

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

**SIXTH DAY'S PROCEEDINGS**

**Thirty-Second Extraordinary Session of the Legislature  
Under the Adoption of the  
Constitution of 1974**

Senate Chamber  
State Capitol  
Baton Rouge, Louisiana

Monday, March 15, 2004

The Senate was called to order at 5:00 o'clock P.M., by Hon. Donald E. Hines, President of the Senate.

**ROLL CALL**

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

**PRESENT**

Mr. President	Dupre	Lentini
Adley	Ellington	Malone
Amedee	Fields	Marionneaux
Bajoie	Gautreaux, B	McPherson
Barham	Gautreaux, N	Michot
Boasso	Hainkel	Mount
Boissiere	Heitmeier	Nevers
Cain	Holden	Romero
Chaisson	Hollis	Schedler
Cheek	Irons	Smith
Cravins	Jackson	Theunissen
Dardenne	Jones	Ullo
Duplessis	Kostelka	
Total—38		

**ABSENT**

Fontenot  
Total—1

The President of the Senate announced there were 38 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 House**

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

**Message from the House**

**PASSED SENATE BILLS AND  
JOINT RESOLUTIONS**

March 12, 2004

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 the following Senate Bills and Joint Resolutions:

**SENATE BILL NO. 8—**

BY SENATORS HEITMEIER, HINES, MOUNT, CHEEK, DUPLESSIS, FIELDS, B. GAUTREAUX, HOLDEN, JACKSON, JONES, LENTINI, MCPHERSON, ULLO AND BAJOIE

**AN ACT**

To amend and reenact R.S. 39:94(A), relative to the Budget Stabilization Fund; to provide for an increase in the base amount of revenues received by the state as a result of the production of or exploration for minerals, as a result of grants or donations, and as derived from any tax on the transportation of minerals which base is used to determine the deposit of such revenues into the fund; to provide for an effective date; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 9—**

BY SENATORS MOUNT, HINES, HEITMEIER, ADLEY, AMEDEE, BAJOIE, BARHAM, BOASSO, BOISSIERE, CAIN, CHAISSON, CHEEK, CRAVINS, DUPLESSIS, DUPRE, ELLINGTON, FIELDS, FONTENOT, B. GAUTREAUX, N. GAUTREAUX, HAINKEL, HOLDEN, HOLLIS, IRONS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, NEVERS, ROMERO, SCHEDLER, SMITH AND ULLO AND REPRESENTATIVES HAMMETT, SALTER, ALARIO AND MONTGOMERY

**AN ACT**

To amend and reenact Section 3 of Act No. 60 of the 2002 Regular Session of the Legislature, relative to the income and franchise tax credits for costs associated with the rehabilitation of certain historic structures; to provide for the taxable periods in which the credit may be taken; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 14—**

BY SENATORS MOUNT, HINES, HEITMEIER, DUPRE AND NEVERS AND REPRESENTATIVE HAMMETT

**AN ACT**

To amend and reenact R.S. 51:2461(B), relative to the Louisiana Quality Jobs Program Act; to extend the time period for application for tax credits and rebates; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 15—**

BY SENATORS MOUNT, HINES, HEITMEIER AND HAINKEL AND REPRESENTATIVE HAMMETT

**AN ACT**

To amend and reenact Section 3 of Act No. 535 of the 1988 Regular Session of the Legislature, as amended by Section 2 of Act No. 285 of the 1992 Regular Session of the Legislature, Section 3 of Act No. 1291 of the 1997 Regular Session of the Legislature, Section 1 of Act No. 50 of the 1998 Regular Session of the Legislature, and Section 3 of Act No. 7 of the 2001 First Extraordinary Session of the Legislature, relative to the Louisiana Tax Free Shopping Program; to change the termination date of the program; and to provide for related matters.

Reported without amendments.

