

**OFFICIAL JOURNAL  
OF THE  
SENATE  
OF THE  
STATE OF LOUISIANA  
THIRD DAY'S PROCEEDINGS**

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

Senate Chamber  
State Capitol  
Baton Rouge, Louisiana

Tuesday, March 11, 2008

The Senate was called to order at 4:00 o'clock P.M., by Hon. Joel T. Chaisson II, President of the Senate.

**ROLL CALL**

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

**PRESENT**

Mr. President	Erdey	Morrish
Adley	Gautreaux N	Mount
Alario	Gray	Murray
Broome	Hebert	Nevers
Cassidy	Heitmeier	Quinn
Cheek	Jackson	Riser
Cravins	Kostelka	Scalise
Crowe	Long	Shaw
Donahue	Marionneaux	Smith
Dorsey	McPherson	Thompson
Dupre	Michot	Walsworth
Total - 33		

**ABSENT**

Amedee	Gautreaux B	Martiny
Duplessis	LaFleur	Shepherd
Total - 6		

The President of the Senate announced there were 33 Senators present and a quorum.

**Prayer**

The prayer was offered by Pastor Louis Husser, 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 Alario, the reading of the Journal was dispensed with and the Journal of March 10, 2008, was adopted.

**Morning Hour**

**Introduction of Senate Bills  
and Joint Resolutions**

Senator Broome 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. 16—  
BY SENATOR ERDEY**

AN ACT

To amend and reenact R.S. 47:481 and R.S. 48:196(A) and to enact R.S. 48:77, relative to the dedication of revenues to transportation related matters; to provide for the deposit into and allowable uses thereof of certain monies into the Transportation Trust Fund, the Transportation Mobility Fund, and the State Highway Improvement Fund; to provide for an effective date; and to provide for related matters.

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

**Introduction of Resolutions,  
Senate and Concurrent**

Senator Broome 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. 3—  
BY SENATOR CHAISSON**

A RESOLUTION

To amend and readopt Senate Rule No. 13.22(A) and (C) of the Senate Rules of Order, relative to the Senate Executive Committee; to provide for the membership of the committee; to revise the date by which the committee must set the required allotment; and to provide for related matters.

On motion of Senator Broome, the resolution was read by title and referred to the Committee on Senate and Governmental Affairs.

**SENATE CONCURRENT RESOLUTION NO. 4—  
BY SENATOR MARTINY AND REPRESENTATIVE WOOTON**

A CONCURRENT RESOLUTION

To commend and to congratulate former congresswoman and national treasure, Corinne Claiborne "Lindy" Boggs, on the occasion of her ninety-second birthday and to celebrate her many achievements in a life dedicated to public service.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Erdey	Morrish
Adley	Gautreaux N	Mount
Alario	Gray	Murray
Broome	Hebert	Nevers
Cassidy	Jackson	Riser
Cravins	Kostelka	Shaw
Crowe	Long	Smith
Donahue	Marionneaux	Thompson
Dupre	Michot	Walsworth
Total - 27		

**NAYS**

Total - 0

**ABSENT**

Amedee	Gautreaux B	McPherson
Cheek	Heitmeier	Quinn
Dorsey	LaFleur	Scalise
Duplessis	Martiny	Shepherd
Total - 12		

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

March 11, 2008

SENATE CONCURRENT RESOLUTION NO. 5—  
BY SENATOR LONG

A CONCURRENT RESOLUTION

To commend Florien High School of the Sabine Parish School System on being honored with a Bronze Medal by U.S. News & World Report as one of the best high schools in the nation.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Morrish
Adley	Gautreaux N	Mount
Alario	Gray	Murray
Broome	Hebert	Nevers
Cassidy	Jackson	Riser
Cravins	Kostelka	Shaw
Crowe	Long	Smith
Donahue	Marionneaux	Thompson
Dupre	Michot	Walsworth
Total - 27		

NAYS

Total - 0

ABSENT

Amedee	Gautreaux B	McPherson
Cheek	Heitmeier	Quinn
Dorsey	LaFleur	Scalise
Duplessis	Martiny	Shepherd
Total - 12		

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

SENATE CONCURRENT RESOLUTION NO. 6—  
BY SENATOR LONG

A CONCURRENT RESOLUTION

To commend Negreet High School of the Sabine Parish School System on being honored with a Bronze Medal by U.S. News & World Report as one of the best high schools in the nation.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Mount
Adley	Gautreaux N	Murray
Alario	Hebert	Nevers
Broome	Jackson	Riser
Cassidy	Kostelka	Shaw
Cravins	Long	Smith
Crowe	Marionneaux	Thompson
Donahue	Michot	Walsworth
Dupre	Morrish	
Total - 26		

