

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

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**FOURTH 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

Thursday, May 7, 1998

The Senate was called to order at 9:00 o'clock A.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	Ellington	Lentini
Bagneris	Fields C	Malone
Bajoie	Greene	Robichaux
Barham	Hainkel	Romero
Branch	Heitmeier	Schedler
Cain	Hines	Short
Campbell	Hollis	Siracusa
Casanova	Irons	Smith
Cox	Johnson	Tarver
Cravins	Jones	Theunissen
Dardenne	Jordan	Ullo
Dean	Lambert	
Dyess	Landry	
Total—37		

**ABSENT**

Bean	Fields W
Total—2	

The President of the Senate announced there were 37 Senators present and a quorum.

**Prayer**

The prayer was offered by Senator Jordan, 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 Jordan, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

**Morning Hour**

**Senate Resolutions  
on Second Reading**

The following Senate Resolutions were read and acted upon as follows:

**SENATE RESOLUTION NO. 5—**  
BY SENATOR DARDENNE

**A RESOLUTION**

To designate Thursday, May 7, 1998 as Dental Hygiene Day and to commend dental hygienists around the state for their outstanding contributions to the oral health of Louisiana citizens.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Ellington	Lentini
Bajoie	Fields C	Malone
Barham	Fields W	Robichaux
Branch	Hainkel	Romero
Cain	Heitmeier	Schedler
Campbell	Hines	Short
Casanova	Hollis	Siracusa
Cox	Irons	Smith
Cravins	Jones	Tarver
Dardenne	Jordan	Theunissen
Dean	Lambert	Ullo
Dyess	Landry	
Total—35		

**NAYS**

Total—0

**ABSENT**

Bagneris	Greene
Bean	Johnson
Total—4	

The Chair declared the Senate had adopted the Senate Resolution.

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

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

**SENATE CONCURRENT RESOLUTION NO. 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.

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 Concurrent Resolution No. 2 by Senator Cain

AMENDMENT NO. 1

On page 1, line 9, change "a neutral consultant" to "neutral consultants"

AMENDMENT NO. 2

On page 1, at the end of line 10, delete the period "." and insert: "and to assist legislators with a consensus analysis concerning such matters, if such a consensus is possible."

AMENDMENT NO. 3

On page 1, line 13, after "tax" delete the period "." and insert: "as contained in Senate Bill No. 1 of the 1998 Regular Session of the Legislature, as introduced."

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AMENDMENT NO. 4

On page 2, line 3, after "study," insert "each member of "

AMENDMENT NO. 5

On page 2, line 5, at the end of the line delete "this" and at the beginning of line 6, delete "issue" and insert: "Senate Bill No. 1 of the 1998 Regular Session of the Legislature, as introduced"

AMENDMENT NO. 6

On page 2, between lines 7 and 8, insert:

"BE IT FURTHER RESOLVED that the consultants shall provide to the committee a consensus analysis of such Senate Bill No. 1, if such consensus is possible."

AMENDMENT NO. 7

On page 2, line 14, change "consultant" to "consultants"

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

On motion of Senator Cain, the amended resolution was read by title and returned to the Calendar, subject to call.

SENATE CONCURRENT RESOLUTION NO. 4— BY SENATORS HAINKEL AND SHORT

A CONCURRENT RESOLUTION

To request the Department of Wildlife and Fisheries to study that portion of the Tchefuncte River from the Highway 22 Bridge to its entrance into Lake Pontchartrain for possible inclusion in the Louisiana natural and scenic rivers system.

Reported favorably by the Committee on Natural Resources.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Bajoie, Barham, Branch, Cain, Campbell, Casanova, Cox, Cravins, Dardenne, Dean, Dyess, Total—35; Ellington, Fields C, Fields W, Hainkel, Heitmeier, Hines, Hollis, Irons, Jones, Jordan, Lambert, Landry; Lentini, Malone, Robichaux, Romero, Schedler, Short, Siracusa, Smith, Tarver, Theunissen, Ullo

NAYS

Total—0

ABSENT

Table with 2 columns of names: Bagneris, Bean, Total—4; Greene, Johnson

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

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

The following Senate 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 Barham asked that Senate Bill No. 54 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 54—

BY SENATOR BARHAM

AN ACT

To amend and reenact R.S. 47:287.95(C) and to enact R.S. 47:601.1, relative to corporate income tax and franchise tax of certain transportation companies; to provide a minimal nexus standard for certain trucking companies before their income is apportioned to Louisiana for income tax purposes and before corporation franchise tax is imposed; to provide for an effective date; and to provide for related matters.