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

**Introduction of  
Senate Concurrent Resolutions**

The following Senate Concurrent Resolutions, were introduced and acted upon as follows:

**SENATE CONCURRENT RESOLUTION NO. 8—  
BY SENATOR FIELDS**

**A CONCURRENT RESOLUTION**

To recognize and commend the Southern University women's basketball team for an outstanding season and for capturing the Southwestern Athletic Conference championship.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dupre	Malone
Adley	Ellington	Marionneaux
Amedee	Fields	Michot
Bajoie	Gautreaux, B	Mount
Barham	Gautreaux, N	Nevers
Boasso	Hainkel	Romero
Boissiere	Hollis	Schedler
Cain	Irons	Smith
Cheek	Jackson	Theunissen
Dardenne	Jones	Ullo
Duplessis	Lentini	
Total—32		

**NAYS**

Total—0

**ABSENT**

Chaisson	Heitmeier	McPherson
Cravins	Holden	
Fontenot	Kostelka	
Total—7		

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

**SENATE CONCURRENT RESOLUTION NO. 9—  
BY SENATOR FIELDS**

**A CONCURRENT RESOLUTION**

To recognize and commend the Louisiana State University Lady Tigers basketball team on an outstanding season and for receiving a bid to the 2004 NCAA Division I Women's Basketball Tournament.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dupre	Malone
Adley	Ellington	Marionneaux

Amedee	Fields	Michot
Bajoie	Gautreaux, B	Mount
Barham	Gautreaux, N	Nevers
Boasso	Hainkel	Romero
Boissiere	Heitmeier	Schedler
Cain	Hollis	Smith
Cheek	Irons	Theunissen
Cravins	Jones	Ullo
Dardenne	Kostelka	
Duplessis	Lentini	
Total—34		

**NAYS**

Total—0

**ABSENT**

Chaisson	Holden	McPherson
Fontenot	Jackson	
Total—5		

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**

March 12, 2004

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 REPRESENTATIVES HAMMETT, SALTER, ALARIO, MONTGOMERY, ARNOLD, BALDONE, K. CARTER, DARTEZ, FARRAR, FAUCHEUX, HEATON, JEFFERSON, KENNEY, RICHMOND, JANE SMITH, AND TOWNSEND

**AN ACT**

To amend and reenact R.S. 47:601(A)(introductory paragraph), 602(A), (B), and (E)(1), 603(A), 604(A)(introductory paragraph) and (C), and 606(A)(introductory paragraph) and (C), to enact R.S. 47:602(G) and 605.1, and to repeal R.S. 47:601(D) and 603, relative to the corporation franchise tax; to reduce the amount of borrowed capital included in taxable capital until it is phased out; and to provide for related matters.

**HOUSE BILL NO. 2—**

BY REPRESENTATIVES HAMMETT, SALTER, ALARIO, MONTGOMERY, ALEXANDER, ANSARDI, ARNOLD, BADON, BALDONE, BAUDOIN, BAYLOR, BEARD, BOWLER, BROOME, BRUCE, BRUNEAU, BURNS, BURRELL, K. CARTER, R. CARTER, CAZAYOUX, CRANE, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DOERGE, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FAUCHEUX, FRITH, FUTRELL, GALLOT, GEYMAN, GLOVER, GRAY, E. GUILLORY, M. GUILLORY, HOPKINS, HUDSON, HUNTER, HUTTER, JACKSON, JEFFERSON, JOHNS, KATZ, KENNEY, LABRUZZO, LAFFLEUR, LAMBERT, LANCASTER, MARCHAND, MARTINY, MCDONALD, MCVEA, MORRELL, MORRISH, MURRAY, ODINET, PIERRE, PINAC, PITRE, M. POWELL, T. POWELL, RICHMOND, RITCHIE, ROMERO, SCALISE, SCHNEIDER, SHEPHERD, SMILEY, GARY SMITH, JACK SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WINSTON, WOOTON, AND WRIGHT

**AN ACT**

To enact R.S. 47:301(3)(i), (13)(k), and (28) and 337.10(I) and to amend and reenact R.S. 47:301(3)(i)(i), (13)(k)(i), and (28)(a),

relative to sales and use tax of the state and statewide political subdivisions; to provide for the reduction of the sales price, cost price, gross proceeds derived from a lease or rental, monthly lease or rental price paid, and the monthly lease or rental price contracted or agreed to by way of a definitional exclusion of certain machinery and equipment; to provide for effective dates; and to provide for related matters.

