

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

**TENTH 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 30, 2000

The Senate was called to order at 6:00 o'clock P.M., by Hon. John Hainkel, President of the Senate.

**ROLL CALL**

The roll was called with the following result:

**PRESENT**

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

**ABSENT**

Total—0

The President of the Senate announced there were 39 Senators present and a quorum.

**Prayer**

The prayer was offered by Senator W. Fields, 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 W. Fields, 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 30, 2000

The Honorable President and Members of the Senate

Ladies and Gentlemen:

In compliance with Article IV, Section 5(H)(3) of the Louisiana Constitution of 1974, Mr. Brent A. Ferguson has been appointed and previously submitted for your consideration to serve on the State Licensing Board for Contractors.

However, I wish to advise you that Mr. Ferguson has resigned his position effective May 24, 2000. My office received his letter of resignation on May 30, 2000.

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

**Petitions, Memorials and  
Communications**

The following petitions, memorials and communications were received and read:

**St. John The Baptist Parish**  
LaPlace, Louisiana

May 30, 2000

Senator John Hainkel  
President of the Louisiana State Senate  
P.O. Box 94183  
Baton Rouge, Louisiana 70804

RE: Appointment to the River Parishes Transit Authority

Dear Senator Hainkel:

Ms. Helen Banquer and Ms. Cindy Clark have been selected to serve on the River Region Transit Authority and confirmed by the Parish Council on September 28th, 1999. A certified copy of the St. John Parish Council appointments is enclosed.

I am respectfully submitting these appointments to the River Parishes Transit Authority to be confirmed by the Senate in this Regular Session.

If you have any questions concerning this information, please feel free to call. As always, I remain

Sincerely,  
Nickie Monica  
Parish President  
St. John the Baptist Parish

**Privilege Report of the  
Legislative Bureau**

May 30, 2000

To the President and Members of the Senate:

I am directed by your Legislative Bureau to submit the following report:

The following bills are approved as to construction and duplication. We advise and suggest the following amendments to the engrossed bills.

**HOUSE BILL NO. 22—**  
BY REPRESENTATIVE MONTGOMERY  
AN ACT

To amend and reenact R.S. 47:305.50(A)(1) and Section 2 of Act No. 8 of the 1996 Regular Session of the Legislature, as amended by Act No. 41 of the 1998 Regular Session of the Legislature, relative to the sales and use tax; to extend the time limitation for the exemption for certain buses, trucks, and trailers used in interstate

commerce; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 40—**  
BY REPRESENTATIVE HOLDEN  
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay the consent judgments in the suits entitled "Gloria Henderson v. The State Board of Elementary Education and Secondary Education and Dr. Richard N. Day" and "Yvette Muse v. The State Board of Elementary Education and Secondary Education and Dr. Richard N. Day"; to provide for interest; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 48—**  
BY REPRESENTATIVE HAMMETT  
AN ACT

To amend and reenact Section 2 of Act No. 45 of the 1998 Regular Session of the Legislature, relative to the imposition of the occupational license tax on utilities selling electricity or gas in more than one municipality; to extend the applicability of the law; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 49—**  
BY REPRESENTATIVE LANDRIEU  
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay the final judgment in the suit entitled "Merck & Co., Inc. v. Secretary, Department of Revenue, State of Louisiana"; to pay the final judgment in "John Crane, Inc. v. Secretary, Department of Revenue, State of Louisiana"; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 59—**  
BY REPRESENTATIVE JACK SMITH  
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay the final judgment in the suit entitled "Columbian Chemicals Company v. State of Louisiana"; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 106—**  
BY REPRESENTATIVE FRITH  
AN ACT

To enact R.S. 33:2738.82, relative to Hospital Service District No. 1 of Vermilion Parish; to authorize the Hospital Service District No. 1 of Vermilion Parish to levy and collect a sales and use tax with voter approval; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 109—**  
BY REPRESENTATIVE MCDONALD  
AN ACT

To enact R.S. 33:2737.75, relative to the West Carroll Parish School Board; to authorize the West Carroll Parish School Board to levy and collect an additional sales and use tax with voter approval; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 165—**  
BY REPRESENTATIVE HOPKINS  
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay the final judgments in the suits entitled "Swedish Match North America, Inc. v. John Neely Kennedy, Secretary, Department of Revenue, State of Louisiana" and "Northwest Louisiana Production Credit Association v. State of Louisiana, Department of Revenue and Taxation"; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 193—**  
BY REPRESENTATIVE DEWITT  
AN ACT

To amend and reenact R.S. 47:551(A), relative to the taxation of rental of automobiles; to extend the automobile rental tax; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 215—**  
BY REPRESENTATIVE HAMMETT  
AN ACT

To amend and reenact R.S. 33:2711(A) and to repeal R.S. 33:2711.15, relative to municipalities in Concordia Parish; to authorize the governing body of each respective municipality to levy and collect a sales and use tax, subject to voter approval; to provide for legislative intent; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 224—**  
BY REPRESENTATIVES MONTGOMERY, ALARIO, BAYLOR, BROOME, BRUCE, BRUNEAU, CRANE, CURTIS, DAMICO, DANIEL, DARTEZ, DEVILLIER, DOERGE, DOWNER, DUPRE, DURAND, FARRAR, FRITH, FRUGE, FUTRELL, GLOVER, HILL, HOLDEN, HUDSON, ILES, L. JACKSON, M. JACKSON, JOHNS, KATZ, KENNARD, LAFLEUR, LANCASTER, MARTINY, MCCALLUM, MCDONALD, MCMAINS, MORRELL, MORRISH, NEVERS, PIERRE, PINAC, PRATT, SALTER, SHAW, JANE SMITH, STRAIN, THOMPSON, TOWNSEND, TRAVIS, WALSWORTH, WELCH, WILLARD, AND SENATORS BEAN, BOISSIERE, CRAVINS, GAUTREAUX, HEITMEIER, HOYT, MICHOT, MOUNT, AND ROMERO  
AN ACT

