMMETT, ALARIO, BRUNEAU, K. CARTER, DANIEL, DARTEZ, DURAND, FARRAR, FAUCHEUX, HILL, HUNTER, L. JACKSON, LEBLANC, MONTGOMERY, ODINET, E. ALEXANDER, R. ALEXANDER, ANSARDI, BAUDOUIN, BAYLOR, BOWLER, BROOME, BRUCE, R. CARTER, CAZAYOUX, CLARKSON, CRANE, CROWE, DAMICO, DEVILLIER, DEWITT, DIEZ, DONELON, DOWNER, ERDEY, FLAVIN, FRITH, FRUGE, FUTRELL, GLOVER, GUILLORY, HEATON, HEBERT, HOLDEN, HUDSON, M. JACKSON, JOHNS, KATZ, KENNARD, KENNEY, LAFLEUR, LANCASTER, LANDRIEU, MARTINY, MCDONALD, MCMAINS, MORRISH, MURRAY, NEVERS, PIERRE, PINAC, PITRE, POWELL, PRATT, RIDDLE, ROMERO, SALTER, SCALISE, SCHNEIDER, SCHWEGMANN, SHAW, JACK SMITH, JANE SMITH, SNEED, STELLY, THOMPSON, TOOMY, TOWNSEND, TRICHE, WADDELL, WALSWORTH, WELCH, WINSTON, WOOTON, AND WRIGHT

AN ACT

To amend and reenact R.S. 47:1621, relative to the Department of Revenue; to expand the authority of the secretary to refund overpayments under certain circumstances; to provide for an effective date; and to provide for related matters.

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

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. 6—

BY REPRESENTATIVES FARRAR, DONELON, CURTIS, AND DEWITT AND
SENATORS MCPHERSON AND ELLINGTON
AN ACT

To amend and reenact the heading of Subpart B-27 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, to enact R.S. 29:33.2 and R.S. 33:130.541.1, and to repeal R.S. 33:130.541 and 130.542 through 130.547, relative to the Esler Industrial Development District; to transfer ownership by cooperative endeavor of the immovable and movable property and assets of the Esler Industrial Development District to the military department of the state for use by the Louisiana National Guard; to authorize the Rapides Parish Police Jury to transfer certain property including Esler Field in Rapides Parish to the military department of the state; to repeal provisions creating the Esler

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Industrial Development District; to provide for the Esler Industrial Development Area Advisory Board and the powers and duties thereof; to provide for effective dates; and to provide for related matters.

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

HOUSE BILL NO. 14—

BY REPRESENTATIVES HAMMETT, ALARIO, BRUNEAU, K. CARTER, DANIEL, DARTEZ, DURAND, FARRAR, FAUCHEUX, HILL, HUNTER, L. JACKSON, LEBLANC, MONTGOMERY, ODINET, E. ALEXANDER, R. ALEXANDER, ANSARDI, BAUDOIN, BAYLOR, BOWLER, BROOME, BRUCE, R. CARTER, CAZAYOUX, CLARKSON, CRANE, CROWE, DAMICO, DEVILLIER, DEWITT, DIEZ, DONELON, DOWNER, ERDEY, FLAVIN, FRITH, FRUGE, FUTRELL, GLOVER, GUILLORY, HEATON, HEBERT, HOLDEN, HUDSON, M. JACKSON, JOHNS, KATZ, KENNARD, KENNEY, LAFLUR, LANCASTER, LANDRIEU, MARTINY, MCDONALD, MCMAINS, MORRISH, MURRAY, NEVERS, PIERRE, PINAC, PITRE, POWELL, PRATT, RIDDLE, ROMERO, SALTER, SCALISE, SCHNEIDER, SCHWEGMANN, SHAW, JACK SMITH, JANE SMITH, SNEED, STELLY, THOMPSON, TOOMY, TOWNSEND, TRICHE, WADDELL, WALSWORTH, WELCH, WINSTON, WOOTON, AND WRIGHT

AN ACT

To amend and reenact R.S. 47:1621, relative to the Department of Revenue; to expand the authority of the secretary to refund overpayments under certain circumstances; to provide for an effective date; 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.

Rules Suspended

Senator Cravins asked for and obtained a suspension of the rules for the purpose of advancing to the order of

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

LABOR AND INDUSTRIAL RELATIONS

Senator C. Jones, Chairman on behalf of the Committee on Labor and Industrial Relations, submitted the following report:

March 15, 2001

To the President and Members of the Senate:

I am directed by your Committee on Labor and Industrial Relations to submit the following report:

HOUSE BILL NO. 5—

BY REPRESENTATIVE RIDDLE AND SENATOR HINES
AN ACT

To amend and reenact R.S. 23:1472(12)(F)(III)(c)(ii) and (v) and (e) and (I), 1552(A)(introductory paragraph) and (2) and (E), and 1600(6)(a)(introductory paragraph) and to enact R.S. 23:1472(11)(i), (12)(F)(VII) and (H)(XXI), 1543(J), and 1592(H), relative to unemployment compensation benefits; to define employer and employment to include Indian tribes and services performed in the employ of an Indian tribe; to allow for reimbursement by Indian tribes for unemployment compensation purposes; to provide for the imposition of penalties for the delinquent payment of employment reimbursements by an Indian tribe; to permit an Indian tribe to elect payments in lieu of contributions; and to provide for related matters.