**HOUSE BILL NO. 15—**

BY REPRESENTATIVES STRAIN, HAMMETT, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BALDONE, BAUDOIN, BAYLOR, BEARD, BOWLER, BRUCE, BURNS, BURRELL, K. CARTER, R. CARTER, CRANE, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DOERGE, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FLAVIN, FRITH, FUTRELL, GALLOT, GEYMANN, GLOVER, GRAY, E. GUILLORY, M. GUILLORY, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUDSON, HUNTER, HUTTER, JEFFERSON, JOHNS, KATZ, KENNARD, KENNEY, LABRUZZO, LAMBERT, LANCASTER, MARCHAND, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MORRISH, MURRAY, ODINET, PIERRE, PINAC, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROMERO, SALTER, SCALISE, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WINSTON, WOOTON, AND WRIGHT AND SENATORS AMEDEE, BARHAM, DUPLESSIS, ELLINGTON, N. GAUTREAUX, HOLLIS, KOSTELKA, MCPHERSON, MICHOT, NEVERS, AND SMITH

**AN ACT**

To enact R.S. 47:301(10)(x), relative to the sales and use taxes of the state and statewide political subdivisions; to exclude the sale or purchase by consumers of certain fuels or gases for residential use; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 23—**

BY REPRESENTATIVES MCVEA, HONEY, AND WHITE

**AN ACT**

To amend and reenact that part of Section 9(B)(14) of Act 1134 of the 2003 Regular Session of the Legislature which is applicable to the allocation and distribution of funds in East Baton Rouge Parish, relative to the Revenue Sharing Fund; to provide with respect to certain distributions in East Baton Rouge Parish for Fiscal Year 2003-2004; to provide for the retroactive application of this Act; and to provide for related matters.

**HOUSE BILL NO. 8—**

BY REPRESENTATIVES FAUCHEUX, HAMMETT, SALTER, MONTGOMERY, ALARIO, DANIEL, HILL, LABRUZZO, QUEZAIRE, GARY SMITH, AND TOOMY AND SENATORS AMEDEE, CHAISSON, FONTENOT, HEITMEIER, AND LENTINI

**AN ACT**

To enact R.S. 47:302(R), 321(I), and 331(P), relative to the sales and use tax; to extend the effectiveness of the exemption for purchases of utilities used by certain steelworks and blast furnaces; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 9—**

BY REPRESENTATIVES HAMMETT, ALARIO, ARNOLD, FAUCHEUX, HILL, KENNEY, MORRELL, ODINET, RICHMOND AND JANE SMITH

**AN ACT**

To amend and reenact R.S. 47:301(16)(I), relative to state and political subdivision sales and use tax; to provide that tangible personal property shall not include other constructions permanently attached to the land; and to provide for related matters.

**HOUSE BILL NO. 10—**

BY REPRESENTATIVE HAMMETT

**AN ACT**

To amend and reenact R.S. 47:6007, relative to the Louisiana motion picture investor tax credit; to remove the sunset date; to limit the credit so that it will not exceed Louisiana expenditures of the production; to authorize a carry forward of tax credits; to provide for administrative procedures and fees for the credit by the Governor's Office of Film and Television and the Department of Revenue; and to provide for related matters.

**HOUSE BILL NO. 32—**

BY REPRESENTATIVE TOWNSEND

**AN ACT**

To amend and reenact R.S. 33:2738.84(A)(1) and (D), relative to municipal sales and use taxes; to provide with respect to the allowable uses of the proceeds derived from the levy and collection of an additional sales and use tax by the city of Natchitoches; to remove references to population categories; and to provide for related matters.

