

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

**SEVENTH 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

Tuesday, March 20, 2001

The Senate was called to order at 1:30 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	Fields, C	Malone
Bajoie	Fields, W	Marionneau
Barham	Fontenot	McPherson
Bean	Gautreaux	Michot
Boissiere	Heitmeier	Mount
Cain	Hines	Romero
Campbell	Hollis	Schedler
Chaisson	Hoyt	Smith
Cravins	Johnson	Tarver
Dardenne	Jones, B	Theunissen
Dean	Jones, C	Thomas
Dupre	Lambert	Ullo
Ellington	Lentini	
Total—38		

**ABSENT**

Irons  
Total—1

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

**Prayer**

The prayer was offered by Senator Cravins, 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 Cravins, 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. 8—**

BY SENATOR B. JONES

**A CONCURRENT RESOLUTION**

To express the sincere and heartfelt condolences of the Legislature of Louisiana on the death of John Smoker Hunt II.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total—0

**ABSENT**

Fontenot	Johnson	Malone
Irons	Jones, C	Thomas
Total—6		

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

**SENATE CONCURRENT RESOLUTION NO. 9—**

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

**A CONCURRENT RESOLUTION**

To express the condolences of the members of the legislature to the family of Florida "Flo" Riley Wilson, mother of Senator Paulette R. Irons.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total—0

**ABSENT**

Irons	Johnson	Marionneau
Total—3		

March 20, 2001

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

**SENATE CONCURRENT RESOLUTION NO. 10—**  
 BY SENATORS SMITH, MALONE, AND CAMPBELL  
 A CONCURRENT RESOLUTION

To commend the Northwestern State University Demons basketball team on its outstanding performance and showing in the NCAA basketball tournament.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total—0

**ABSENT**

Hines	Johnson
Irons	Michot
Total—4	

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

**Rules Suspended**

Senator Theunissen asked for a suspension of the rules for the purpose of invoking 10 minute cloture.

Senator Ullo objected.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Barham	Gautreaux	Mount
Bean	Hines	Romero
Boissiere	Hollis	Schedler
Cain	Hoyt	Smith
Chaisson	Lambert	Tarver
Dardenne	Lentini	Theunissen
Dupre	Marionneaux	
Ellington	Michot	
Total—22		

**NAYS**

Campbell	Fields, W	Ullo
Dean	McPherson	

Total—5

**ABSENT**

Mr. President	Fontenot	Jones, B
Bajoie	Heitmeier	Jones, C
Cravins	Irons	Malone
Fields, C	Johnson	Thomas
Total—12		

The Chair declared the rules were suspended.

**Rules Suspended**

Senator Theunissen move to invoke a 10 minute cloture.

Senator Ullo objected.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Bean	Hines	Mount
Boissiere	Hollis	Romero
Cain	Hoyt	Schedler
Chaisson	Lambert	Smith
Dupre	Lentini	Tarver
Ellington	Marionneaux	Theunissen
Gautreaux	Michot	Thomas
Total—21		

**NAYS**

Campbell	McPherson
Fields, W	Ullo
Total—4	

**ABSENT**

Mr. President	Dean	Johnson
Bajoie	Fields, C	Jones, B
Barham	Fontenot	Jones, C
Cravins	Heitmeier	Malone
Dardenne	Irons	
Total—14		

The Chair declared a 10 minute cloture was invoked.

**Senate Concurrent Resolutions  
 on Second Reading to be Referred**

The following Senate Bills and Joint Resolutions were read and referred to committees as follows:

**SENATE CONCURRENT RESOLUTION NO. 2—**  
 BY SENATOR HINES  
 A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana on the death of Mervin Lee Trail, MD.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fields, C	Marionneaux
Bajoie	Fields, W	McPherson

Barham	Fontenot	Michot
Bean	Gautreaux	Mount
Boissiere	Heitmeier	Romero
Cain	Hines	Schedler
Campbell	Hollis	Smith
Chaisson	Hoyt	Tarver
Cravins	Jones, B	Theunissen
Dardenne	Jones, C	Thomas
Dean	Lambert	Ullo
Dupre	Lentini	
Ellington	Malone	
Total—37		

