

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	Hammitt	Quezairé
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

Frith	Pierre	Wright
Fruge	Pinac	
Gautreaux	Powell	
Total—94		

ABSENT

Donelon	Jenkins	Wilkerson
Glover	Michot	Windhorst
Green	Morrell	
Heaton	Strain	
Total—10		

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 for Fiscal Year 1999-2000.

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
Baylor	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	Marionneaux	Travis
Dimos	Martiny	Waddell
Dupre	McCain	Walsworth
Durand	McCallum	Warner
Faucheux	McDonald	Welch
Flavin	McMains	Weston
Fontenot	Mitchell	Wiggins
Frith	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		

ABSENT

Glover Michot Total—5
Morrell Strain
Wilkerson

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.

Suspension of the Rules

On motion of Rep. Johns, the rules were suspended in order to take up Introduction of Resolutions at this time.

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. Fauchaux, 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. 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 amend and reenact R.S. 47:300.2(introductory paragraph), 300.6(B)(1)(a), 300.7, and 300.10 and to repeal R.S. 47:300.5, 300.6(B)(1)(c), and 300.8, relative to income taxation of estates and trusts; to resolve technical and substantive difficulties in the language of the provisions; to provide for the exclusion from taxable income of certain federal deductions; to provide for an effective date; and to provide for related matters.

Read by title.

HOUSE BILL NO. 260— BY REPRESENTATIVES DANIEL AND JOHNS AN ACT

To enact R.S. 47:306(B)(10), relative to advance payment of sales taxes; to authorize the secretary of the Department of Revenue to exempt certain dealers from the advance payment of the tax; to provide for an effective date; 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*