**HOUSE BILL NO. 35—**

BY REPRESENTATIVES MONTGOMERY, ARNOLD, BALDONE, CURTIS, DANIEL, FARRAR, FAUCHEUX, HILL, JEFFERSON, KENNEY, MORRELL, ODINET, SCALISE, JANE SMITH, AND TOWNSEND

**AN ACT**

To amend and reenact R.S. 47:305.50(A)(1)(a) 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, by Act No. 27 of the 2000 Regular Session of the Legislature, and by Act No. 2 of the 2002 Regular Session of the Legislature, relative to the sales and use tax; to delete 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.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

**House Bills and Joint Resolutions**

Senator Mount 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, SALTER, ALARIO, MONTGOMERY, ALEXANDER, ANSARDI, ARNOLD, BADON, BALDONE, BAUDOIN, BAYLOR, BEARD, BOWLER, BROOME, BRUCE, BRUNEAU, BURNS, BURRELL, K. CARTER, R. CARTER, CAZAYOUX, CRANE, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DOERGE, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FAUCHEUX, FRITH, FUTRELL, GALLOT, GEYMANN, GLOVER, GRAY, E. GUILLORY, M. GUILLORY, HOPKINS, HUDSON, HUNTER, HUTTER, JACKSON, JEFFERSON, JOHNS, KATZ, KENNEY, LABRUZZO, LAFLEUR, LAMBERT, LANCASTER, HUDSON, HUNTER, HUTTER, JACKSON, JEFFERSON, JOHNS, KATZ, MARCHAND, MARTINY, MCDONALD, MCVEA, MORRELL, MORRISH, MURRAY, ODINET, PIERRE, PINAC, PITRE, M. POWELL, T. POWELL, RICHMOND, RITCHIE, ROMERO, SCALISE, SCHNEIDER, SHEPHERD, SMILEY, GARY SMITH, JACK SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WINSTON, WOOTON, AND WRIGHT

**AN ACT**

To enact R.S. 47:301(3)(i), (13)(k), and (28) and 337.10(I) and to amend and reenact R.S. 47:301(3)(i)(i), (13)(k)(i), and (28)(a), relative to sales and use tax of the state and statewide political subdivisions; to provide for the reduction of the sales price, cost price, gross proceeds derived from a lease or rental, monthly lease or rental price paid, and the monthly lease or rental price contracted or agreed to by way of a definitional exclusion of certain machinery and equipment; to provide for effective dates; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

**HOUSE BILL NO. 3—**

BY REPRESENTATIVES HAMMETT, SALTER, ALARIO, MONTGOMERY, ARNOLD, BALDONE, K. CARTER, DARTEZ, FARRAR, FAUCHEUX, HEATON, JEFFERSON, KENNEY, RICHMOND, JANE SMITH, AND TOWNSEND

**AN ACT**

To amend and reenact R.S. 47:601(A)(introductory paragraph), 602(A), (B), and (E)(1), 603(A), 604(A)(introductory paragraph) and (C), and 606(A)(introductory paragraph) and

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(C), to enact R.S. 47:602(G) and 605.1, and to repeal R.S. 47:601(D) and 603, relative to the corporation franchise tax; to reduce the amount of borrowed capital included in taxable capital until it is phased out; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 8—**  
BY REPRESENTATIVES FAUCHEUX, HAMMETT, SALTER, MONTGOMERY, ALARIO, DANIEL, HILL, LABRUZZO, QUEZAIRE, GARY SMITH, AND TOOMY AND SENATORS AMEDEE, CHAISSON, FONTENOT, HEITMEIER, AND LENTINI  
AN ACT

To enact R.S. 47:302(R), 321(I), and 331(P), relative to the sales and use tax; to extend the effectiveness of the exemption for purchases of utilities used by certain steelworks and blast furnaces; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 9—**  
BY REPRESENTATIVES HAMMETT, ALARIO, ARNOLD, FAUCHEUX, HILL, KENNEY, MORRELL, ODINET, RICHMOND AND JANE SMITH  
AN ACT