NAYS

Total—0

ABSENT

Irons  
Total—2

Johnson

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**

**ASKING CONCURRENCE IN HOUSE CONCURRENT RESOLUTIONS**

March 20, 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 Concurrent Resolutions:

**HOUSE CONCURRENT RESOLUTION NO. 11—**  
BY REPRESENTATIVE ODINET  
A CONCURRENT RESOLUTION

To urge and request the Louisiana Wildlife and Fisheries Commission to extend the oyster harvest season in the public oyster seed grounds east of the Mississippi River for an additional thirty days.

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. 11—**  
BY REPRESENTATIVE ODINET  
A CONCURRENT RESOLUTION

To urge and request the Louisiana Wildlife and Fisheries Commission to extend the oyster harvest season in the public oyster seed grounds east of the Mississippi River for an additional thirty days.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Fields, C	Malone
Bajoie	Fields, W	Marionneaux
Barham	Fontenot	Mount
Bean	Gautreaux	Romero
Cain	Heitmeier	Schedler
Campbell	Hines	Smith
Chaisson	Hollis	Tarver
Cravins	Hoyt	Theunissen
Dardenne	Jones, B	Thomas
Dean	Jones, C	Ullo
Dupre	Lambert	
Ellington	Lentini	
Total—34		

NAYS

Total—0

ABSENT

Boissiere	Johnson	Michot
Irons	McPherson	
Total—5		

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

**House Concurrent Resolutions on Second Reading**

The following House Concurrent Resolutions were read and acted upon as follows:

**HOUSE CONCURRENT RESOLUTION NO. 6—**  
BY REPRESENTATIVE DOWNER  
A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of Leonard E. Pauley, Sr. of Lake Charles.

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

NAYS

Total—0

ABSENT

March 20, 2001

Hines Johnson  
Irons Michot  
Total—4

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

**HOUSE CONCURRENT RESOLUTION NO. 7—**  
BY REPRESENTATIVE DOWNER AND SENATOR DUPRE  
A CONCURRENT RESOLUTION

To commend Detective Dana Coleman upon being named Non-Uniformed Officer of the Year in Houma.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President Fields, C McPherson  
Barham Fields, W Michot  
Bean Gautreaux Mount  
Boissiere Heitmeier Romero  
Campbell Hollis Schedler  
Chaisson Hoyt Smith  
Cravins Jones, B Theunissen  
Dardenne Jones, C Thomas  
Dupre Lambert Ullo  
Ellington Lentini  
Total—29

NAYS

Total—0

ABSENT

Bajoie Hines Marionneaux  
Cain Irons Tarver  
Dean Johnson  
Fontenot Malone  
Total—10

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

**HOUSE CONCURRENT RESOLUTION NO. 8—**  
BY REPRESENTATIVE DOWNER AND SENATOR DUPRE  
A CONCURRENT RESOLUTION

To commend Police Officer First Class Sidera Adams upon being named Uniformed Officer of the Year in Houma.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President Ellington Malone  
Bajoie Fields, C Marionneaux  
Barham Fields, W McPherson  
Bean Fontenot Michot  
Boissiere Gautreaux Mount  
Cain Heitmeier Romero  
Campbell Hollis Schedler  
Chaisson Hoyt Smith  
Cravins Jones, B Tarver

Dardenne Jones, C Theunissen  
Dean Lambert Thomas  
Dupre Lentini Ullo  
Total—36

NAYS

Total—0

ABSENT

Hines Irons Johnson  
Total—3

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

**HOUSE CONCURRENT RESOLUTION NO. 9—**  
BY REPRESENTATIVE MCCALLUM  
A CONCURRENT RESOLUTION

To express the condolences of the Legislature of Louisiana upon the death of Joe Freeman Woods.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Hines Irons Johnson  
Total—3

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

**HOUSE CONCURRENT RESOLUTION NO. 10—**  
BY REPRESENTATIVES R. ALEXANDER AND ALARIO  
A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of Dr. Mervin Lee Trail.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President Ellington Malone  
Bajoie Fields, C Marionneaux