To amend and reenact R.S. 47:301(14)(i)(ii)(cc) and (v), to enact R.S. 47:301(14)(i)(ii)(dd), (iv)(ff), and (vi), and to repeal R.S. 47:301(14)(i)(iii)(cc), relative to the sales and use tax; to include interstate telecommunication services within the definition of taxable telecommunication services; to amend and reenact R.S. 47:302(C) and 331(C), to reduce the sales and use tax on such telecommunication services; to enact R.S. 47:6014, to provide for a tax credit to be taken by certain telephone companies; to enact R.S. 47:301(14)(i)(iii)(cc) and (gg) and to repeal R.S. 47:301(14)(i)(v), to provide for the taxation of interstate telecommunications and telephone companies under certain circumstances; to provide for the pass-through to customers of savings through reduction in rates for telecommunication services; to provide for the effectiveness of certain provisions; to provide for effective dates; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 238—**  
BY REPRESENTATIVES M. JACKSON AND FUTRELL  
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 to grant tax exemptions and other tax incentives to certain types of businesses within a specified area of the parish; and to provide for related matters.

Reported with amendments.

**LEGISLATIVE BUREAU AMENDMENTS**

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 238 by Representative M. Jackson

**AMENDMENT NO. 1**

On page 2, line 13, following "may" and before "for" change "only be granted" to "be granted only"

**AMENDMENT NO. 2**

On page 4, line 23, following "Development" and before "to" insert a comma ",,"

**AMENDMENT NO. 3**

On page 7, line 16, following "or" and before "shall" change "coentity" to "co-entity"

**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.

Reported without amendments.

**HOUSE BILL NO. 327— (Substitute for House Bill No. 312 by Representative Hudson)**

BY REPRESENTATIVES MURRAY, GLOVER, AND BAYLOR  
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana for Fiscal Year 2000-2001 to be used to pay certain legal fees and expenses incurred by certain state officials; to pay the legal fees and expenses incurred by Gregory Tarver in his successful defense of criminal charges brought against him, which charges arose from actions taken by him in the discharge of his duties and within the scope of his membership in the Louisiana Senate; to pay the legal fees and expenses incurred by Ecotry Fuller in his successful defense of criminal charges brought against him, which charges arose from actions taken by him in the discharge of his duties and within the scope of his membership on the Louisiana Gaming Control Board; to require review and certification of fees and expenses by the attorney general; and to provide for related matters.

Reported without amendments.

Respectfully submitted,  
LOUIS LAMBERT  
Chairman

**Adoption of Legislative Bureau Report**

On motion of Senator Lambert, the Legislative Bureau amendments were adopted and the Bills and Joint Resolutions were read by title and passed to a third reading.

**Messages from the House**

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

**Message from the House**

**CONCURRING IN  
SENATE CONCURRENT RESOLUTIONS**

May 30, 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 concurred in the following Senate Concurrent Resolutions:

**SENATE CONCURRENT RESOLUTION NO. 8—**

BY SENATORS IRONS, BAJOE, AND MOUNT AND REPRESENTATIVES WILKERSON, BAUDOIN, BOWLER, BROOME, BRUCE, CARTER, CLARKSON, DARTEZ, DEVILLIER, DOERGE, DURAND, ILES, JACKSON, KATZ, PRATT, SCHWEGMANN, SMITH, SNEED, WELCH, WILLARD, AND WINSTON

**A CONCURRENT RESOLUTION**

To urge and request the Department of Health and Hospitals to seek and apply for all potential sources of funds, including federal grant money, to institute a disease prevention campaign.

Reported without amendments.

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

**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. 26—**

BY SENATORS HOLLIS AND DARDENNE  
A RESOLUTION

To commend Senator John J. Hainkel, Jr. for his thirty-two years of setting the standards for savoir faire and apparel in the Louisiana Legislature.

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

**SENATE RESOLUTION NO. 27—**

BY SENATOR W. FIELDS  
A RESOLUTION

To commend Jamie Johnell Roddy on her accomplishments while competing in the Miss America Preteen Louisiana Pageant.