To amend and reenact R.S. 47:301(16)(I), relative to state and political subdivision sales and use tax; to provide that tangible personal property shall not include other constructions permanently attached to the land; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 10—**  
BY REPRESENTATIVE HAMMETT  
AN ACT

To amend and reenact R.S. 47:6007, relative to the Louisiana motion picture investor tax credit; to remove the sunset date; to limit the credit so that it will not exceed Louisiana expenditures of the production; to authorize a carry forward of tax credits; to provide for administrative procedures and fees for the credit by the Governor's Office of Film and Television and the Department of Revenue; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

**HOUSE BILL NO. 15—**  
BY REPRESENTATIVES STRAIN, HAMMETT, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BALDONE, BAUDOIN, BAYLOR, BEARD, BOWLER, BRUCE, BURNS, BURRELL, K. CARTER, R. CARTER, CRANE, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DOERGE, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FLAVIN, FRITH, FUTRELL, GALLOT, GEYMAN, GLOVER, GRAY, E. GUILLORY, M. GUILLORY, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUDSON, HUNTER, HUTTER, JEFFERSON, JOHNS, KATZ, KENNARD, KENNEY, LABRUZZO, LAMBERT, LANCASTER, MARCHAND, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MORRISH, MURRAY, ODINET, PIERRE, PINAC, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROMERO, SALTER, SCALISE, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WINSTON, WOOTON, AND WRIGHT AND SENATORS AMEDEE, BARHAM, DUPLESSIS, ELLINGTON, N. GAUTREAUX, HOLLIS, KOSTELKA, MCPHERSON, MICHOT, NEVERS, AND SMITH  
AN ACT

To enact R.S. 47:301(10)(x), relative to the sales and use taxes of the state and statewide political subdivisions; to exclude the sale or purchase by consumers of certain fuels or gases for residential use; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 23—**  
BY REPRESENTATIVES MCVEA, HONEY, AND WHITE  
AN ACT

To amend and reenact that part of Section 9(B)(14) of Act 1134 of the 2003 Regular Session of the Legislature which is applicable to the allocation and distribution of funds in East Baton Rouge Parish, relative to the Revenue Sharing Fund; to provide with respect to certain distributions in East Baton Rouge Parish for Fiscal Year 2003-2004; to provide for the retroactive application of this Act; and to provide for related matters.

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

**HOUSE BILL NO. 32—**  
BY REPRESENTATIVE TOWNSEND  
AN ACT

To amend and reenact R.S. 33:2738.84(A)(1) and (D), relative to municipal sales and use taxes; to provide with respect to the allowable uses of the proceeds derived from the levy and collection of an additional sales and use tax by the city of Natchitoches; to remove references to population categories; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

**HOUSE BILL NO. 35—**  
BY REPRESENTATIVES MONTGOMERY, ARNOLD, BALDONE, CURTIS, DANIEL, FARRAR, FAUCHEUX, HILL, JEFFERSON, KENNEY, MORRELL, ODINET, SCALISE, JANE SMITH, AND TOWNSEND  
AN ACT

To amend and reenact R.S. 47:305.50(A)(1)(a) 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, by Act No. 27 of the 2000 Regular Session of the Legislature, and by Act No. 2 of the 2002 Regular Session of the Legislature, relative to the sales and use tax; to delete 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.

On motion of Senator Bajoie, 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 Mount, Chairman on behalf of the Committee on Revenue and Fiscal Affairs, submitted the following report:

March 15, 2004

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. 5—**  
BY SENATOR N. GAUTREAUX  
AN ACT

To amend and reenact the introductory paragraph of R.S. 47:601(A), and R.S. 47:601(D) and 611, relative to corporate franchise tax; to exclude from the taxable base of such tax the first one hundred thousand dollars of capital stock, surplus, undivided profits, and borrowed capital of a corporation; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1—**

BY REPRESENTATIVES HAMMETT, SALTER, ALARIO, ANSARDI, BROOME, DAMICO, DARTEZ, DOERGE, DURAND, GALLOT, HILL, HUNTER, MONTGOMERY, QUEZAIRE, JOHN SMITH, AND WALKER AND SENATORS HINES, BAJOIE, MOUNT, BOISSIERE, CHAISSON, CHEEK, DUPRE, FIELDS, FONTENOT, B. GAUTREAU, N. GAUTREAU, HEITMEIER, HOLDEN, HOLLIS, JACKSON, JONES, LENTINI, MARIONNEAUX, AND MCPHERSON  
AN ACT

To enact R.S. 47:302(R) and 331(P), 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.

