

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

**SEVENTH DAY'S PROCEEDINGS**

Twenty-Sixth Regular Session of the Legislature  
Under the Adoption of the  
Constitution of 1974

Senate Chamber  
State Capitol  
Baton Rouge, Louisiana

Tuesday, May 23, 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	McPherson
Barham	Gautreaux	Michot
Bean	Heitmeier	Mount
Boissiere	Hollis	Robichaux
Cain	Hoyt	Romero
Campbell	Irons	Schedler
Chaisson	Johnson	Smith
Cravins	Jones, B	Tarver
Dardenne	Jones, C	Theunissen
Dean	Lambert	Thomas
Ellington	Lentini	Ullo
Fields, C	Malone	
Fields, W	Marionneau	
Total—37		

**ABSENT**

Bajoie  
Total—2

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

**Prayer**

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

**Morning Hour**

**Messages from the Governor**

The following messages from the Governor were received and read as follows:

State of Louisiana  
Office of the Governor

May 23, 2000

The Honorable President and Members of the Senate

Ladies and Gentlemen:

I have appointed Mr. William J. Hubbard to the Port of South Louisiana representing St. John the Baptist Parish.

In compliance with Article IV, Section 5(H)(3) of the Louisiana Constitution of 1974, I do hereby present his name for your review.

Sincerely,  
M.J. "MIKE" FOSTER, JR.  
Governor

**Introduction of Resolutions,  
Senate and Concurrent**

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

**SENATE RESOLUTION NO. 23—**  
BY SENATOR BAJOE

A RESOLUTION

To commend Delta Sigma Theta Sorority, Inc. for its achievements and to designate May 24, 2000 as Delta Sigma Theta Sorority, Inc. Legislative Red and White Day at the Louisiana Legislature.

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

**SENATE CONCURRENT RESOLUTION NO. 33—**  
BY SENATOR SCHEDLER

A CONCURRENT RESOLUTION

To continue and provide with respect to the task force created by the Joint Legislative Committee on the Budget to study the practices of the departments and agencies of the executive branch of state government concerning contracts with nonprofit organizations.

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

**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**

May 23, 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 Bills and Joint Resolutions:

**HOUSE BILL NO. 108—**  
BY REPRESENTATIVE LEBLANC  
AN ACT

To provide for the establishment and reestablishment of agency ancillary funds, to be specifically known as internal service funds, auxiliary funds, or enterprise funds for certain state institutions, officials, and agencies; to provide for appropriation of funds; and to regulate the administration of said funds.

May 25, 2000

**HOUSE BILL NO. 246—**

BY REPRESENTATIVE LEBLANC  
AN ACT

To provide with respect to the Revenue Sharing Fund and the allocation and distribution thereof for Fiscal Year 2000-2001; 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 of Representatives with the view of acting on the same:

**HOUSE BILL NO. 108—**

BY REPRESENTATIVE LEBLANC  
AN ACT

To provide for the establishment and reestablishment of agency ancillary funds, to be specifically known as internal service funds, auxiliary funds, or enterprise funds for certain state institutions, officials, and agencies; to provide for appropriation of funds; and to regulate the administration of said funds.

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

**HOUSE BILL NO. 246—**

BY REPRESENTATIVE LEBLANC  
AN ACT

To provide with respect to the Revenue Sharing Fund and the allocation and distribution thereof for Fiscal Year 2000-2001; and to provide for related matters.