Barham	Fields, W	McPherson
Bean	Fontenot	Michot
Boissiere	Gautreaux	Mount
Cain	Heitmeier	Romero
Campbell	Hollis	Schedler
Chaisson	Hoyt	Smith
Cravins	Jones, B	Tarver
Dardenne	Jones, C	Theunissen
Dean	Lambert	Thomas
Dupre	Lentini	Ullo
Total—36		

**NAYS**

Total—0

**ABSENT**

Hines	Irons	Johnson
Total—3		

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:

**HOUSE BILL NO. 2—**

BY REPRESENTATIVES DEWITT, MORRELL, MURRAY, ALARIO, ANSARDI, BAYLOR, K. CARTER, CROWE, DUPRE, FRITH, GLOVER, GULLORY, 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.

On motion of Senator Lambert, the bill was read by title and returned to the Calendar, subject to call.

**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.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total—0

**ABSENT**

Irons	Johnson
Total—2	

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

**HOUSE BILL NO. 12—**

BY REPRESENTATIVES FAUCHEUX, ALARIO, HILL, AND MONTGOMERY

**AN ACT**

To enact R.S. 47:302(P), 321(G), and 331(N), relative to the sales and use tax; to exempt purchases of utilities used by certain steelworks and blast furnaces; to provide for the effectiveness of the exemption; to provide for an effective date; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Chaisson sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Chaisson to Engrossed House Bill No. 12 by Representative Fauchaux

**AMENDMENT NO. 1**

In Amendment No. 2, proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on March 19, 2001, on page 1, line 5, after "insert" delete the remainder of the line and delete lines 6 and 7 and insert: "to define steelworks and blast furnaces eligible for such exemption;"

**AMENDMENT NO. 2**

Delete Amendment No. 4, proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on March 19, 2001.

**AMENDMENT NO. 3**

In Amendment No. 5, proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on March 19, 2001:

March 20, 2001

On page 1, line 25, change "two-hundred fifty employees" to "one-hundred twenty-five full time employees"

On page 1, line 26, after "mills," delete the remainder of the line and delete line 27, and on line 28, at the beginning of the line delete "and" and after "classified" insert "by the Louisiana Department of Labor" and after "SIC 3312" change "by" to "of"

**AMENDMENT NO. 4**

Delete Amendment Nos. 6 and 7, proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on March 19, 2001.

On motion of Senator Chaisson, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total—0

**ABSENT**

Boissiere	Irons
Fields, C	Johnson
Total—4	

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

**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, 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.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fontenot	Marionneaux
Bajoie	Gautreaux	Michot
Barham	Heitmeier	Mount
Bean	Hines	Romero
Boissiere	Hollis	Schedler
Cain	Hoyt	Smith
Campbell	Johnson	Tarver
Chaisson	Jones, B	Theunissen
Dardenne	Jones, C	Thomas
Dean	Lambert	Ullo
Dupre	Lentini	
Ellington	Malone	
Total—34		

**NAYS**

Total—0

**ABSENT**

Cravins	Fields, W	McPherson
Fields, C	Irons	
Total—5		

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

**HOUSE BILL NO. 16—**

BY REPRESENTATIVES ALARIO, K. CARTER, DIEZ, SCALISE, SNEED, WINSTON, DARTEZ, FARRAR, FAUCHEUX, HEATON, HILL, L. JACKSON, MONTGOMERY, AND ODINET AND SENATOR HOLLIS

**AN ACT**

To amend and reenact Section 3 of Act No. 535 of the 1988 Regular Session of the Legislature, as amended by Section 2 of Act No. 285 of the 1992 Regular Session of the Legislature, Section 3 of Act No. 1291 of the 1997 Regular Session of the Legislature, and Section 1 of Act No. 50 of the 1998 Regular Session of the Legislature, relative to the Louisiana Tax Free Shopping Program; to change the termination date of the program; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total—0

ABSENT

Irons  
Total—3  
Marionneaux  
McPherson

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

**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 Heitmeier asked that House Bill No. 2 be called from the Calendar at this time for its final passage.