Reported favorably.

Respectfully submitted,  
**WILLIE MOUNT**  
Chairwoman

**Senate Bills and Joint Resolutions  
on Second Reading  
Reported by Committees**

Senator Mount 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. 5—**

BY SENATOR N. GAUTREAU  
AN ACT

To amend and reenact the introductory paragraph of R.S. 47:601(A), and R.S. 47:601(D) and 611, relative to corporate franchise tax; to exclude from the taxable base of such tax the first one hundred thousand dollars of capital stock, surplus, undivided profits, and borrowed capital of a corporation; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. On motion of Senator Mount, the bill was read by title, ordered engrossed, and passed to a third reading.

**House Bills and Joint Resolutions  
on Second Reading  
Reported by Committees**

Senator Mount 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. 1—**

BY REPRESENTATIVES HAMMETT, SALTER, ALARIO, ANSARDI, BROOME, DAMICO, DARTEZ, DOERGE, DURAND, GALLOT, HILL, HUNTER, MONTGOMERY, QUEZAIRE, JOHN SMITH, AND WALKER AND SENATORS HINES, BAJOIE, MOUNT, BOISSIERE, CHAISSON, CHEEK, DUPRE, FIELDS, FONTENOT, B. GAUTREAU, N. GAUTREAU, HEITMEIER, HOLDEN, HOLLIS, JACKSON, JONES, LENTINI, MARIONNEAUX, AND MCPHERSON  
AN ACT

To enact R.S. 47:302(R) and 331(P), 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.

Reported favorably by the Committee on Revenue and Fiscal 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  
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 Cain asked that Senate Bill No. 22 be called from the Calendar at this time for its final passage.

**SENATE BILL NO. 22—**

BY SENATORS CAIN, MICHOT, SCHEDLER, ROMERO, FONTENOT, ADLEY, DUPLESSIS, IRONS, MALONE AND MOUNT  
AN ACT

To enact a special condition on the effectiveness of certain laws, relative to Subsections (F), (G), (H), (I), (J), (K), (L), (M), (N), (O), (P) and (Q) of Section 302, Section 305.50, or Paragraph (1) of Subsection O of Section 331 of Title 47 of the Louisiana Revised Statutes of 1950, which repeal or suspend state sales tax exemptions, and which such repeal or suspension will expire in 2004; to provide that the repeal or suspension of such exemptions shall become effective if and only if certain provisions implementing an individual income tax credit for individuals is enacted into law; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Adley sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Adley to Engrossed Senate Bill No. 22 by Senator Cain

AMENDMENT NO. 1

Delete Senate Floor Amendments No. 1 and No. 2 proposed by Senator Cain and adopted by the Senate on March 11, 2004.

On motion of Senator Adley, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Ellington	Lentini
Amedee	Fields	Malone
Bajoie	Gautreaux, B	Marionneaux
Barham	Gautreaux, N	McPherson
Boasso	Hainkel	Michot
Boissiere	Heitmeier	Mount
Cain	Holden	Nevers
Cheek	Hollis	Romero
Cravins	Irons	Schedler
Dardenne	Jackson	Smith
Duplessis	Jones	Theunissen
Dupre	Kostelka	Ullo
Total—36		

**NAYS**

Total—0

**ABSENT**

Mr. President                      Chaisson                      Fontenot  
Total—3

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

**Rules Suspended**

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

**Introduction of Senate Bills and Joint Resolutions**

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Bills and Joint Resolutions a first and second time and referring them to committee.