Reported with amendments.

Respectfully submitted,

CHARLES D. JONES
Chairman

REPORT OF COMMITTEE ON

JUDICIARY B

Senator Cravins, Chairman on behalf of the Committee on Judiciary B, submitted the following report:

March 15, 2001

To the President and Members of the Senate:

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

HOUSE BILL NO. 2—

BY REPRESENTATIVES DEWITT, MORRELL, MURRAY, ALARIO, ANSARDI, BAYLOR, K. CARTER, CROWE, DUPRE, FRITH, GLOVER, GUILLORY, HEATON, HOPKINS, HUDSON, L. JACKSON, JOHNS, MARTINY, MONTGOMERY, ODINET, PIERRE, PINAC, PRATT, RICHMOND, JACK SMITH, STELLY, TOWNSEND, TRICHE, WELCH, AND WOOTON AND SENATOR HEITMEIER

AN ACT

To amend and reenact R.S. 27:44(23), 65(A), (B)(1), 91(C), and 92(B)(2)(b) to enact R.S. 17:421.7, R.S. 27:44(17.1), 66, 66.1, and 66.2, and to repeal R.S. 27:44(16) and 52(2)(f), relative to riverboat gaming; to authorize licensed riverboats to conduct gaming while the riverboat is docked subject to certain provisions; to provide for gaming on a permanently moored riverboat vessel; to provide for riverboat gaming under certain conditions in the parish of the official gaming establishment and the payment of franchise fees; to provide for definitions; to provide for exceptions; to provide for additional franchise fees; to establish a special fund in the state treasury; to provide for the deposit of certain monies into the fund; to provide for uses of monies in the fund; to provide for applicability; to repeal obsolete provisions authorizing certain local option elections; to repeal certain requirements applicable to riverboat construction; to provide for the inspection and certification of riverboats; to provide for the number of riverboats which may operate on a designated waterway; and to provide for related matters.

Reported without action.

Respectfully submitted,
DONALD R. CRAVINS
Chairman

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

Senator Cravins 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. 1—

BY REPRESENTATIVE MURRAY AND SENATORS HOLLIS AND BOISSIERE

AN ACT

To amend and reenact R.S. 27:243(C) and 270(A)(3)(a) and to enact R.S. 17:421.7 and R.S. 27:241.1, relative to the land-based casino; to reduce the annual minimum compensation payments; to authorize the casino gaming operator to offer certain seated restaurant facilities and food services; to authorize the casino gaming operator to lease or operate certain businesses in the official gaming establishment; to provide for restrictions on advertising; to prohibit the offering of onsite lodging in the official gaming establishment; to authorize the casino gaming operator to offer certain offsite lodging; to provide for complimentary offerings

and discounts and restrictions thereof; to delete restrictions on the sale of products; to provide for the authority of the Gaming Control Board to set aside or renegotiate, amend, approve, execute and implement an amendment of the casino operating contract and issue or modify regulatory approvals related thereto; to provide for the dedication of certain revenues; to establish a special fund in the state treasury and to provide for the deposit of certain monies into the fund; to provide for the use of monies in the fund; and to provide for related matters.

Reported without action by the Committee on Judiciary B. The bill was read by title.

Motion

Senator Cravins moved that the bill be recommitted to the Committee on Judiciary B.

Senator Heitmeier moved as a substitute motion that the bill be recommitted to the Committee on Revenue and Fiscal Affairs.

Senator Cravins objected.

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fields, C	Lambert
Barham	Fields, W	Lentini
Bean	Fontenot	Marionneaux
Cain	Gautreaux	Michot
Chaisson	Heitmeier	Mount
Dardenne	Hines	Romero
Dean	Hollis	Smith
Dupre	Hoyt	Theunissen
Ellington	Jones, B	Thomas
Total—27		

NAYS

Boissiere	Irons	Ullo
Campbell	Jones, C	
Cravins	Malone	
Total—7		

ABSENT

Mr. President	McPherson	Tarver
Johnson	Schedler	
Total—5		

The Chair declared the bill was recommitted to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 5—

BY REPRESENTATIVE RIDDLE AND SENATOR HINES
AN ACT

To amend and reenact R.S. 23:1472(12)(F)(III)(c)(ii) and (v) and (e) and (I), 1552(A)(introductory paragraph) and (2) and (E), and 1600(6)(a)(introductory paragraph) and to enact R.S. 23:1472(11)(i), (12)(F)(VII) and (H)(XXI), 1543(J), and 1592(H), relative to unemployment compensation benefits; to define employer and employment to include Indian tribes and services performed in the employ of an Indian tribe; to allow for reimbursement by Indian tribes for unemployment compensation purposes; to provide for the imposition of penalties for the delinquent payment of employment reimbursements by an Indian tribe; to permit an Indian tribe to elect payments in lieu of contributions; and to provide for related matters.