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

**Reports of Committees**

The following reports of committees were received and read:

**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:

May 23, 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:

**HOUSE BILL NO. 240—**

BY REPRESENTATIVES FUTRELL AND M. JACKSON  
AN ACT

To enact Part VI of Chapter 6 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:3031, relative to tax incentives for businesses in East Baton Rouge Parish, to authorize the State Board of Commerce and Industry, with approval of the city-parish governing authority, to grant tax exemptions and other tax incentives to businesses within a specified area of the parish; to provide for the transfer of certain responsibilities relative to granting tax incentives under specified conditions; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 250—**

BY REPRESENTATIVE MONTGOMERY  
AN ACT

To amend and reenact R.S. 27:391, relative to the taxation of slot machine gaming at certain live horse racing tracks; authorizes certain local governing authorities in Bossier Parish to levy a tax on taxable net slot machine proceeds; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 263—**

BY REPRESENTATIVE JOHNS  
AN ACT

To amend and reenact R.S. 27:391, relative to the taxation of slot machine gaming at certain live horse racing tracks; to authorize the governing authority of Calcasieu Parish to levy a tax on taxable net slot machine proceeds; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
JON D. JOHNSON  
Vice-Chairman

**House 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 House Bills and Joint Resolutions just reported by Committees.

**HOUSE BILL NO. 240—**

BY REPRESENTATIVES FUTRELL AND M. JACKSON  
AN ACT

To enact Part VI of Chapter 6 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:3031, relative to tax incentives for businesses in East Baton Rouge Parish, to authorize the State Board of Commerce and Industry, with approval of the city-parish governing authority, to grant tax exemptions and other tax incentives to businesses within a specified area of the parish; to provide for the transfer of certain responsibilities relative to granting tax incentives under specified conditions; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 250—**

BY REPRESENTATIVE MONTGOMERY  
AN ACT

To amend and reenact R.S. 27:391, relative to the taxation of slot machine gaming at certain live horse racing tracks; authorizes certain local governing authorities in Bossier Parish to levy a tax on taxable net slot machine proceeds; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 263—**

BY REPRESENTATIVE JOHNS  
AN ACT

To amend and reenact R.S. 27:391, relative to the taxation of slot machine gaming at certain live horse racing tracks; to authorize the governing authority of Calcasieu Parish to levy a tax on taxable net slot machine proceeds; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**Reconsideration**

On motion of Senator Johnson, pursuant to the previous notice given, the vote by which the following bill failed to pass on Monday, May 22, 2000 was reconsidered.

**SENATE BILL NO. 13—**

BY SENATORS JOHNSON, CHAISSON, ELLINGTON, GAUTREUX, HINES, MOUNT AND ROBICHAUX AND REPRESENTATIVES CAZAYOUX, DAMICO, DIEZ, DUPRE, FAUCHEUX, FRITH, FUTRELL, HOLDEN, MARTINY, MORRELL, MURRAY, PINAC, THOMPSON, TOOMY, TOWNSEND AND WOOTON

**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.

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

**Senate Bills and Joint Resolutions on Third Reading and Final Passage**

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

**SENATE BILL NO. 86—**

BY SENATOR CAMPBELL

**AN ACT**

To enact R.S. 47:301(10)(s), (13)(f), (14)(j), and (18)(g), relative to taxation of funeral services; to prohibit state or political subdivision taxation of such services; and to provide for related matters.

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

**SENATE BILL NO. 89—**

BY SENATOR BOISSIERE

**AN ACT**

To enact R.S. 51:1924(H), (I), and (J), relative to tax credits; to provide relative for the eligibility of certified Louisiana capital companies for certified capital for which insurance premiums and income tax credits are allowed; to mandate a reduction in the total amount of certified capital; 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.

**SENATE BILL NO. 91—**

BY SENATOR FONTENOT

**AN ACT**

To enact R.S. 47:305(D)(1)(v), relative to sales tax; to provide for an exemption from the sale or use tax for hearing aids prescribed or sold by physicians, audiologists or licensed hearing aid examiners; 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.

**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 McPherson asked that Senate Bill No. 74 be called from the Calendar at this time.