**HOUSE BILL NO. 2—**  
BY REPRESENTATIVES DEWITT, MORRELL, MURRAY, ALARIO, ANSARDI, BAYLOR, K. CARTER, CROWE, DUPRE, FRITH, GLOVER, GULLORY, 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.

**Floor Amendments Sent Up**

Senator Marionneaux sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Ullo to Reengrossed House Bill No. 2 by Representative DeWitt

AMENDMENT NO. 1  
On page 1, line 2, after "65(A)," delete "(B)(1),"

AMENDMENT NO. 2  
On page 1, line 3, after "421.7" delete the remainder of the line and insert "and R.S. 27:66, and to"

AMENDMENT NO. 3  
On page 1, line 4, after "44(16)" delete "and" and insert a comma ", " and after "52(2)(f)," insert "65(B)(1) and (2)"

AMENDMENT NO. 4  
On page 2, line 16, delete "through (4)"

AMENDMENT NO. 5  
On page 3, line 17, after "65(A)," delete "(B)(1),"

AMENDMENT NO. 6  
On page 3, line 18, after "27:", delete the remainder of the line and insert "66 is"

AMENDMENT NO. 7  
On page 3, delete lines 24 through 26

AMENDMENT NO. 8  
On page 4, delete line 1 through 10 and insert the following:

"(23) 'Riverboat' means a vessel which complies with all of the following:"

AMENDMENT NO. 9  
On page 4, line 11, delete "(iii)" and insert "(a)"

AMENDMENT NO. 10  
On page 4, line 12, delete "(iv)" and insert "(b)"

AMENDMENT NO. 11  
On page 4, line 14, delete "is paddlewheel driven" and insert "has a paddlewheel"

AMENDMENT NO. 12  
On page 4, line 15, delete "be steam-propelled or"

AMENDMENT NO. 13  
On page 4, delete line 18 and insert the following:

"(c) a floating vessel incapable of self-propulsion and which is out of navigation."

AMENDMENT NO. 14  
On page 5, delete lines 3 through 20 and insert the following:  
\*\* \* \*

AMENDMENT NO. 15  
Delete pages 6, and 7

AMENDMENT NO. 16  
On page 8, line 2, after "licensee" delete the remainder of the line, delete lines 3, 4, and 5, and insert the following: "may conduct gaming"

AMENDMENT NO. 17  
On page 8, line 20, after "Subsection." delete the remainder of the line and delete lines 21 through 24

AMENDMENT NO. 18  
On page 8, line 23, after "conduct" insert "phantom" and at the beginning of line 24, insert "phantom"

AMENDMENT NO. 19  
On page 9, delete lines 3 through 25 and delete pages 10, 11, 12, and 13, and on page 14, delete lines 1 through 11

AMENDMENT NO. 20  
On page 14, delete lines 18 through 25 and on line 23, change "(3)" to "(2)"

AMENDMENT NO. 21  
Delete page 15, and on page 16, delete lines 1 through 7

AMENDMENT NO. 22  
On page 16, line 22, after "(2)" delete "through (4)"

AMENDMENT NO. 23

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On page 17, line 1, after "(C)(2)" delete "through (4)"

AMENDMENT NO. 24

On page 17, line 4, delete "through (4)"

AMENDMENT NO. 25

On page 17, line 7, after "44(16)" delete "and" and insert a comma ", " and after "52(2)(f)," insert "65(B)(1) and (2)"

Senator Heitmeier asked for a ruling from the Chair as to whether the amendment was germane to the call.

The Chair ruled that the amendment was germane to the call.

Senator Marionneaux moved adoption of the amendments.