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

**SENATE CONCURRENT RESOLUTION NO. 42—**

BY SENATOR THEUNISSEN  
A CONCURRENT RESOLUTION

To commend and congratulate the Louisiana Wing Civil Air Patrol Cadet Competition Team for winning the 1999 Air Force Chief of Staff Sweepstakes Award at the 1999 National Cadet Competition.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fields, W	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux	McPherson
Bean	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Hollis	Robichaux
Campbell	Hoyt	Romero
Chaisson	Irons	Smith

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Cravins	Johnson	Tarver
Dardenne	Jones, B	Theunissen
Dean	Jones, C	Thomas
Ellington	Lambert	Ullo
Fields, C	Lentini	
Total—38		

NAYS

Total—0

ABSENT

Schedler  
Total—1

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

**SENATE CONCURRENT RESOLUTION NO. 43—**  
BY SENATOR THEUNISSEN

**A CONCURRENT RESOLUTION**

To commend and congratulate Michele C. Robichaux for being selected as the "1999 Louisiana Wing Cadet of the Year" of the Louisiana Civil Air Patrol.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Bajoie  
Total—2

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

**SENATE CONCURRENT RESOLUTION NO. 44—**  
BY SENATOR THEUNISSEN

**A CONCURRENT RESOLUTION**

To commend William S. Morrison, IV of Baton Rouge upon achieving the rank of Eagle Scout.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Fields, W	Malone
Bajoie	Fontenot	Marionneau
Barham	Gautreaux	McPherson
Bean	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Hollis	Robichaux
Campbell	Hoyt	Romero
Chaisson	Irons	Schedler
Cravins	Johnson	Smith
Dardenne	Jones, B	Tarver
Dean	Jones, C	Theunissen
Ellington	Lambert	Thomas
Fields, C	Lentini	Ullo
Total—39		

NAYS

Total—0

ABSENT

Total—0

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 BILLS AND JOINT RESOLUTIONS**

May 30, 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. 3—**  
BY REPRESENTATIVE HAMMETT AND SENATOR BARHAM  
**AN ACT**

To enact the Omnibus Bond Authorization Act of 2000, relative to the implementation of a five-year capital improvement program; to provide for the repeal of certain prior bond authorizations; to provide for new bond authorizations; to provide for authorization and sale of such bonds by the State Bond Commission; 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. 3—**  
BY REPRESENTATIVE HAMMETT AND SENATOR BARHAM  
AN ACT

To enact the Omnibus Bond Authorization Act of 2000, relative to the implementation of a five-year capital improvement program; to provide for the repeal of certain prior bond authorizations; to provide for new bond authorizations; to provide for authorization and sale of such bonds by the State Bond Commission; 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.

**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 30, 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. 23—**  
BY REPRESENTATIVE MONTGOMERY  
AN ACT

To amend and reenact Section 3 of Act No. 12 of the 1996 Regular Session of the Legislature, as amended by Act No. 10 of the 1998 Regular Session of the Legislature, relative to sales and use tax; to extend the time limitation of the exclusion for certain transactions involving motor vehicles purchased for subsequent lease; to provide for an effective date; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 44—**  
BY REPRESENTATIVES DANIEL, BOWLER, BRUCE, R. CARTER, CLARKSON, CRANE, DEVILLIER, DIEZ, FARRAR, FAUCHEUX, FLAVIN, FRITH, FUTRELL, HEBERT, HILL, HOPKINS, MCCALLUM, MONTGOMERY, ODINET, PERKINS, PINAC, QUEZAIRE, JOHN SMITH, STELLY, STRAIN, TOWNSEND, WADDELL, WALSWORTH, WINDHORST, AND WINSTON  
AN ACT

To enact R.S. 47:301(16)(f), relative to the sales and use taxes of all tax authorities in the state; to define tangible personal property to exclude certain transactions relating to manufactured homes; to provide for an effective date; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 271—**  
BY REPRESENTATIVE WINDHORST  
AN ACT

To amend and reenact R.S. 4:705(3) and to enact R.S. 4:740, relative to charitable gaming; to provide for an exception to the collection of fees imposed on certain gaming supplies; to provide for an eight percent use tax on electronic bingo card dabber devices; to provide an effective date; 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. 23—**  
BY REPRESENTATIVE MONTGOMERY  
AN ACT

To amend and reenact Section 3 of Act No. 12 of the 1996 Regular Session of the Legislature, as amended by Act No. 10 of the 1998 Regular Session of the Legislature, relative to sales and use tax; to extend the time limitation of the exclusion for certain transactions involving motor vehicles purchased for subsequent lease; to provide for an effective date; 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. 44—**  
BY REPRESENTATIVES DANIEL, BOWLER, BRUCE, R. CARTER, CLARKSON, CRANE, DEVILLIER, DIEZ, FARRAR, FAUCHEUX, FLAVIN, FRITH, FUTRELL, HEBERT, HILL, HOPKINS, MCCALLUM, MONTGOMERY, ODINET, PERKINS, PINAC, QUEZAIRE, JOHN SMITH, STELLY, STRAIN, TOWNSEND, WADDELL, WALSWORTH, WINDHORST, AND WINSTON  
AN ACT

To enact R.S. 47:301(16)(f), relative to the sales and use taxes of all tax authorities in the state; to define tangible personal property to exclude certain transactions relating to manufactured homes; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. The bill was read by title and recommitted to the Committee on Revenue and Fiscal Affairs.

**HOUSE BILL NO. 271—**  
BY REPRESENTATIVE WINDHORST  
AN ACT

To amend and reenact R.S. 4:705(3) and to enact R.S. 4:740, relative to charitable gaming; to provide for an exception to the collection of fees imposed on certain gaming supplies; to provide for an eight percent use tax on electronic bingo card dabber devices; to provide an effective date; 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.