**SENATE BILL NO. 74—**

BY SENATOR MCPHERSON

**AN ACT**

To amend and reenact R.S. 47:820.4(D), relative to bonds; to provide for the issuance of bonds for the Transportation Infrastructure Model for Economic Development program; to increase the term of such bonds; to extend the time in which such bonds may be issued; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fontenot	Malone
Barham	Gautreaux	Marionneaux
Bean	Heitmeier	McPherson
Boissiere	Hollis	Michot
Cain	Hoyt	Mount
Campbell	Irons	Robichaux
Chaisson	Johnson	Romero
Cravins	Jones, B	Smith
Dardenne	Jones, C	Theunissen
Ellington	Lambert	Thomas
Fields, C	Lentini	Ullo
Total—33		

**NAYS**

Dean
Total—1

**ABSENT**

Bajoie	Hines	Tarver
Fields, W	Schedler	
Total—5		

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

**Rules Suspended**

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

**Introduction of Resolutions, Senate and Concurrent**

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

May 25, 2000

SENATE RESOLUTION NO. 24—  
BY SENATOR MCPHERSON

A RESOLUTION

To express sincere condolences on the death of Clemie McDaniel, a devoted mother, grandmother, great-grandmother, civic leader, and friend.

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

SENATE CONCURRENT RESOLUTION NO. 34—  
BY SENATORS C. JONES AND LENTINI

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. 35—  
BY SENATOR ROBICHAUX

A CONCURRENT RESOLUTION

To commend Lafourche Parish Assessor Leroy A. Martin for forty-seven years of dedicated public service on the occasion of his retirement.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Bajoie	Hines
Fields, W	Tarver
Total—4	

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

JUDICIARY A

Senator Ellington, Chairman on behalf of the Committee on Judiciary A, submitted the following report:

May 23, 2000

To the President and Members of the Senate:

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

SENATE CONCURRENT RESOLUTION NO. 10—  
BY SENATOR SCHEDLER

A CONCURRENT RESOLUTION

To create the Louisiana Child Visitation Center Review Commission to study the feasibility of establishing child visitation centers in the state to provide safe, supervised settings for noncustodial parents to meet and visit with their children.

Reported with amendments.

Respectfully submitted,  
NOBLE E. ELLINGTON  
Chairman

REPORT OF COMMITTEE ON

REVENUE AND FISCAL AFFAIRS

Senator Barham, Chairman on behalf of the Committee on Revenue and Fiscal Affairs, submitted the following report:

May 23, 2000

To the President and Members of the Senate:

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

SENATE BILL NO. 1—  
BY SENATORS CAMPBELL, CRAVINS AND MCPHERSON  
A JOINT RESOLUTION

Proposing to amend Article VII, Section 4(B) and (C), to add Article VII, Section 4(F), and to repeal Article IX, Section 9 of the Constitution of Louisiana, relative to taxes related to natural resources; to authorize the legislature to levy a tax on the use of hydrocarbon processing facilities; to provide for the reduction and repeal of certain severance taxes; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Reported with amendments.

HOUSE CONCURRENT RESOLUTION NO. 16—  
BY REPRESENTATIVE CRANE

A CONCURRENT RESOLUTION

To memorialize the United States Congress to amend the Internal Revenue Code, regarding the children of deceased public sector employees who receive death benefits from a state-sponsored retirement system, to provide those children with an exclusion from gross income equal to one-half of such benefits and to treat all such benefits above that limit as ordinary income, but not as investment income, and thereby bring equality of treatment to children of deceased public and private sector employees.

Reported favorably.