Senator Heitmeier objected.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Barham	Fields, W	Michot
Cain	Fontenot	Romero
Dardenne	Gautreaux	Smith
Dean	Jones, B	Ullo
Ellington	Jones, C	
Fields, C	Marionneaux	
Total—16		

**NAYS**

Mr. President	Heitmeier	McPherson
Bajoie	Hines	Mount
Bean	Hollis	Schedler
Boissiere	Hoyt	Tarver
Campbell	Johnson	Theunissen
Chaisson	Lambert	Thomas
Cravins	Lentini	
Dupre	Malone	
Total—22		

**ABSENT**

Irons  
Total—1

The Chair declared the amendments were rejected.

**Floor Amendments Sent Up**

Senator McPherson sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator McPherson to Reengrossed House Bill No. 2 by Representative DeWitt

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 27:" delete ""44(23),"

AMENDMENT NO. 2

On page 1, line 3, after "R.S. 27:" delete the remainder of the line and insert "66 and 66.1, and to"

AMENDMENT NO. 3

On page 1, line 6, delete "to provide for gaming on a" and on line 7, delete "permanently moored riverboat vessel;"

AMENDMENT NO. 4

On page 2, line 16, delete "(2) though (4)"

AMENDMENT NO. 5

On page 3, line 9, after "teachers" insert "and for teacher aides and other school support personnel"

AMENDMENT NO. 6

On page 3, line 10, after "increase" delete the period and insert the following

"as follows:

(a) Those monies credited to the fund attributable to the riverboats upon which gaming is conducted pursuant to R.S. 27:65(B)(1)(b) shall be used to provide an increase in the salary of certain public pre-kindergarten through twelfth grade certificated personnel as defined in the annual Profile of Education Personnel report and for other public pre-kindergarten through twelfth grade classroom teachers and for teacher aides and other school support personnel in Fiscal Year 2001-2002 and annually to support such increase.

(b) The monies credited to the fund attributable to all other riverboats upon which gaming is conducted shall be used to provide an increase in the salary of certain public pre-kindergarten through twelfth grade certificated personnel as defined in the annual Profile of Education Personnel report and for other public pre-kindergarten through twelfth grade classroom teachers in Fiscal Year 2001-2002 and annually to support such increase."

AMENDMENT NO. 7

On page 3, line 17, after "R.S. 27:" delete "44(23),"

AMENDMENT NO. 8

On page 3, line 18, "R.S. 27:" delete the remainder of the line and insert "66 and 66.1 are"

AMENDMENT NO. 9

On page 3, delete lines 20 through 26 and on page 4, delete lines 1 through 19

AMENDMENT NO. 10

On page 5, line 5, after "27:66" delete the remainder of the line and on line 6, delete "66.2(B)" and insert "and 66.1(B)"

AMENDMENT NO. 11

On page 5, line 22, after "(C)" delete "(1)"

AMENDMENT NO. 12

On page 6, line 2, after "(C)" delete the remainder of the line and delete line 3 and insert a period

AMENDMENT NO. 13

On page 6, line 12, after "(C)" delete "(1)"

AMENDMENT NO. 14

On page 7, delete lines 18 through 23

AMENDMENT NO. 15

On page 8, line 6, after "by" delete the remainder of the line and on line 7, change "(1) Transmitting" to "transmitting"

AMENDMENT NO. 16

On page 8, delete lines 14 through 24

AMENDMENT NO. 17

On page 9, line 9, after "(C)" delete the remainder of the line and delete lines 10 and 11 and insert a period

AMENDMENT NO. 18

On page 9, delete lines 12 through 25 and on page 10, delete lines 1 through 26 and on page 11, delete lines 1 through 26 and on page 12, delete lines 1 through 8

AMENDMENT NO. 19

On page 12, line 9, change "66.2" to "66.1" and after "docked" delete the remainder of the line and on line 10, delete "moored riverboat vessel"

AMENDMENT NO. 20

On page 12, line 16, delete "or moored"

AMENDMENT NO. 21

On page 12, delete lines 22 through 24 and insert "contrary, the provisions of R.S. 27:65(B)(1)(a) and 66 shall apply to not more than one licensed riverboat at any time which must be located on Lake"

AMENDMENT NO. 22

On page 14, line 15, after "C." delete "(1)"

AMENDMENT NO. 23

On page 14, line 17, change "fifteen" to "fifteen eighteen"

AMENDMENT NO. 24

On page 14, delete lines 18 through 25 and on page 15, delete line 1 through 25 and on page 16, delete lines 1 through 6

AMENDMENT NO. 25

On page 16, delete lines 16 through 26 and on page 15, delete lines 1 through 5 and insert the following:

"(b) ~~The~~ Of the total of eighteen percent franchise fee paid pursuant to R.S. 27:91(C), fifteen percent to the state general fund and three percent to the Support Education in Louisiana First Fund, as provided in R.S. 17:421.7."

