OFFICIAL JOURNAL
OF THE
HOUSE OF
REPRESENTATIVES
OF THE
STATE OF LOUISIANA

FIFTH DAY'S PROCEEDINGS

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

House of Representatives
State Capitol
Baton Rouge, Louisiana

Monday, May 4, 1998

The House of Representatives was called to order at 4:00 P.M.,
by the Honorable H. B. "Hunt" Downer, Jr., Speaker of the House of
Representatives.

Morning Hour

ROLL CALL

The roll being called, the following members answered to their
names:

PRESENT

Mr. Speaker Guillory Pratt
Alario Hammett Quezaire
Alexander, A.—93rd Hebert Riddle
Alexander, R.—13th Hill Romero
Ansardi Holden Rousselle
Barton Hopkins Salter
Baudoin Hudson Scalise
Baylor Hunter Schneider
Bowler Iles Schwegmann
Bruce Jetson Shaw
Bruneau Johns Smith, J.D.—50th
Carter Kennard Smith, J.R.—30th
Chaisson Kenney Stelly
Clarkson Lancaster Theriot
Copelin Landrieu Thomas
Crane LeBlanc Thompson
Curtis Long Thornhill
Damico Marionneaux Toomy
Daniel Martiny Travis
Deville McCain Triche
DeWitt McCallum Vitter
Diez McDonald Waddell
Dimos McMains Walsworth
Dupre Mitchell Warner
Durand Montgomery Welch
Farve Morrish Weston
Faucheux Murray Wiggins
Flavin Odinet Willard
Fontenot Perkins Winston

ABSENT

Donelon Jenkins Wilkerson
Glover Michot Windhorst
Green Morrell
Heaton Strain

Total—94

The Speaker announced that there were 94 members present and
a quorum.

Prayer

Prayer was offered by Rep. Johns.

Pledge of Allegiance

Rep. Pinac led the House in reciting the Pledge of Allegiance to
the Flag of the United States of America.

Reading of the Journal

On motion of Rep. McMains, the reading of the Journal was
dispensed with.

On motion of Rep. McMains, the Journal of April 30, 1998, was
adopted.

Introduction of Resolutions,
House and House Concurrent

The following members introduced the following entitled House
and House Concurrent Resolutions, which were read the first time by
their titles and placed upon the calendar for their second reading:

HOUSE CONCURRENT RESOLUTION NO. 22—
BY REPRESENTATIVE JOHNS
A CONCURRENT RESOLUTION
To commend and congratulate Mr. Robert "Bob" Davidson for his
commitment to the Sulphur community through his many local
and statewide endeavors and for his twelve years of dedicated
service on the Sulphur City Council.

Read by title.

On motion of Rep. Johns, and under a suspension of the rules,
the resolution was adopted.

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 23—
BY REPRESENTATIVE FAUCHEUX
A CONCURRENT RESOLUTION
To urge and request the Department of Transportation and
Development to consider the construction of a new highway
connecting U.S. Highway 61 at its intersection with La.
Highway 3217 to U.S. Highway 51 at its intersection with
Woodland Drive when compiling the Highway Priority Program

Read by title.

On motion of Rep. Faucheux, and under a suspension of the rules,
the resolution was adopted.

Ordered to the Senate.
HOUSE CONCURRENT RESOLUTION NO. 24—
BY REPRESENTATIVE SCALISE
A CONCURRENT RESOLUTION
To urge and request the State Board of Elementary and Secondary Education to consider differences in the cost of living throughout the state when developing, adopting, and recommending to the legislature the formula used to determine the cost of a minimum foundation program of education in all public elementary and secondary schools and to equitably allocate funds to city and parish school systems.

Read by title.

On motion of Rep. Scalise, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

Introduction of House Bills and Joint Resolutions

The following named members introduced the following House Bills and Joint Resolutions, which were read the first time by their titles, and placed upon the calendar for their second reading:

HOUSE BILL NO. 3—
BY REPRESENTATIVE ALARIO
AN ACT
To enact the Omnibus Bond Authorization Act of 1998, 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.

Read by title.

HOUSE BILL NO. 124—
BY REPRESENTATIVE MONTGOMERY
AN ACT
To enact R.S. 40:1501(E)(8), relative to East-Central Bossier Parish Fire District No. 1; to authorize the governing authority of the district to levy and collect, subject to voter approval, an additional tax for maintenance and operation of the fire district; and to provide for related matters.

Read by title.

HOUSE BILL NO. 191—
BY REPRESENTATIVE MORRISH
AN ACT
To enact R.S. 39:816, relative to School District Number 3 of Jefferson Davis Parish; to authorize the levy of a parcel fee within district boundaries; to provide for voter approval; to provide for imposition and collection; to provide a limitation on the amount of any such parcel fee; to provide relative to the use of proceeds; and to provide for related matters.