NAYS

Total - 0

ABSENT

Amedee	Gray	Quinn
Cheek	Heitmeier	Scalise

Dorsey	LaFleur	Shepherd
Duplessis	Martiny	
Gautreaux B	McPherson	
Total - 13		

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

SENATE CONCURRENT RESOLUTION NO. 7—  
BY SENATOR LONG

A CONCURRENT RESOLUTION

To commend Dodson High School of the Winn Parish School System on being honored with a Bronze Medal by U.S. News & World Report as one of the best high schools in the nation.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Morrish
Adley	Erdey	Mount
Alario	Gautreaux N	Murray
Broome	Hebert	Nevers
Cassidy	Jackson	Riser
Cheek	Kostelka	Shaw
Cravins	Long	Smith
Crowe	Marionneaux	Thompson
Donahue	Michot	Walsworth
Total - 27		

NAYS

Total - 0

ABSENT

Amedee	Gray	McPherson
Dorsey	Heitmeier	Quinn
Duplessis	LaFleur	Scalise
Gautreaux B	Martiny	Shepherd
Total - 12		

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

SENATE CONCURRENT RESOLUTION NO. 8—  
BY SENATOR LONG

A CONCURRENT RESOLUTION

To commend Calvin High School of the Winn Parish School System on being honored with a Bronze Medal by U.S. News & World Report as one of the best high schools in the nation.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Murray
Adley	Gautreaux N	Nevers
Alario	Hebert	Riser
Broome	Jackson	Scalise
Cassidy	Kostelka	Shaw
Cheek	Long	Smith
Cravins	Marionneaux	Thompson
Crowe	Michot	Walsworth

Donahue  
Dupre  
Total - 28

Morrish  
Mount

NAYS

Total - 0

ABSENT

Amedee  
Dorsey  
Duplessis  
Gautreaux B  
Total - 11

Gray  
Heitmeier  
LaFleur  
Martiny

McPherson  
Quinn  
Shepherd

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 LONG

**A CONCURRENT RESOLUTION**

To commend Winnfield Senior High School of the Winn Parish School System on being honored with a Bronze Medal by U.S. News & World Report as one of the best high schools in the nation.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President  
Adley  
Alario  
Broome  
Cassidy  
Cheek  
Cravins  
Crowe  
Donahue  
Dupre  
Total - 28

Erdey  
Gautreaux N  
Hebert  
Jackson  
Kostelka  
Long  
Marionneaux  
Michot  
Morrish  
Mount

Murray  
Nevers  
Riser  
Scalise  
Shaw  
Smith  
Thompson  
Walsworth

NAYS

Total - 0

ABSENT

Amedee  
Dorsey  
Duplessis  
Gautreaux B  
Total - 11

Gray  
Heitmeier  
LaFleur  
Martiny

McPherson  
Quinn  
Shepherd

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

**Senate Bills and Joint Resolutions on Second Reading to be Referred**

The following Senate Bills and Joint Resolutions were read and referred to committees as follows:

**SENATE BILL NO. 14—**

BY SENATOR MORRISH

**AN ACT**

To amend and reenact R.S. 2:903(B), relative to the General Aviation and Reliever Airport Maintenance Grant Program; to increase the limit of Transportation Trust Fund monies made available to the program; and to provide for related matters.

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

**Messages from the House**

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

**Message from the House**

**ASKING CONCURRENCE IN HOUSE CONCURRENT RESOLUTIONS**

March 11, 2008

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 Concurrent Resolutions:

**HOUSE CONCURRENT RESOLUTION NO. 7—**

BY REPRESENTATIVE ROSALIND JONES

**A CONCURRENT RESOLUTION**

To commend Wossman Wildcats for winning the Class 3A state championship.

Respectfully submitted,  
ALFRED W. SPEER

Clerk of the House of Representatives

**House Concurrent Resolutions**

Senator Broome asked for and obtained a suspension of the rules to take up at this time the following House Concurrent 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 CONCURRENT RESOLUTION NO. 7—**

BY REPRESENTATIVE ROSALIND JONES

**A CONCURRENT RESOLUTION**

To commend Wossman Wildcats for winning the Class 3A state championship.