Senator Heitmeier asked for a ruling from the Chair as to whether the amendment was germane to the call.

The Chair ruled that the amendment was not germane to the call.

The amendment was withdrawn.

**Floor Amendments Sent Up**

Senators B. Jones and McPherson sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senators B. Jones, McPherson and Romero to Reengrossed House Bill No. 2 by Representative DeWitt

AMENDMENT NO. 1

On page 1, line 2, after "reenact" insert "the introductory paragraph of" and after "(23)" change the comma to "and" and after "65" delete "(A), (B)(1)"

AMENDMENT NO. 2

On page 1, line 3, after "421.7" delete the remainder of the line and insert "and to"

AMENDMENT NO. 3

On page 1, delete lines 5 through 10 and insert "limit licensed riverboats to conducting gaming only while the riverboat is docked; to provide for additional"

AMENDMENT NO. 4

On page 2, line 16, delete "(2) through (4)"

AMENDMENT NO. 5

On page 3, line 17, after "65" delete "(A), (B)(1)"

AMENDMENT NO. 6

On page 3, line 18, after "reenacted" delete the remainder of the line and on line 19, delete "hereby enacted"

AMENDMENT NO. 7

On page 3, delete lines 24 through 26

AMENDMENT NO. 8

On page 4, delete lines 1 through 18 and insert the following:

"(23) "Riverboat means a vessel which is permanently docked at its licensed berth which complies with all of the following:"

AMENDMENT NO. 9

On page 5, delete lines 3 through 20 and insert the following:

"B. Gaming shall be conducted aboard riverboats, subject to the following requirements:

(1)(a) ~~In any parish, except a parish which borders the Red River beginning five miles south of the Kansas City Southern Company/Louisiana Arkansas Crossing Railroad Bridge in Rapides Parish and ending five miles north of the Mid-South Company Railroad Bridge in Caddo Parish, no gaming may be conducted while a riverboat is docked, unless the vessel is docked for less than forty-five minutes between excursions. However, should the master of the riverboat reasonably determine and certify in writing that the weather conditions or the water conditions are such that those conditions, which the master shall specify, present a danger to the riverboat, its passengers, and crew; then the riverboat may remain docked and gaming may take place until such time as the master determines that those conditions have sufficiently diminished to proceed or until the duration of the authorized excursion has expired. A riverboat gaming"~~

AMENDMENT NO. 10

On page 5, line 21, change "Subparagraph" to "Chapter"

AMENDMENT NO. 11

On page 5, line 22, change "27:91(C)(1)" to "27:91(C)." and delete the remainder of the line and delete lines 23 through 26

AMENDMENT NO. 12

On page 6, delete lines 1 through 12 and insert the following:

"(b)(i) ~~For the purposes of this Chapter, on or after September 15, 1993, in any parish which borders the Red River beginning five miles south of the Kansas City Southern Company/Louisiana Arkansas Crossing Railroad Bridge in Rapides Parish and ending five miles north of the Mid-South Company Railroad Bridge in Caddo Parish, gaming may be conducted while a riverboat is docked.~~

AMENDMENT NO. 13

On page 7, delete lines 18 through 23 and insert the following:

"(2) ~~Riverboat cruises shall be not less than three nor more than eight hours in duration for a round trip, should the licensee offer or be required to offer, excursions while conducting gaming activities, with the exception of any extended excursions, each of which shall be expressly approved by the commission.~~

(3) ~~(2) Agents of the division may be on board at any time during gaming operations for the purpose of determining compliance with the provisions of this Chapter.~~