**Senate Bills and Joint Resolutions  
on Second Reading**

The following Senate Bills and Joint Resolutions were taken up and acted upon as follows:

**SENATE BILL NO. 92 — (Substitute for Senate Bill 4 by Senator Robichaux)**

BY SENATOR ROBICHAUX  
A JOINT RESOLUTION

Proposing to amend Article VII, Section 21(F) of the Constitution of Louisiana; to provide that any renewal of a contract of exemption entered into by the State Board of Commerce and Industry and a manufacturing establishment shall require a payment in lieu of taxes for any exemption from ad valorem taxes imposed by a school board; to provide for the distribution of any funds received from such payments; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

On motion of Senator Barham, the bill was read by title and ordered engrossed and passed to a third reading.

May 30, 2000

**Senate Concurrent Resolutions  
Returned from the House of Representatives  
with Amendments**

The following Senate Concurrent Resolutions returned from the House of Representatives with amendments were taken up and acted upon as follows:

**SENATE CONCURRENT RESOLUTION NO. 11—  
BY SENATOR MICHOT**

**A CONCURRENT RESOLUTION**

To urge and request the Board of Regents to rename the Lafayette Technical College as the Ted A. Ardoin Technical College.

The resolution was read by title. Returned from the House of Representatives with the following amendments:

**HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on Education to Original Senate Concurrent Resolution No. 11 by Senator Michot

**AMENDMENT NO. 1**

On page 1, at the end of line 2, delete "Lafayette Technical" and delete line 3 in its entirety and insert in lieu thereof "Louisiana Technical College-Lafayette Campus as the Louisiana Technical College-Ted A. Ardoin Campus."

**AMENDMENT NO. 2**

On page 1, line 6, after "Constitution of" and before "includes" change "1974" to "Louisiana"

**AMENDMENT NO. 3**

On page 1, at the end of line 7, change "49:1011;" to "49:1101;"

**AMENDMENT NO. 4**

On page 1, line 9, after "WHEREAS," and before "requires" change "this statutory provision" to "R.S. 49:1101(C)"

**AMENDMENT NO. 5**

On page 1, at the end of line 15, delete "Lafayette" and delete line 16 in its entirety and insert in lieu thereof "Louisiana Technical College-Lafayette Campus as the Louisiana Technical College-Ted A. Ardoin Campus."

**AMENDMENT NO. 6**

On page 2, at the end of line 2, delete "Ted A." and at the beginning of line 3 delete "Ardoin Technical College," and insert in lieu thereof "Louisiana Technical College-Ted A. Ardoin Campus,"

Senator Michot moved to concur in the amendments proposed by the House.

**ROLL CALL**

The roll was called with the following result:

YEAS		
Mr. President	Fields, W	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux	McPherson
Bean	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Hollis	Robichaux
Campbell	Hoyt	Romero
Chaisson	Irons	Schedler
Cravins	Johnson	Smith
Dardenne	Jones, B	Tarver
Dean	Jones, C	Thomas

Ellington  
Fields, C  
Total—38

Lambert  
Lentini  
Ullo  
  
NAYS

Total—0

ABSENT

Theunissen  
Total—1

The Chair declared the amendments proposed by the House were concurred in. Senator Michot moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

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

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

**SENATE RESOLUTION NO. 15—  
BY SENATOR SMITH**

**A RESOLUTION**

To urge and request the Department of Transportation and Development to include in the state highway system Thomas Mill Road in Winn Parish.

Reported favorably by the Committee on Transportation, Highways, and Public Works.

The resolution was read by title. On motion of Senator Smith, the resolution was adopted.

**SENATE CONCURRENT RESOLUTION NO. 12—**

**BY SENATOR SMITH**

**A CONCURRENT RESOLUTION**

To urge and request the Department of Transportation and Development to designate the area along Louisiana Highway 285 between the communities of Los Adais and Allen in Natchitoches Parish as the community of Spanish Lake and to urge and request the department to erect appropriate signs to denote the area as Spanish Lake.

Reported favorably by the Committee on Transportation, Highways, and Public Works.

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	Fields, W	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux	McPherson
Bean	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Hollis	Robichaux
Campbell	Hoyt	Romero
Chaisson	Irons	Schedler
Cravins	Johnson	Smith
Dardenne	Jones, B	Tarver
Dean	Jones, C	Theunissen
Ellington	Lambert	Thomas
Fields, C	Lentini	Ullo

Total—39

NAYS

Total—0

ABSENT

Total—0

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

**SENATE CONCURRENT RESOLUTION NO. 21—**

BY SENATOR JOHNSON

**A CONCURRENT RESOLUTION**

To urge and request the office of state police, Department of Public Safety and Corrections, sheriff's departments, and municipal police departments to remove a vehicle involved in a traffic accident resulting in no injury or fatality from the traffic lane of a highway as expeditiously as possible.

Reported favorably by the Committee on Transportation, Highways, and Public Works.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total—0

ABSENT

Hoyt

Jones, B

Total—2

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

**SENATE CONCURRENT RESOLUTION NO. 28—**

BY SENATOR MCPHERSON

**A CONCURRENT RESOLUTION**

To direct the Department of Transportation and Development to take alternate bids on pavement type during the competitive bidding process for highway projects.