Floor Amendments Sent Up

Senator Landry sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Landry to Engrossed Senate Bill No. 54 by Senator Barham

AMENDMENT NO. 1

On page 3, line 8, after "means a" change "motor common carrier" to "motor carrier as defined by the provisions R.S. 32:1(37) or R.S. 45:162(10)"

On motion of Senator Landry, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Barham, Branch, Cain, Campbell, Casanova, Cox, Dardenne, Dean, Dyess, Total—30; Ellington, Hainkel, Heitmeier, Hines, Hollis, Irons, Jones, Jordan, Lambert, Lentini; Malone, Robichaux, Romero, Schedler, Short, Siracusa, Smith, Tarver, Theunissen, Ullo

NAYS

Total—0

ABSENT

Table with 3 columns of names: Bagneris, Bajoie, Bean, Total—9; Cravins, Fields C, Fields W; Greene, Johnson, Landry

The Chair declared the amended bill was passed. The title was read and adopted. Senator Barham 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

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

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.

Rules Suspended

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

Senator C. Fields objected.

ROLL CALL

The roll was called with the following result:

YEAS

Barham Hines Romero
Cain Hollis Schedler
Casanova Johnson Short
Dardenne Lambert Siracusa
Dyess Landry Smith
Ellington Lentini Tarver
Greene Malone Theunissen
Heitmeier Robichaux Ullo
Total—24

NAYS

Cox Fields C
Dean Jordan
Total—4

ABSENT

Mr. President Branch Hainkel
Bagneris Campbell Irons
Bajoie Cravins Jones
Bean Fields W
Total—11

The Chair declared the rules were suspended and 10 minute cloture was invoked.

Floor Amendments Sent Up

Senator Jordan sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Jordan to Engrossed House Bill No. 126 by Representative Alario

AMENDMENT NO. 1 On page 1, line 2, after "47:302(N)", delete "and 331(L)"

AMENDMENT NO. 2

On page 1, line 6, after "47:302(N)", delete "and 331(L)" and change "are" to "is"

AMENDMENT NO. 3 On page 2, delete lines 1 through 11

AMENDMENT NO. 4 On page 2, line 18, after "47:302(N)", delete "and 331(L)"

Motion

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

Senator Barham objected.

ROLL CALL

The roll was called with the following result:

YEAS

Bagneris Heitmeier Romero
Branch Hines Smith
Cain Hollis Theunissen
Dyess Irons
Total—11

NAYS

Barham Greene Robichaux
Casanova Johnson Schedler
Cox Jordan Short
Cravins Lambert Siracusa
Dardenne Landry Ullo
Dean Lentini
Fields C Malone

ABSENT

Mr. President Campbell Hainkel
Bajoie Ellington Jones
Bean Fields W Tarver
Total—9

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

Motion

Senator Hollis moved the previous question on the amendment.

Without objection, so ordered.

Senator Jordan moved adoption of the amendments.

Senator Barham objected.

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie Fields C Malone
Cox Jordan Robichaux
Dean Landry
Total—8

NAYS

Mr. President Hainkel Schedler

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Barham	Heitmeier	Short
Cain	Hines	Siracusa
Casanova	Hollis	Smith
Cravins	Johnson	Tarver
Dardenne	Jones	Theunissen
Dyess	Lambert	Ullo
Ellington	Lentini	
Greene	Romero	
Total—25		

ABSENT

Bagneris	Branch	Fields W
Bean	Campbell	Irons
Total—6		

The Chair declared the amendments were rejected.