(4) ~~(3) Gaming devices, equipment, and supplies customarily used in conducting gaming, must be purchased or leased only from suppliers permitted for such purpose under this Chapter.~~

(5) ~~(4) Licensees shall permit no form of wagering on games except as permitted by this Chapter, and the rules of the division.~~

(6) ~~(5) Gaming may only take place in the designated gaming area while the riverboat is upon a designated river or waterway.~~

(7) ~~(6) Gaming equipment may not be possessed, maintained, or exhibited by a person on a riverboat except in the designated gaming area, or a secure area used for inspection, repair, or storage of the equipment and specifically designated for that purpose.~~

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(8)(7) Wagers may be received only from a person present on a licensed riverboat.

(9)(8) A person under age twenty-one shall not be permitted in the designated gaming area of a riverboat.

(10)(9) Gaming is permitted only on the rivers described in R.S. 27:43.

(11)(10) Except for racehorse wagering and the play of slot machines, gaming wagers may be made only with tokens, chips, or electronic cards purchased from the licensee aboard a riverboat. Such tokens, chips, or electronic cards may be used while aboard the riverboat only for the purpose of making wagers on gaming games.

(12)(11) Licensees must shall use only those docking facilities and routes for which they are licensed and may only board and discharge passengers only at the riverboat's licensed berth.

(13)(12) Licensees must have adequate protection and indemnity insurance, as determined by the commission, at all times during operation of a riverboat.

(14)(13) Licensees and riverboats must shall have all necessary federal and state licenses, certificates, or other regulatory approvals prior to operating a riverboat, including meeting all requirements for safety, employee training, and inspection of the United States Coast Guard for such vessels.

(15)(14) In addition to the above, gaming must be conducted in accordance with all the terms of the license, the requirements set forth in this Chapter, and rules and regulations adopted by the division and the commission."

AMENDMENT NO. 14

Delete pages 8 through 13 and on page 14, delete lines 1 through 11

AMENDMENT NO. 15

On page 14, delete lines 15 through 25 and insert the following:

"(C) A franchise fee shall be charged for the right to conduct gaming activities on a permanently docked riverboat at annual amount equal to fifteen eighteen percent of net gaming proceeds."

AMENDMENT NO. 16

Delete page 15 and on page 16, delete lines 1 through 6

AMENDMENT NO. 17

On page 16, delete lines 16 through 26 and on page 17, delete lines 1 through 6 and insert the following:

"(b) Of the total of eighteen percent franchise fee paid pursuant to R.S. 27:91(C), fifteen percent to the state general fund and three percent to the Support Education in Louisiana First Fund, as provided in R.S. 17:421.7."

Senator B. Jones and McPherson moved adoption of the amendments.

Senator Heitmeier objected.

ROLL CALL

The roll was called with the following result:

	YEAS	
Barham	Fields, W	Michot
Cain	Fontenot	Mount
Campbell	Gautreaux	Romero
Chaisson	Hines	Schedler
Cravins	Hollis	Smith
Dardenne	Jones, B	Tarver
Dean	Jones, C	Thomas
Dupre	Lambert	Ullo
Ellington	Marionneaux	
Fields, C	McPherson	
Total—28		

NAYS

Bajoie	Heitmeier	Lentini
Bean	Hoyt	Malone
Boissiere	Johnson	Theunissen
Total—9		

ABSENT

Mr. President	Irons
Total—2	

The Chair declared the amendments were adopted.

Floor Amendments Sent Up

Senators Mount and Cain sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senators Mount and Cain to Reengrossed House Bill No. 2 by Representative DeWitt et al

AMENDMENT NO. 1

On page 17, between lines 15 and 16, insert the following:

"Section 6. Notwithstanding any other provision of this Act to the contrary, no riverboat gaming operation authorized by R.S. 27:66, 66.1, or 66.2 shall be conducted until an election is held as provided in Chapter 6-B of Title 18 of the Louisiana Revised Statutes of 1950 in the parish where the riverboat gaming operation is proposed to be conducted and approved by a majority of the electors voting on the proposal. Such election shall be held no later than October 1, 2001 and shall be conducted at the expense of the licensee."