Respectfully submitted,  
ROBERT J. BARHAM  
Chairman

Senate Bills and Joint Resolutions  
on Second Reading  
Reported by Committees

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

**SENATE BILL NO. 1—**  
 BY SENATORS CAMPBELL, CRAVINS AND MCPHERSON  
 A JOINT RESOLUTION

Proposing to amend Article VII, Section 4(B) and (C), to add Article VII, Section 4(F), and to repeal Article IX, Section 9 of the Constitution of Louisiana, relative to taxes related to natural resources; to authorize the legislature to levy a tax on the use of hydrocarbon processing facilities; to provide for the reduction and repeal of certain severance taxes; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

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 Engrossed Senate Bill No. 1 by Senator Campbell

AMENDMENT NO. 1

On page 1, line 15, after "Severance Tax;" insert "Hydrocarbon Processing Facilities Use Tax;"

AMENDMENT NO. 2

On page 2, line 7, after "upon" insert "oil, gas, or" and after "rights" insert "**except for a tax on the use of hydrocarbon processing facilities provided for in Paragraph (F) of this Section**"

AMENDMENT NO. 3

On page 3, line 11, after "Louisiana" insert "; to prohibit the levy of a severance tax if such tax is levied and collected"

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

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

**ENROLLMENTS**

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

May 23, 2000

To the President and Members of the Senate:

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

The following Senate Concurrent Resolutions have been properly enrolled:

**SENATE CONCURRENT RESOLUTION NO. 23—**  
 BY SENATOR THEUNISSEN AND REPRESENTATIVE MORRISH  
 A CONCURRENT RESOLUTION

To create the Louisiana Oil Centennial Commission to coordinate and promote the celebration of the centennial of the discovery of Jennings Oil No.1 Well in the Evangeline Field.

**SENATE CONCURRENT RESOLUTION NO. 24—**  
 BY SENATORS HAINKEL AND BAJOIE AND REPRESENTATIVE LANDRIEU

A CONCURRENT RESOLUTION

To recognize and commend the Isidore Newman Greenies for capturing its first state baseball title in school history in the 2000 State Farm/Louisiana High School Athletic Association's Class 2A Baseball Championship.

**SENATE CONCURRENT RESOLUTION NO. 25—**

BY SENATOR FONTENOT AND REPRESENTATIVE ERDEY  
 A CONCURRENT RESOLUTION

To commend and congratulate the players, and coaches of the Denham Springs High School Lady Jackets on winning the Class 5A Girls High School State Softball Championship.

**SENATE CONCURRENT RESOLUTION NO. 26—**

BY SENATORS W. FIELDS, CRAVINS, AND C. D. JONES AND REPRESENTATIVES HOLDEN, HUDSON, AND PIERRE  
 A CONCURRENT RESOLUTION

To express support of Alpha Phi Alpha Fraternity, Inc.'s "Voter Education and Registration Campaign 2000" whereby the fraternity is in the process of educating and registering voters for the Nation's 2000 General Elections.

**SENATE CONCURRENT RESOLUTION NO. 27—**

BY SENATORS W. FIELDS, CRAVINS, AND C.D. JONES AND REPRESENTATIVES HOLDEN, HUDSON, AND PIERRE  
 A CONCURRENT RESOLUTION

To express support of Alpha Kappa Alpha Sorority, Incorporated in its efforts to upgrade the health level of African-American citizens in Louisiana.

**SENATE CONCURRENT RESOLUTION NO. 29—**

BY SENATORS W. FIELDS, CRAVINS, AND C.D. JONES AND REPRESENTATIVES HOLDEN, HUDSON, AND PIERRE  
 A CONCURRENT RESOLUTION

To proclaim Wednesday, May 24, 2000, as Alpha Phi Alpha Day in the Louisiana Legislature and to provide for suitable observance of such day.

Respectfully submitted,  
 CHRIS ULLO  
 Chairman

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

**Leaves of Absence**

The following leaves of absence were asked for and granted:

Bajoie                      1 Day                      Hines                      1 Day

**Adjournment**

Senator Lambert moved that the Senate adjourn until Friday, May 26, 2000 at 8:30 o'clock A.M.

The President of the Senate declared the Senate adjourned until 8:30 o'clock A.M. on Friday, May 26, 2000.

MICHAEL S. BAER, III  
 Secretary of the Senate

GAYE F. HAMILTON  
 Journal Clerk