Reported with amendments by the Committee on Transportation, Highways, and Public Works.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Transportation, Highways, and Public Works to Original Senate Concurrent Resolution No. 28 by Senator McPherson

AMENDMENT NO. 1

On page 1, line 2, change "direct" to "urge and request" and change "take" to "study and determine the best mechanism for soliciting"

AMENDMENT NO. 2

On page 1, line 4, after "projects" insert "and to incorporate such mechanism into the preparation for such highway projects"

AMENDMENT NO. 3

On page 2, line 15, change "directs" to "urges and requests" and change "solicit" to "study and determine the best mechanism for soliciting"

AMENDMENT NO. 4

On page 2, line 16, after "projects" insert "and to incorporate such mechanism into the preparation for such highway projects"

AMENDMENT NO. 5

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

"BE IT FURTHER RESOLVED that the Department of Transportation and Development is urged to complete such study no later than March 1, 2001, and, when it is completed, to report the results of such study to the Senate Committee on Transportation, Highways, and Public Works and to the House Committee on Transportation, Highways, and Public Works of the Louisiana Legislature."

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

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

Total—39

**NAYS**

Total—0

ABSENT

Total—0

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

May 30, 2000

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. 58— BY SENATORS MALONE AND MICHOT AN ACT

To amend and reenact R.S. 47:633(7)(c)(iv)(aa), 648.2(1)(c), and 648.3, relative to severance tax suspensions and exemptions; to extend the period for severance tax suspensions and exemptions for inactive and new discovery wells under certain conditions; 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. 81— BY SENATORS THOMAS, BARHAM, SMITH AND THEUNISSEN AN ACT

To amend and reenact R.S. 17:3095(A)(1) and 3096(E)(3) and to enact R.S. 17:3098(E) and Subpart V of Part I of Chapter 1 of Title 47 of the Louisiana Revised Statutes of 1950, comprised of R.S. 47:120.62, and R.S. 47:293(6)(a)(vi), relative to the Student Tuition Assistance and Revenue Trust Program; to provide that deposits made in education savings accounts as part of such program are exempt from state income taxation up to a certain amount; to increase tuition assistance grant rates at certain levels of adjusted gross income; to specify that the basis for a determination of the tuition assistance grant rates is federal adjusted gross income; to provide for income taxation of amounts converted from such accounts for other than educational purposes; to provide for disposition of certain state income tax refunds; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Bajoie, Barham, Bean, Boissiere, Cain, Campbell, Chaisson, Cravins, Dardenne, Dean, Ellington, Fields, C, Fields, W, Total—38; Fontenot, Gautreaux, Heitmeier, Hines, Hollis, Hoyt, Irons, Johnson, Jones, B, Jones, C, Lambert, Lentini, Malone; Marionneaux, McPherson, Michot, Mout, Robichaux, Romero, Schedler, Smith, Tarver, Theunissen, Thomas, Ullo

NAYS

Total—0

ABSENT

Mr. President Total—1

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

SENATE BILL NO. 85— BY SENATOR MICHOT AN ACT

To amend and reenact the introductory paragraph of R.S. 51:2452(A), and 2453(1)(b)(i) and (2), and the introductory paragraph of (8), 2454, 2455(E)(3), and 2461(A) and (B), relative to tax credits; to provide relative to requirements for incentive tax credits under the Louisiana Quality Jobs Program; to remove the time limitation on receiving applications for incentive tax credits; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Bajoie, Barham, Bean, Boissiere, Cain, Campbell, Chaisson, Cravins, Dardenne, Dean, Ellington, Fields, C, Total—39; Fields, W, Fontenot, Gautreaux, Heitmeier, Hines, Hollis, Hoyt, Irons, Johnson, Jones, B, Jones, C, Lambert, Lentini; Malone, Marionneaux, McPherson, Michot, Mout, Robichaux, Romero, Schedler, Smith, Tarver, Theunissen, Thomas, Ullo

NAYS

Total—0

ABSENT

Total—0

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

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 Fontenot asked that Senate Bill No. 91 be called from the Calendar at this time for its final passage.

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.

Floor Amendments Sent Up

Senator Fontenot sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Fontenot to Engrossed Senate Bill No. 91 by Senator Fontenot

AMENDMENT NO. 1

On page 1, line 2, change "R.S. 47:305(D)(1)(v)" to "R.S. 47:301(10)(s) and (18)(g)"

AMENDMENT NO. 2

On page 1, line 3, change "exemption from the sale or" to "exclusion from the state sales and"

AMENDMENT NO. 3

On page 1, line 7, change "R.S. 47:305(D)(1)(v) is" to "R.S. 47:301(10)(s) and (18)(g) are"

AMENDMENT NO. 4

On page 1, delete lines 8 through 15, and on line 16, delete "(v) Hearing" and insert:

§301. Definitions

As used in this Chapter the following words, terms, and phrases have the meaning ascribed to them in this Section, unless the context clearly indicates a different meaning:

\* \* \*

R.S. 47:301(10)(s) is all proposed new law.

(s) "Sale at retail" for purposes of the state sales and use tax only shall not include the sale of hearing"

AMENDMENT NO. 5

On page 2, between lines 2 and 3, insert:

R.S. 47:301(18)(g) is all proposed new law.

(g) The term "use" for purposes of the state use tax only shall not include the purchase, the consumption or the exercise of any right or power over hearing aids prescribed or sold by physicians, audiologists, or licensed hearing aid examiners.