**Floor Amendments Sent Up**

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

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator C Fields to Engrossed House Bill No. 126 by Representative Alario

AMENDMENT NO. 1

On page 1, line 2, after "331(L)" insert "and (M)"

AMENDMENT NO. 2

On page 1, at the end of line 3, insert: "to provide for a dedication for the salaries of teachers;"

AMENDMENT NO. 3

On page 1, line 6, after "331(L)" insert "and (M)"

AMENDMENT NO. 4

On page 2, between lines 10 and 11 insert

"M.(1) Notwithstanding any other law to the contrary, taxes collected pursuant to the provisions of Subsection (L) of this Section each fiscal year shall be deposited immediately upon receipt into the state treasury, and after compliance with the provisions of Article VII, Section 9(B) of the Constitution of Louisiana shall be credited to the Teachers' Salary Fund hereby established in the state treasury.

(2) The money in the fund shall be invested as is provided by law for other state monies and, after compliance with the provisions of Article VII, Section 9(B) the money shall be credited to the fund. All unencumbered and unexpended money at the end of the fiscal year shall remain to the credit of the fund.

(3) The money in the fund shall be used solely to be appropriated by the legislature each fiscal year to increase the salaries of classroom teachers in public elementary and secondary schools, including those operated under the supervision of the State Board of Elementary and Secondary Education and those operated under the jurisdiction of the Department of Public Safety and Corrections. Such money appropriated by the legislature from the fund shall not displace, replace, or supplant appropriations from the general fund or money expended for such purpose out of locally generated money available to any city or parish school system for the salaries of such classroom teachers, including money which implements the Minimum Foundation Program."

**Motion**

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

Senator C. Fields objected.

**ROLL CALL**

The roll was called with the following result:

YEAS

Bagneris	Heitmeier	Schedler
Barham	Hines	Short
Cain	Hollis	Siracusa
Dardenne	Johnson	Smith
Dyess	Lambert	Tarver
Ellington	Lentini	Theunissen
Greene	Malone	
Hainkel	Romero	
Total—22		

NAYS

Bajoie	Dean	Jordan
Casanova	Fields C	Landry
Cox	Irons	Robichaux
Cravins	Jones	Ullo
Total—12		

ABSENT

Mr. President	Branch	Fields W
Bean	Campbell	
Total—5		

The Chair declared the previous question was called on the entire subject matter.

Senator C. Fields moved adoption of the amendments.

Senator Dean objected.

**ROLL CALL**

The roll was called with the following result:

YEAS

Bajoie	Dean	Johnson
Cain	Fields C	Jordan
Cox	Hines	Landry
Cravins	Irons	Robichaux
Total—12		

NAYS

Mr. President	Hainkel	Schedler
Bagneris	Heitmeier	Short
Barham	Hollis	Siracusa
Casanova	Jones	Smith
Dardenne	Lambert	Tarver
Dyess	Lentini	Theunissen
Ellington	Malone	Ullo
Greene	Romero	
Total—23		

ABSENT

Bean	Campbell
Branch	Fields W
Total—4	

The Chair declared the amendments were rejected.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Ellington	Lentini
Bagneris	Greene	Romero
Bajoie	Hainkel	Schedler
Barham	Heitmeier	Short
Cain	Hines	Siracusa
Casanova	Hollis	Smith
Cravins	Johnson	Tarver
Dardenne	Jones	Theunissen
Dyess	Lambert	Ullo
Total—27		

**NAYS**

Cox	Irons	Malone
Dean	Jordan	Robichaux
Fields C	Landry	
Total—8		

**ABSENT**

Bean	Campbell
Branch	Fields W
Total—4	

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

**Leaves of Absence**

The following leaves of absence were asked for and granted:

Bean	1 Day	W. Fields	½ Day
Campbell	½ Day		

**Adjournment**

Senator Bagneris moved that the Senate adjourn until Tuesday, May 12, 1998 at 4:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 4:00 o'clock P.M. on Tuesday, May 12, 1998.

MICHAEL S. BAER, III  
Secretary of the Senate

GAYE F. HAMILTON  
Journal Clerk