Reported with amendments by the Committee on Labor and Industrial Relations.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Labor and Industrial Relations to Engrossed House Bill No. 5 by Representative Riddle

AMENDMENT NO. 1

On page 1, line 2, after "(F)" insert "(I)(b),"

AMENDMENT NO. 2

On page 1, line 3, after "1552" insert "(introductory paragraph),"

AMENDMENT NO. 3

On page 1, line 14, after "(F)" insert "(I)(b),"

AMENDMENT NO. 4

On page 1, line 15, after "1552" insert "(introductory paragraph),"

AMENDMENT NO. 5

On page 2, between lines 16 and 17, insert the following:

"I. Except as excluded by Subparagraph III of this Paragraph:

(b) Service performed after December 31, 1977, in the employ of this State or any of its instrumentalities or any political subdivision thereof or any of its instrumentalities or any instrumentality of more than one of the foregoing or any instrumentality of any of the foregoing and one or more other states or political subdivisions **or any Indian tribe or tribal unit**, provided, that such service is excluded from "employment" as defined in the Federal Unemployment Tax Act by Section 3306(c)(7) of that Act."

AMENDMENT NO. 6

On page 3, at the end of line 13, insert "**or**" and delete lines 14 through 16 in their entirety

AMENDMENT NO. 7

On page 4, line 26, after "**Act**" insert a period "." and delete the remainder of the line and insert in lieu thereof the following, "**The administrator shall have the discretion to determine when such failure of payment is**"

AMENDMENT NO. 8

On page 5, line 1, after "**and to**" insert "**determine the date of**" and after "**Chapter**" insert a period "." and delete the remainder of the line and line 2 in its entirety

AMENDMENT NO. 9

On page 5, line 6, after "subdivisions" insert "**and Indian tribes or tribal units**"

AMENDMENT NO. 10

On page 5, delete line 7, and insert in lieu thereof the following:

"Benefits paid to employees of the state, its political subdivisions and employees of nonprofit organizations **and employees of Indian tribes or tribal units**, as defined in R.S. 23:1472(12)(F)(I), (II) ~~and~~, (IV) **and (VII)**, shall be financed in accordance with the provisions of this Section. For the purposes of this Section, a nonprofit organization is an organization (or group of organizations) described in 26 U.S.C. § 501(c)(3) of the U.S. Internal Revenue Code which is exempt from income tax under 26 U.S.C. § 501(a) of said code."

AMENDMENT NO. 11

On page 6, line 7, after "**election**" delete the remainder of the line and insert in lieu thereof the following, "**by the tribe for itself and each subdivision.**"

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AMENDMENT NO. 12

On page 8, line 2, after "(I)" delete "and" and insert a comma " ,"

On motion of Senator C. Jones, 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.

Rules Suspended

Senator Lambert asked for and obtained a suspension of the rules for the purpose of reverting to the order of

Introduction of Senate Resolutions

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

SENATE RESOLUTION NO. 3—

BY SENATORS BOISSIERE, HAINKEL, BAJOIE, HEITMEIER, IRONS, AND JOHNSON

A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana on the death of Dr. Michael R. Braden, Sr. and to record for posterity the enduring appreciation of the members of the Senate for his contributions to his family, his community, to Louisiana and to the world.

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

Message to the Secretary of State

SIGNED

SENATE CONCURRENT RESOLUTIONS

March 15, 2001

To the Honorable Secretary of State:

The President of the Senate and the Speaker of the House of Representatives have signed the following Senate Concurrent Resolution:

SENATE CONCURRENT RESOLUTION NO. 3—

BY SENATORS HAINKEL BAJOIE, BARHAM, BEAN, BOISSIERE, CAIN, CAMPBELL, CHAISSON, CRAVINS, DARDENNE, DEAN, DUPRE, ELLINGTON, C. FIELDS, W. FIELDS, FONTENOT, GAUTREAUX, HEITMEIER, HINES, HOLLIS, HOYT, IRONS, JOHNSON, B. JONES, C. JONES, LAMBERT, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, ROMERO, SCHEDLER, SMITH, TARVER, THEUNISSEN, THOMAS AND ULLO

A CONCURRENT RESOLUTION

To express the condolences of the members of the legislature and the members of its staff to the family of Jean Harkins Russell, a beloved member of the Senate staff.

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

Leaves of Absence

The following leaves of absence were asked for and granted:

Johnson	1 Day	McPherson	1 Day
Schedler	1 Day	Tarver	1 Day

Adjournment

Senator Lambert moved that the Senate adjourn until Monday, March 19, 2001, at 5:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 5:00 o'clock P.M. on Monday, March 15, 2001.

MICHAEL S. BAER, III
Secretary of the Senate

GAYE F. HAMILTON
Journal Clerk