Read by title.

HOUSE BILL NO. 253—
BY REPRESENTATIVE R. ALEXANDER
AN ACT
To amend and reenact R.S. 40:2116(B)(1), relative to facility need review; to include adult residential care home beds in those beds subject to facility need review in order to participate in the Title XIX program; and to provide for related matters.

Read by title.

HOUSE BILL NO. 254—
BY REPRESENTATIVE TOOMY
AN ACT
To amend and reenact R.S. 26:326, 341(introductory paragraph), 344, and 359, to enact R.S. 26:341(B), and to repeal R.S. 14:93.20, relative to the sale and shipment of beverage alcohol in Louisiana; to impose a tax on the direct sale and shipment by common carrier of sparkling or still wines; to provide for the enforcement and collection thereof; to require application for authority for such shipments and payment of taxes before making authorized shipments; to provide for who pays the taxes; to provide for to whom the taxes are paid; to provide for the time of payment of the taxes; to require the express agreement to pay all excise and sales and use taxes assessed by the state of Louisiana; to provide for recordkeeping of sales subject to said taxes; to exempt from the tax on direct sale and shipment by common carrier sparkling or still wines manufactured by native wineries; to repeal certain provisions of law relating to the unlawful sale and shipment of beverage alcohol in Louisiana; and otherwise to provide generally and specifically with respect thereto.

Read by title.

HOUSE BILL NO. 255—
BY REPRESENTATIVES DEVILLE AND HEBERT
AN ACT
To amend and reenact R.S. 27:91(C), relative to riverboat gaming; to increase the franchise fee on net gaming proceeds; to provide for an effective date; and to provide for related matters.

Read by title.

HOUSE BILL NO. 256—
BY REPRESENTATIVE ALARIO
AN ACT
To amend and reenact R.S. 22:1419(A)(2), relative to the dedication of assessments paid by certain insurers; to increase the dedication to the Municipal Fire and Police Civil Service Operating Fund; and to provide for related matters.

Read by title.

Reports of Committees

The following reports of committees were received and read:

Report of the Committee on Ways and Means

May 4, 1998

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on Ways and Means to submit the following report:

House Bill No. 43, by Alario
Reported favorably. (11-0) (Regular)

House Bill No. 44, by Alario
Reported favorably. (12-0) (Regular)

House Bill No. 56, by Alario
Reported favorably. (12-0) (Regular)

House Bill No. 57, by Alario
Reported favorably. (14-0) (Regular)

House Bill No. 109, by Alario
Reported with amendments. (13-0) (Regular)
House Bill No. 110, by Alario
Reported favorably. (13-0) (Regular)

House Bill No. 143, by Montgomery
Reported with amendments. (14-2) (Regular)

House Bill No. 226, by McDonald
Reported favorably. (15-0) (Regular)

House Bill No. 231, by McDonald
Reported favorably. (15-0) (Regular)

JOHN A. ALARIO, JR.
Chairman

House and House Concurrent Resolutions

The following House and House Concurrent Resolutions lying over were taken up and acted upon as follows:

HOUSE RESOLUTION NO. 37—
BY REPRESENTATIVES LEBLANC AND DOWNER
A RESOLUTION
To formalize the review by the House Committee on Judiciary of the preliminary strategic plan of the Department of Public Safety and Corrections - Public Safety Services, excluding the plans of the office of motor vehicles, the Louisiana State Police Gaming Enforcement Division, and the Louisiana Gaming Control Board.

Read by title.

Under the rules, the above resolution was referred to the Committee on Judiciary.

HOUSE RESOLUTION NO. 38—
BY REPRESENTATIVES LEBLANC AND DOWNER
A RESOLUTION
To formalize the review by the House Committee on Administration of Criminal Justice of the preliminary strategic plan of the Louisiana Gaming Control Board.

Read by title.

Under the rules, the above resolution was referred to the Committee on Administration of Criminal Justice.

House Bills and Joint Resolutions on Second Reading to be Referred

The following House Bills and Joint Resolutions on second reading to be referred to committees were taken up, read, and referred to committees, as follows:

HOUSE BILL NO. 252—
BY REPRESENTATIVE COPELIN
AN ACT
To amend and reenact R.S. 51:1927(C)(introductory paragraph) and (2) through (4), 1928(B), and 1931 and to enact R.S. 51:1924(D), 1927(C)(6), 1928(C), and 1935, relative to the Louisiana capital companies tax credit program; to provide for income tax credit or premium tax reductions; to provide relative to decertification; to provide for program termination; to provide for a specialized finance pool; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Ways and Means.