\* \* \*

On motion of Senator Fontenot, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

- Mr. President, Bajoe, Barham, Bean, Boissiere, Cain, Campbell, Chaisson, Cravins, Dardenne, Dean, Ellington, Fields, C, Fields, W, Fontenot, Gautreaux, Heitmeier, Hines, Hollis, Hoyt, Irons, Johnson, Jones, B, Jones, C, Lambert, Lentini, Malone, Marionneau, McPherson, Michot, Mount, Robichaux, Romero, Schedler, Smith, Tarver, Theuissen, Thomas, Ullo

NAYS

Total—0

ABSENT

Total—0

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

Rules Suspended

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

May 30, 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. 2—

BY REPRESENTATIVES HAMMETT AND LEBLANC AND SENATORS BARHAM AND DARDENNE

AN ACT

To provide with respect to the capital outlay budget and the capital outlay program for state government, state institutions, and other public entities; to provide for the designation of projects and improvements; to provide for the financing thereof making appropriations from certain sources; 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. 2—

BY REPRESENTATIVES HAMMETT AND LEBLANC AND SENATORS BARHAM AND DARDENNE

AN ACT

To provide with respect to the capital outlay budget and the capital outlay program for state government, state institutions, and other public entities; to provide for the designation of projects and improvements; to provide for the financing thereof making appropriations from certain sources; 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.

Reports of Committees

The following reports of committees were received and read:

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 30, 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:

HOUSE BILL NO. 117— BY REPRESENTATIVES DEWITT, HAMMETT, AND LEBLANC AND SENATORS HAINKEL, BARHAM, AND DARDENNE AN ACT

To amend and reenact R.S. 47:841(introductory paragraph) and (E), to enact R.S. 47:841(B)(3) and 842(15), and to repeal R.S. 47:841(E) and (F), relative to the tobacco tax; to increase the tax on cigarettes; to increase the tax on smokeless tobacco; to provide for the effectiveness of the tax; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 221— BY REPRESENTATIVES JOHNS, ANSARDI, FLAVIN, GUILLORY, MONTGOMERY, PRATT, JACK SMITH, STELLY, AND WELCH AN ACT

To amend and reenact R.S. 27:91(C), relative to the franchise fee charged for riverboat gaming; to increase the franchise fee under certain circumstances; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 254— BY REPRESENTATIVE DANIEL AN ACT

To amend and reenact Section 2 of Act No. 29 of the 1996 Regular Session of the Legislature, as amended by Act No. 21 of the 1998 Regular Session of the Legislature, relative to the sales and use tax; to provide for the effectiveness of the exemption for boiler fuel; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 299— BY REPRESENTATIVES HAMMETT AND FAUCHEUX AN ACT

To amend and reenact R.S. 47:293(2), relative to individual income taxes; to limit the deductibility of excess federal itemized deductions; and to provide for related matters.

Reported with amendments.

Respectfully submitted, ROBERT J. BARHAM Chairman

House 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 House Bills and Joint Resolutions just reported by Committees.

HOUSE BILL NO. 117— BY REPRESENTATIVES DEWITT, HAMMETT, AND LEBLANC AND SENATORS HAINKEL, BARHAM, AND DARDENNE AN ACT

To amend and reenact R.S. 47:841(introductory paragraph) and (E), to enact R.S. 47:841(B)(3) and 842(15), and to repeal R.S. 47:841(E) and (F), relative to the tobacco tax; to increase the tax on cigarettes; to increase the tax on smokeless tobacco; to provide for the effectiveness of the tax; and to provide for related matters.

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 Reengrossed House Bill No. 117 by Representative DeWitt, et al

AMENDMENT NO. 1 On page 1, line 3, change "R.S. 47:841(B)(3)" to "R.S. 47:841(A)(3) and (B)(3) and change "R.S. 47:841(E) and )(F)" to "R.S. 47:841(F)"

AMENDMENT NO. 2 On page 1, lines 5 and 6, change "to provide for the effectiveness of the tax" to "to increase the tax on cigars"

AMENDMENT NO. 3 On page 1, line 9, change "R.S. 47:841(B)(3)" to "R.S. 47:841(A)(3) and (B)(3)"

AMENDMENT NO. 4 On page 1, delete line 16, and insert the following:

"A. Cigars. \* \* \*

(3) In addition to the tax levied in Paragraphs (1) and (2) of this Subsection, there is hereby levied an additional tax of ten percent of the invoice price as defined in this Chapter."

AMENDMENT NO. 5 On page 2, line 2, change "four-twentieth" to "fourteen-twentieths"

AMENDMENT NO. 6 On page 2, line 12, change "thirty-nine and seven-tenths" to "twenty"

AMENDMENT NO. 7 On page 2, line 26, change "R.S. 47:841(E) and (F) are" to "R.S. 47:841(F) is"

AMENDMENT NO. 8 On page 2, line 27, between "in" and "the" insert "the cigar tax and"

AMENDMENT NO. 9 On page 3, delete lines 8 through 10.

AMENDMENT NO. 10 On page 3, line 11, change "Section 5." to "Section 4."

On motion of Senator Barham, 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.

HOUSE BILL NO. 221— BY REPRESENTATIVES JOHNS, ANSARDI, FLAVIN, GUILLORY, MONTGOMERY, PRATT, JACK SMITH, STELLY, AND WELCH AN ACT

To amend and reenact R.S. 27:91(C), relative to the franchise fee charged for riverboat gaming; to increase the franchise fee under certain circumstances; and to provide for related matters.