AMENDMENT NO. 2

On page 17, line 16, change "Section 6." to "Section 7."

Senator Heitmeier asked for a ruling from the Chair as to whether the amendment was germane to the call.

The Chair ruled that the amendment was not germane to the call.

The amendment was withdrawn.

Floor Amendments Sent Up

Senator C. Jones sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator C. Jones to Reengrossed House Bill No. 2 by Representative Dewitt

AMENDMENT NO. 1

On page 1, line 2, after "(B)(1)," and before "91(C)" insert "70(B)(7)"

AMENDMENT NO. 2

On page 3, line 17, after "(B)(1)" and before "91(C)" insert "70(B)(7)"

AMENDMENT NO. 3

On page 14, between lines 12 and 13, insert the following:

"§70. Gaming operator license and permits; suitability

B. In addition to meeting the above requirement, no person shall be issued a license to conduct gaming operations unless the division finds that:

	*	*	*
(7)	*	*	*

**R.S. 27:70(B)(7)(c) is all proposed new law.**

(c) The legislature hereby further directs that the written policies, procedures and regulations shall provide for the inclusion of businesses owned by minorities to the maximum extent practicable.

\* \* \*

**Motion**

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

Without objection, so ordered.

On motion of Senator C. Jones, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Cain	Fontenot	Malone
Total—3		

**ABSENT**

Irons  
Total—1

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

**Messages from the House**

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

**Message from the House**

**SIGNED HOUSE CONCURRENT RESOLUTIONS**

March 20, 2001

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. 1—**

BY REPRESENTATIVE CRANE

**A CONCURRENT RESOLUTION**

To commend the Great American Cleanup Project for its contributions to improving the environment of the state, to proclaim April of 2001 as Keep America Beautiful Month throughout the state of Louisiana, and to designate April 7, 2001, as Great American Cleanup Day in Greater Baton Rouge.

**HOUSE CONCURRENT RESOLUTION NO. 2—**

BY REPRESENTATIVE DOWNER

**A CONCURRENT RESOLUTION**

To commend the Public Administration Institute Student Association at Louisiana State University and to recognize April 13, 2001, as the third annual PAISA Day.

**HOUSE CONCURRENT RESOLUTION NO. 3—**

BY REPRESENTATIVES JOHNS, GUILLORY, FLAVIN, HILL, MORRISH, AND STELLY AND SENATORS CAIN, MOUNT, AND THEUNISSEN

**A CONCURRENT RESOLUTION**

To urge and request the U.S. Army Corps of Engineers to review and correct the siltation problem in Moss Lake in Calcasieu Parish.

**HOUSE CONCURRENT RESOLUTION NO. 4—**

BY REPRESENTATIVES PRATT, BAUDOIN, BOWLER, BROOME, BRUCE, K. CARTER, CLARKSON, DARTEZ, DEVILLIER, DOERGE, DURAND, HUTTER, ILES, L. JACKSON, KATZ, SCHWEGMANN, JANE SMITH, SNEED, WELCH, AND WINSTON AND SENATORS BAJOIE, IRONS, AND MOUNT

**A CONCURRENT RESOLUTION**

To commend the YWCA of Greater New Orleans on its accomplishments and to recognize March 15 through March 24, 2001, as "Celebration of Women Week".

**HOUSE CONCURRENT RESOLUTION NO. 5—**

BY REPRESENTATIVE ERDEY AND SENATOR LAMBERT

**A CONCURRENT RESOLUTION**

To commend Colyell Baptist Church upon its one hundred fiftieth anniversary.

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.

**Leaves of Absence**

The following leaves of absence were asked for and granted:

Irons 1 Day

**Adjournment**

Senator Lambert moved that the Senate adjourn until Wednesday, March 21, 2001, at 3:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 3:00 o'clock P.M. on Wednesday, March 21, 2001.

MICHAEL S. BAER, III  
Secretary of the Senate

GAYE F. HAMILTON  
Journal Clerk