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:

Regular Calendar

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.

Called from the calendar.

Read by title.

Rep. Alario moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker Gautreaux Murray
Alario Green Odinet
Alexander, A.—93rd Hammett Pierre
Alexander, R.—13th Heaton Pinac
Ansardi Hebert Powell
Barton Hill Pratt
Baudoin Holden Quezaire
Bayor Hopkins Riddle
Bruce Hudson Rousselle
Bruneau Hunter Salter
Carter Iles Schwegmann
Chaisson Jetson Smith, J.D.—50th
Clarkson Johns Smith, J.R.—30th
Copelin Kennard Stelly
Curtis Kenney Theriot
Damico Lancaster Thomas
Daniel Landrieu Thompson
Deville LeBlanc Thornhill
DeWitt Long Toomy
Diez Marianneaux Travis
Dimos Martiny Waddell
Dupre McCain Walsworth
Durand McCallum Warner
Faucheux McDonald Welch
Flavin McMains Weston
Fontenot Mitchell Wiggins
Frisch Montgomery Willard
Fruge Morrish Wright
Total—84

NAYS

Bowler Jenkins Shaw
Crane Perkins Triche
Donelon Romero Vitter
Farve Scalise Windhorst
Guillory Schneider Winston
Total—15
The Chair declared the above bill, having received a two-thirds vote of the elected members, was finally passed.

The title of the above bill was read and adopted.

Rep. Alario moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Introduction of Resolutions, House and House Concurrent

The following members introduced the following entitled House and House Concurrent Resolutions, which were read the first time by their titles and placed upon the calendar for their second reading:

HOUSE CONCURRENT RESOLUTION NO. 25—
BY REPRESENTATIVE JOHNS
A CONCURRENT RESOLUTION
To commend Roy Loup for his years of service to his community and as a councilman on the Sulphur City Council.

Read by title.

On motion of Rep. Johns, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 26—
BY REPRESENTATIVE JOHNS
A CONCURRENT RESOLUTION
To commend Mr. Melvin Estess for serving eight years on the Sulphur City Council.

Read by title.

On motion of Rep. Johns, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 27—
BY REPRESENTATIVE FAUCHEUX
A CONCURRENT RESOLUTION
To urge and request the Department of Transportation and Development to enter into a cooperative endeavor, donation, lease, or other form of arrangement or agreement with the town of Gramercy in St. James Parish for the use of certain property by the town as a police department office.

Read by title.

On motion of Rep. Faucheux, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

House Bills and Joint Resolutions

The following named members introduced the following House Bills and Joint Resolutions, which were read the first time by their titles, and placed upon the calendar for their second reading:

HOUSE BILL NO. 2—
BY REPRESENTATIVES ALARIO, LEBLANC, AND DOWNER AND SENATORS BARHAM AND HAINKEL
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.

Read by title.

HOUSE BILL NO. 257—
BY REPRESENTATIVE BRUNEAU
AN ACT
To enact R.S. 27:93.1, relative to the taxation of riverboats; to authorize the levy and collection of a tax on net gaming proceeds by certain levee districts for certain purposes; to provide for certain tax credits; and to provide for related matters.

Read by title.

HOUSE BILL NO. 258—
BY REPRESENTATIVE BRUNEAU
AN ACT
To amend and reenact R.S. 47:3202(E), 3203(B), and 3204, relative to tax exemption contracts; to replace set-aside provisions with provisions relating to economically disadvantaged businesses; to change the priority for exemptions from state taxes; to provide for review of such contracts; and to provide for related matters.

Read by title.

HOUSE BILL NO. 259—
BY REPRESENTATIVE DANIEL
AN ACT
To enact a relative to 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.

Read by title.

HOUSE BILL NO. 260—
BY REPRESENTATIVES DANIEL AND JOHNS
AN ACT
To enact a relative to 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.

Read by title.
HOUSE BILL NO. 261—
BY REPRESENTATIVE POWELL
AN ACT
To amend and reenact R.S. 23:1291.1(A), relative to workers’ compensation; to clarify that the amount of actual workers’ compensation benefits paid shall be reported by insurers on a net basis; to clarify the definition of “workers’ compensation benefits”; and to provide for related matters.

Read by title.

Leave of Absence

Rep. Michot - 1 day

Adjournment

On motion of Rep. Donelon, at 4:55 P.M., the House agreed to adjourn until Tuesday, May 5, 1998, at 4:00 P.M.

The Speaker of the House declared the House adjourned until 4:00 P.M., Tuesday, May 5, 1998.

ALFRED W. SPEER
Clerk of the House

C. Wayne Hays
Journal Clerk, Emeritus