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 Reengrossed House Bill No. 221 by Representative Johns et al

AMENDMENT NO. 1

On page 1, line 10, between "(1)" and "franchise" delete "A" and insert the following: "Except as provided in Paragraph (2) of this Subsection, a"

AMENDMENT NO. 2

On page 1, line 14, change "three" to "seven"

AMENDMENT NO. 3

On page, 1, delete lines 16 and 17, on page 2, delete lines 1 through 26 in their entirety, and on page 3, delete lines 1 through 20 in their entirety and insert:

"(b) The tax increase provided for in this Paragraph shall be in effect until sixty days after final adjournment of the 2002 Regular Session of the Legislature and shall continue in effect indefinitely if the Legislature enacts, prior to that time, legislation authorizing local option elections for riverboats to dock permanently. In the event such legislation is not enacted, the additional tax provided for in this Paragraph shall cease and no longer be collected."

On motion of Senator Barham, 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.

**HOUSE BILL NO. 254—**

BY REPRESENTATIVE DANIEL  
AN ACT

To amend and reenact Section 2 of Act No. 29 of the 1996 Regular Session of the Legislature, as amended by Act No. 21 of the 1998 Regular Session of the Legislature, relative to the sales and use tax; to provide for the effectiveness of the exemption for boiler fuel; and to provide for related matters.

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 House Bill No. 254 by Representative Daniel

AMENDMENT NO. 1

Change the author from Representative Daniel to Representative McMains

AMENDMENT NO. 2

On page 1, line 4, between "Legislature" and ", relative" insert "and to enact Chapter 2-C of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:340.1 through 340.4,"

AMENDMENT NO. 3

On page 1, line 5, between "fuel;" and "and" insert "to levy a tax on the sale at retail of alcoholic beverages consumed on the premises;"

AMENDMENT NO. 4

On page 2, between lines 5 and 6, insert the following:

"Section 3. Chapter 2-C of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, consisting of R.S. 47:340.1 through 340.4, is hereby enacted to read as follows:

"CHAPTER 2-C. TAX ON ALCOHOLIC BEVERAGES  
CONSUMED ON PREMISES

§340.1. Tax on retail sales of alcoholic beverages; imposition

Notwithstanding R.S. 26:343 and in addition to the taxes levied in R.S. 26:341 and 342, on and after July 1, 2000, there is levied a tax on the sale at retail of alcoholic beverages consumed on the premises in the amount of five percent of the retail price.

§340.2. Collection of tax; rules and regulations

A. The tax levied by R.S. 47:340.1 shall be collectible from all persons holding a Class A permit pursuant to R.S. 26:71(A)(3)(a) and 71.1 or 271(A)(2) and 271.2.

B. The tax levied by R.S. 47:340.1 shall be collected by the Department of Revenue.

C. The department shall adopt and promulgate rules and regulations as may be necessary for the proper administration of this Chapter, in accordance with the Administrative Procedure Act.

§340.3. Definitions

The terms used in this Chapter shall have the respective meanings ascribed to them in Chapter 2 of Title 26 of the Louisiana Revised Statutes of 1950, except in those instances where the context indicates a different meaning.

§340.4. Timely implementation

Notwithstanding any provision of law to the contrary, the Department of Revenue may do all things necessary in order to provide for the timely implementation of this Chapter."

AMENDMENT NO. 5

On page 2, line 6, change "Section 3." to "Section 4."

On motion of Senator Barham, 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.

**HOUSE BILL NO. 299—**

BY REPRESENTATIVES HAMMETT AND FAUCHEUX  
AN ACT

To amend and reenact R.S. 47:293(2), relative to individual income taxes; to limit the deductibility of excess federal itemized deductions; and to provide for related matters.

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 House Bill No. 299 by Representative Hammett

AMENDMENT NO. 1

On page 1, line 2, between "To" and "amend" insert the following: "enact R.S. 47:112.2 and to"

AMENDMENT NO. 2

On page 1, line 2, between "47:293(2)" and the comma "," insert the following: "and to suspend R.S. 47:297(D)(1) and (2)"

AMENDMENT NO. 3

On page 1, line 3, between "deductions;" and "and to" insert the following: "to provide for withholding of taxes on monies paid to nonresident individuals; to suspend the credit for educational expenses incurred for each dependent child attending kindergarten, elementary, or secondary school;"

AMENDMENT NO. 4

On page 2, line 1, change "December 31, 2000" to "December 31, 1999"

AMENDMENT NO. 5

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

"Section 2. R.S. 47:112.2 is hereby enacted to read as follows:

§112.2. Withholdings from certain distributions

A. Every partnership making a distribution of monies to a nonresident individual on or after July 1, 2000, shall deduct and withhold from each such distribution of twenty-five hundred dollars or more in a taxable year, a tax equal to six percent of the total monies distributed in that taxable year.

B. In determining the amount of monies distributed, the partnership shall take into account the nonresident individual's distributive share, whether or not distributed, of the partnership's:

(1) Gains and losses from sales or exchanges of capital assets;

(2) Charitable contributions, as defined in R.S. 47:57;

(3) Other items of income, gain, loss, deduction, or credit, to the extent provided by regulations prescribed by the collector; and

(4) Taxable income or loss, exclusive of items requiring separate computation under other provisions of this Subsection.

C. Character of items constituting distributive share. The character of any item of income, gain, loss, deduction, or credit included in a distributive share under Subsection B(1) through B(3) of this Section shall be determined as if such item were realized directly from the source from which realized by the partnership or incurred in the same manner as incurred by the partnership.

D. In any case where it is necessary to determine the monies distributed to a nonresident individual for purposes of this Chapter, such amount shall include the nonresident's distributive share of the income of the partnership, whether or not such share has been actually distributed.