The resolution was read by title. Senator Thompson moved to concur in the House Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President  
Adley  
Alario  
Broome  
Cassidy  
Cheek  
Cravins  
Crowe  
Donahue  
Dorsey  
Dupre  
Total - 31

Erdey  
Gautreaux N  
Hebert  
Jackson  
Kostelka  
Long  
Marionneaux  
McPherson  
Michot  
Morrish  
Mount

Murray  
Nevers  
Quinn  
Riser  
Scalise  
Shaw  
Smith  
Thompson  
Walsworth

NAYS

Total - 0

ABSENT

Amedee  
Duplessis  
Gautreaux B  
Total - 8

Gray  
Heitmeier  
LaFleur

Martiny  
Shepherd

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**Reports of Committees**

The following reports of committees were received and read:

**REPORT OF COMMITTEE ON**

**REVENUE AND FISCAL AFFAIRS**

Senator Robert M. Marionneau, Jr., Chairman on behalf of the Committee on Revenue and Fiscal Affairs, submitted the following report:

March 11, 2008

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. 3—**  
BY SENATOR SCALISE

**AN ACT**

To amend and reenact R.S. 47:293(4), relative to the federal income tax reductions provided for in Section 6428 of the Internal Revenue Code as enacted in the federal Economic Stimulus Act of 2008; to provide that such federal income tax reductions shall not decrease the federal income tax deduction; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 5—**  
BY SENATORS MARIONNEAU AND MICHOT  
**AN ACT**

To enact R.S. 47:293(9)(a)(xiv) and (xv), 297.10, and 297.11, relative to individual income tax; to provide for a deduction from state income taxes for certain elementary and secondary education tuition; to provide for a deduction for state income taxes for certain home-school educational expenses; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 7—**  
BY SENATORS CHAISSON AND MICHOT  
**AN ACT**

To amend and reenact R.S. 47:301(3)(i)(ii)(bb), relative to the definition of the term "manufacturer" for purposes of eligibility for the state sales and use tax exclusions from the terms "cost price" and "sales price" for purchases of machinery and equipment used in manufacturing; to provide that the term "manufacturer" shall include persons who have North American Industrial Classification System codes within the information Section 51, or the manufacturing Sectors 511-511110, as they existed in 2002, assigned either by the Louisiana Department of Labor, if the persons are required to register with the Louisiana Department of Labor for purposes of unemployment insurance, or by the Louisiana Department of Revenue, as determined from federal income tax data, if the persons are not required to register with the Department of Labor for purposes of unemployment insurance; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
ROBERT M. MARIONNEAU, JR.  
Chairman

**REPORT OF COMMITTEE ON**  
**FINANCE**

Senator Michael J. "Mike" Michot, Chairman on behalf of the Committee on Finance, submitted the following report:

March 11, 2008

To the President and Members of the Senate:

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

**SENATE BILL NO. 11—**  
BY SENATOR MICHOT  
**AN ACT**

To amend and reenact R.S. 47:481 and R.S. 48:196(A) and to enact R.S. 48:77, relative to the dedication of revenues to transportation related matters; to provide for the deposit into and allowable uses thereof of certain monies into the Transportation Trust Fund, the Transportation Mobility Fund, and the State Highway Improvement Fund; to provide for an effective date; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
MICHAEL J. "MIKE" MICHOT  
Chairman

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

Senator Michot 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. 3—**  
BY SENATOR SCALISE  
**AN ACT**

To amend and reenact R.S. 47:293(4), relative to the federal income tax reductions provided for in Section 6428 of the Internal Revenue Code as enacted in the federal Economic Stimulus Act of 2008; to provide that such federal income tax reductions shall not decrease the federal income tax deduction; and to provide for related matters.

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

**SENATE BILL NO. 5—**  
BY SENATORS MARIONNEAU, KOSTELKA, MICHOT, SCALISE AND WALSWORTH  
**AN ACT**

To enact R.S. 47:293(9)(a)(xiv) and (xv), 297.10, and 297.11, relative to individual income tax; to provide for a deduction from state income taxes for certain elementary and secondary education tuition; to provide for a deduction for state income taxes for certain home-school educational expenses; 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 Original Senate Bill No. 5 by Senator Marionneau

AMENDMENT NO. 1  
On page 2, line 21, after "equal to" insert "fifty percent of"

**AMENDMENT NO. 2**

On page 2, line 23, after "**child**" delete the period "." and insert: "**or five thousand dollars per child, whichever is less.**"

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

**SENATE BILL NO. 7—**

BY SENATORS CHAISSON, MICHOT, SCALISE AND WALSWORTH  
AN ACT

To amend and reenact R.S. 47:301(3)(i)(ii)(bb), relative to the definition of the term "manufacturer" for purposes of eligibility for the state sales and use tax exclusions from the terms "cost price" and "sales price" for purchases of machinery and equipment used in manufacturing; to provide that the term "manufacturer" shall include persons who have North American Industrial Classification System codes within the information Section 51, or the manufacturing Sectors 511-511110, as they existed in 2002, assigned either by the Louisiana Department of Labor, if the persons are required to register with the Louisiana Department of Labor for purposes of unemployment insurance, or by the Louisiana Department of Revenue, as determined from federal income tax data, if the persons are not required to register with the Department of Labor for purposes of unemployment insurance; and to provide for related matters.