**SENATE BILL NO. 23—**  
BY SENATOR NEVERS

**AN ACT**

To enact R.S. 47:301(3)(i) and (13)(k), relative to the state sales and use tax; to provide relative to the effectiveness of certain exemptions to the tax; to provide for an exclusion for transactions related to certain utilities upon which a tax is being levied by the provisions of House Bill 1; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

**Introduction of Senate Resolutions**

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

**SENATE RESOLUTION NO. 13—**  
BY SENATOR MOUNT

**A RESOLUTION**

To commend the players, coaches, and trainers of the 2003-2004 St. Louis Catholic Saints Boys Soccer Team on winning the Division III State Soccer Championship.

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

**REPORT OF COMMITTEE ON**

**FINANCE**

Senator Heitmeier, Chairman on behalf of the Committee on Finance, submitted the following report:

March 15, 2004

To the President and Members of the Senate:

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

**HOUSE CONCURRENT RESOLUTION NO. 11—**  
BY REPRESENTATIVES ALARIO AND HAMMETT  
**A CONCURRENT RESOLUTION**

To approve maximum salaries for certain department officers in accordance with the provisions of the Executive Reorganization Act.

Reported with amendments.

Respectfully submitted,  
**FRANCIS C. HEITMEIER**  
Chairman

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

Senator Heitmeier asked for and obtained a suspension of the rules to take up at this time the following House Concurrent Resolutions just reported by Committees.

**HOUSE CONCURRENT RESOLUTION NO. 11—**  
BY REPRESENTATIVES ALARIO AND HAMMETT  
**A CONCURRENT RESOLUTION**

To approve maximum salaries for certain department officers in accordance with the provisions of the Executive Reorganization Act.

Reported with amendments by the Committee on Finance.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Finance to Engrossed House Concurrent Resolution No. 11 by Representative Alario

AMENDMENT NO. 1

On page 1, line 17, change "\$200,000" to "\$250,000"

AMENDMENT NO. 2

On page 1, between lines 18 and 19, insert the following:  
“(4) Assistant secretary of the office of mental health, Department of Health and Hospitals, \$210,500 per year, provided the person who is holding the position is a licensed physician.”

On motion of Senator Heitmeier, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended resolution was read by title and referred to the Legislative Bureau.

**Privilege Report of the Legislative Bureau**

March 15, 2004

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 CONCURRENT RESOLUTION NO. 11—**  
BY REPRESENTATIVES ALARIO AND HAMMETT  
**A CONCURRENT RESOLUTION**

To approve maximum salaries for certain department officers in accordance with the provisions of the Executive Reorganization Act.

Reported without amendments.

**HOUSE BILL NO. 1—**

BY REPRESENTATIVES HAMMETT, SALTER, ALARIO, ANSARDI, BROOME, DAMICO, DARTEZ, DOERGE, DURAND, GALLOT, HILL, HUNTER, MONTGOMERY, QUEZAIRE, JOHN SMITH, AND WALKER AND SENATORS HINES, BAJOEI, MOUNT, BOISSIERE, CHAISSON, CHEEK, DUPRE, FIELDS, FONTENOT, B. GAUTREAUX, N. GAUTREAUX, HEITMEIER, HOLDEN, HOLLIS, JACKSON, JONES, LENTINI, MARIONNEAUX, AND MCPHERSON

**AN ACT**

To enact R.S. 47:302(R) and 331(P), 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.

Reported without amendments.

Respectfully submitted,  
**ARTHUR J. "ART" LENTINI**  
Chairman

**Adoption of Legislative Bureau Report**

On motion of Senator Lentini, the Bills and Joint Resolutions were read by title and passed to a third reading.

**Leaves of Absence**

The following leaves of absence were asked for and granted:

Fontenot            1 Day

**Adjournment**

Senator Bajoie moved that the Senate adjourn until Tuesday, March 16, 2004, at 4:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 4:00 o'clock P.M. on Tuesday, March 16, 2004.

GLENN A. KOEPP  
Acting Secretary of the Senate

GAYE F. HAMILTON  
Journal Clerk