E. As used in this Section, the term "partnership" shall include entities treated as a partnership for tax purposes.

Section 3. R.S. 47:297(D)(1) and (2) are hereby suspended for all taxable years beginning after December 31, 1999 and prior to January 1, 2001."

AMENDMENT NO. 6

On page 2, delete line 8 in its entirety and insert in lieu thereof the following:

"Section 4. The provisions of Sections 1 and 3 of this Act shall become effective for all taxable years"

AMENDMENT NO. 7

On page 2, line 9, change "December 31, 2000." to "December 31, 1999."

AMENDMENT NO. 8

On page 2, below line 9, add the following:

"Section 5. The provisions of Section 2 of this Act shall become effective on July 1, 2000 and shall apply prospectively only and the tax levied shall be applied to distributions made after June 30, 2000.

Section 6. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval."

On motion of Senator Barham, 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.

Reports of Committees

The following reports of committees were received and read:

Privilege Report of the

Legislative Bureau

May 30, 2000

To the President and Members of the Senate:

I am directed by your Legislative Bureau to submit the following report:

The following bills are approved as to construction and duplication.

HOUSE BILL NO. 23— BY REPRESENTATIVE MONTGOMERY AN ACT

To amend and reenact Section 3 of Act No. 12 of the 1996 Regular Session of the Legislature, as amended by Act No. 10 of the 1998 Regular Session of the Legislature, relative to sales and use tax; to extend the time limitation of the exclusion for certain transactions involving motor vehicles purchased for subsequent lease; to provide for an effective date; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 117— BY REPRESENTATIVES DEWITT, HAMMETT, AND LEBLANC AND SENATORS HAINKEL, BARHAM, AND DARDENNE AN ACT

To amend and reenact R.S. 47:841 (introductory paragraph) and (E), to enact R.S. 47:841(B)(3) and 842(15), and to repeal R.S. 47:841(E) and (F), relative to the tobacco tax; to increase the tax on cigarettes; to increase the tax on smokeless tobacco; to provide for the effectiveness of the tax; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 221— BY REPRESENTATIVES JOHNS, ANSARDI, FLAVIN, GULLORY, MONTGOMERY, PRATT, JACK SMITH, STELLY, AND WELCH AN ACT

To amend and reenact R.S. 27:91(C), relative to the franchise fee charged for riverboat gaming; to increase the franchise fee under certain circumstances; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 254— BY REPRESENTATIVE DANIEL AN ACT

To amend and reenact Section 2 of Act No. 29 of the 1996 Regular Session of the Legislature, as amended by Act No. 21 of the 1998 Regular Session of the Legislature, relative to the sales and use tax; to provide for the effectiveness of the exemption for boiler fuel; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 271— BY REPRESENTATIVE WINDHORST AN ACT

To amend and reenact R.S. 4:705(3) and to enact R.S. 4:740, relative to charitable gaming; to provide for an exception to the collection of fees imposed on certain gaming supplies; to provide for an eight percent use tax on electronic bingo card dabber devices; to provide an effective date; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 299— BY REPRESENTATIVES HAMMETT AND FAUCHEUX AN ACT

To amend and reenact R.S. 47:293(2), relative to individual income taxes; to limit the deductibility of excess federal itemized deductions; and to provide for related matters.

Reported without amendments.

Respectfully submitted,  
LOUIS LAMBERT  
Chairman

**Adoption of Legislative Bureau Report**

On motion of Senator Lambert, the Bills and Joint Resolutions were read by title 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 30, 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. 15—**  
BY SENATORS FONTENOT AND MOUNT  
A CONCURRENT RESOLUTION

To urge and request the State Board of Elementary and Secondary Education, the state Department of Education, the division of administration, and the governor to consider the increased costs of providing safe and reliable school transportation in the provision of funding to local school systems.

**SENATE CONCURRENT RESOLUTION NO. 36—**  
BY SENATOR DARDENNE  
A CONCURRENT RESOLUTION

To commend Evan Pierce on being selected East Baton Rouge Parish Elementary School Student of the Year.

**SENATE CONCURRENT RESOLUTION NO. 37—**  
BY SENATOR DARDENNE AND REPRESENTATIVE HOLDEN  
A CONCURRENT RESOLUTION

To commend Carolyn Sauer, principal of Shenandoah Elementary School, on being named East Baton Rouge Parish Elementary Principal of the Year.

**SENATE CONCURRENT RESOLUTION NO. 38—**  
BY SENATORS W. FIELDS AND FONTENOT AND REPRESENTATIVE CARTER  
A CONCURRENT RESOLUTION

To express the condolences of the Legislature of Louisiana upon the death of Nolan Williamson, Sr., of Clinton.

**SENATE CONCURRENT RESOLUTION NO. 39—**  
BY SENATOR DARDENNE  
A CONCURRENT RESOLUTION

To commend and congratulate Mrs. Mary Clark on being selected East Baton Rouge Parish Volunteer of the Year through the Volunteer in Public Schools program.

Respectfully submitted,  
CHRIS ULLO  
Chairman

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

**Adjournment**

Senator Lambert moved that the Senate adjourn until Wednesday, May 31, 2000 at 10:00 o'clock A.M.

The President of the Senate declared the Senate adjourned until 10:00 o'clock A.M. on Wednesday, May 31, 2000.

MICHAEL S. BAER, III  
Secretary of the Senate

GAYE F. HAMILTON  
Journal Clerk