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

**SENATE BILL NO. 11—**

BY SENATORS MICHOT, ALARIO, CHEEK, DONAHUE, DORSEY, DUPRE, N. GAUTREAUX, JACKSON, LONG, MURRAY, SMITH AND WALSWORTH  
AN ACT

To amend and reenact R.S. 47:481 and R.S. 48:196(A) and to enact R.S. 48:77, relative to the dedication of revenues to transportation related matters; to provide for the deposit into and allowable uses thereof of certain monies into the Transportation Trust Fund, the Transportation Mobility Fund, and the State Highway Improvement Fund; to provide for an effective date; and to provide for related matters.

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

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

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

**SENATE BILL NO. 9—**

BY SENATORS MARIONNEAU, ADLEY, DORSEY, ERDEY, KOSTELKA, LONG, MICHOT, MORRISH, RISER, SHAW AND WALSWORTH  
AN ACT

To enact R.S. 47:293(4)(c), relative to the federal income tax deduction for individual income tax; and to provide for related matters.

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

**SENATE BILL NO. 10—**

BY SENATORS MARIONNEAU, ADLEY, DORSEY, ERDEY, KOSTELKA, LONG, MICHOT, MORRISH, RISER, SHAW AND WALSWORTH  
AN ACT

To amend and reenact R.S. 47:602(A) and (G), 603(A)(2), 605(C), and 609(A) and to repeal R.S. 47:603, relative to the corporation franchise tax; to accelerate the elimination of borrowed capital

from taxable capital; to provide for an effective date; and to provide for related matters.

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

**SENATE BILL NO. 12—**

BY SENATORS MARIONNEAU, MICHOT, WALSWORTH, ADLEY, DORSEY, ERDEY, KOSTELKA, LONG, MORRISH, RISER AND SHAW  
AN ACT

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 an accelerated 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 an exclusion of certain manufacturing machinery and equipment; to provide for an effective date; and to provide for related matters.

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

**SENATE BILL NO. 13—**

BY SENATORS MARIONNEAU, MICHOT, WALSWORTH, ADLEY, DORSEY, ERDEY, KOSTELKA, LONG, MORRISH, RISER AND SHAW  
AN ACT

To enact R.S. 47:321(K), relative to the sales and use tax; to provide for the effectiveness and applicability of the exemptions for electric power or energy, natural gas, water, and steam; to provide for an effective date; and to provide for related matters.

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

**Rules Suspended**

Senator Hebert asked for and obtained a suspension of the rules for the purpose of taking up at this time.

**Introduction of Senate Bills  
and Joint Resolutions**

Senator Broome 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. 17—**

BY SENATOR HEBERT  
AN ACT

To amend and reenact R.S. 47:302(R)(1), 321(H)(1), and 331(P)(2), relative to state sales and use tax; to eliminate and reduce sales tax on purchases by businesses of certain utilities; and to provide for related matters.

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

**SENATE BILL NO. 18—**

BY SENATOR HEBERT  
AN ACT

To enact R.S. 47:293(9)(a)(xiv) and (xv) and 297.10 and 297.11, relative to individual income tax; to provide for a deduction from state income taxes for certain elementary and secondary education tuition; to provide for a deduction from state income taxes for certain elementary and secondary education expenses; to provide for certain requirements and limitations; to provide for an effective date; and to provide for related matters.

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

March 11, 2008

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**SENATE BILL NO. 19—**  
BY SENATOR THOMPSON

**AN ACT**

To amend and reenact the introductory paragraph of R.S. 47:301(3)(i)(ii)(aa) and 301(3)(i)(ii)(aa)(II), relative to accelerating the reduction of state sales and use tax on manufacturing machinery and equipment through an expansion of the types of manufacturing machinery and equipment subject to such reduction; to provide for certain machinery and equipment used as an integral part of the production, processing, and storing of food and fiber or of timber; and to provide for related matters.

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

**Leaves of Absence**

The following leaves of absence were asked for and granted:

Amedee	1 Day	Duplessis	1 Day
B. Gautreaux	1 Day	LaFleur	1 Day
Martiny	1 Day	Shepherd	1 Day

**Adjournment**

Senator Broome moved that the Senate adjourn until Wednesday, March 12, 2008, at 1:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 1:00 o'clock P.M. on Wednesday, March 12, 2008.

GLENN A. KOEPP  
Secretary of the Senate

LYNDA E. WHEELER  
Journal Clerk