

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

FIFTH 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

Thursday, March 11, 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	Ellington	Malone
Adley	Fields	Marionneaux
Amedee	Fontenot	McPherson
Bajoie	Gautreaux, B	Michot
Barham	Gautreaux, N	Mount
Boasso	Hainkel	Nevers
Cain	Heitmeier	Romero
Chaisson	Hollis	Schedler
Cheek	Irons	Smith
Cravins	Jackson	Theunissen
Dardenne	Jones	Ullo
Duplessis	Kostelka	
Dupre	Lentini	
Total—37		

ABSENT

Boissiere	Holden
Total—2	

The President of the Senate announced there were 37 Senators present and a quorum.

Prayer

The prayer was offered by Dr. Richard Rayborn, 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 Amedee, 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

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

March 11, 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 concurred in the following Senate Concurrent Resolutions:

SENATE CONCURRENT RESOLUTION NO. 5—
BY SENATOR KOSTELKA

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of Lauryn Willets.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 6—
BY SENATOR KOSTELKA

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of Leesa Willets.

Reported without amendments.

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

**Introduction of Resolutions,
Senate and Concurrent**

Senator Bajoie 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. 12—
BY SENATOR MICHOT

A RESOLUTION

To commend and congratulate Erin Osborne on being named Louisiana's High School Level State Honoree for the 2004 Prudential Spirit of Community Awards in recognition of outstanding record of volunteer service from The National Association of Secondary School Principals and Prudential Financial.

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

SENATE CONCURRENT RESOLUTION NO. 7—
BY SENATOR HINES

A CONCURRENT RESOLUTION

To amend and readopt Joint Rule No. 14(A) and (B) of the Joint Rules of the Senate and House of Representatives, relative to the allocation and use of space in the Pentagon Barracks.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Malone
Adley	Fields	Marionneaux
Amedee	Fontenot	McPherson
Bajoie	Gautreaux, B	Michot
Barham	Gautreaux, N	Mount

March 11, 2004

Boasso	Hainkel	Nevers
Cain	Heitmeier	Romero
Chaisson	Hollis	Schedler
Cheek	Irons	Smith
Cravins	Jackson	Theunissen
Dardenne	Jones	Ullo
Duplessis	Kostelka	
Dupre	Lentini	
Total—37		
	NAYS	
Total—0		
	ABSENT	
Boissiere	Holden	
Total—2		

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 11, 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. 1—

BY REPRESENTATIVES HAMMETT, SALTER, ALARIO, ANSARDI, 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. 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.

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

House Bills and Joint Resolutions

Senator Bajoie 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. 1—

BY REPRESENTATIVES HAMMETT, SALTER, ALARIO, ANSARDI, 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. 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.

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

Motion to Recommit

Senator Heitmeier asked for and obtained a suspension of the rules and recommitted House Concurrent Resolution No. 11 from the Committee on Revenue and Fiscal Affairs to the Committee on Finance.

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. 10—

BY SENATORS MOUNT, HINES, HEITMEIER, ADLEY, DUPLESSIS, N. GAUTREAUX, MICHOT AND NEVERS AND REPRESENTATIVES HAMMETT, SALTER, ALARIO AND MONTGOMERY
AN ACT

To enact R.S. 47:301(3)(i), (13)(k) and (28), and 337.10(I), relative to sales and use tax of the state, statewide political subdivisions, and other 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 an optional exclusion for political subdivisions; and to provide for related matters.

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

SENATE BILL NO. 11—

BY SENATORS MOUNT, HINES AND HEITMEIER AND REPRESENTATIVE HAMMETT
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.

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

SENATE BILL NO. 12—

BY SENATORS MOUNT, HINES, HEITMEIER, ADLEY, DUPLESSIS, DUPRE, N. GAUTREAUX, IRONS, KOSTELKA, MICHOT AND NEVERS AND REPRESENTATIVES HAMMETT, SALTER, ALARIO AND MONTGOMERY
AN ACT

To amend and reenact R.S. 47:601(A), 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.

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

SENATE BILL NO. 16—

BY SENATORS MOUNT AND MICHOT
AN ACT

To amend and reenact R.S. 47:301(16)(l), relative to sales tax; to provide an exclusion for other constructions permanently attached to the land for purposes of state and other statewide sales and use taxes; and to provide for related matters.

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

SENATE BILL NO. 19—

BY SENATORS MOUNT, HINES, HEITMEIER, ADLEY, DUPLESSIS, DUPRE, N. GAUTREAUX, IRONS, KOSTELKA, MALONE, MICHOT AND NEVERS AND 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 carryforward 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 Mount, the bill was read by title and returned to the Calendar, subject to call.

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 Cain sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

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

AMENDMENT NO. 1

On page 1, line 2, after "enact" delete the remainder of the line, and delete lines 3 through 8, and insert:

"R.S. 47:294.1, relative to a tax credit program for the continuance of a tax deduction for individuals; to provide for the type and amount of the credit; to define certain terms; and"

AMENDMENT NO. 2

On page 1, line 11, after "Section 1." delete the remainder of the line, delete lines 12 through 17, and on page 2, delete lines 1 through 6, and insert:

"§294.1 Ten-year phase-in of a tax credit program for certain federal deductions

R.S. 47:294.1 is all proposed new law

A. For tax years beginning January 1, 2005, the following tax credit program shall be phased in for each individual income taxpayer having an adjusted gross income of no more than seventy-five thousand dollars for persons filing a single return, or for each such taxpayer having an adjusted gross income of no more than one-hundred fifty thousand dollars for taxpayers filing a joint return.

B.(1) The credit shall be an amount calculated in accordance with a regulation which shall be promulgated by the secretary of the Department of Revenue which will allow the taxpayers provided for in Subsection (A) a credit equal to the amount their tax would have been reduced if such resident taxpayers had reduced their adjusted gross income, or in the case of nonresident individuals, their tax table income, by the amount of their excess federal itemized personal deductions.

(2) However, the credit shall be phased in over ten tax years, starting with tax years beginning during the 2005 calendar year, when ten percent of the amount of the credit provided for in Paragraph (B)(1) shall be allowed, and increasing by ten percent for tax years beginning in the nine calendar years which follow, until all of the credit is allowed for tax years beginning in 2014 and each tax year thereafter.

C. The terms used in this Section shall have the same meaning as provided for in this Part, and the term "excess federal itemized personal deductions" means the amount by which the federal itemized personal deductions exceed the amount of federal standard deduction designated for the filing status used for the taxable period on the individual income tax return required to be filed."

On motion of Senator Cain, the amendments were adopted.

Senator Heitmeier asked for a ruling from the Chair as to whether the amended bill was germane to the call.

The Chair ruled that the amended bill was not germane to the call.

The bill was returned to the calendar, subject to call.

Messages from the President of the Senate

The following messages from the President of the Senate were received and read as follows:

SENATE
State of Louisiana

March 11, 2004

Mr. Glenn Koepf
Acting Secretary of the Senate
Post Office Box 94183
Baton Rouge, LA 70804

Dear Glenn:

Pursuant to Senate Rule 13:20, I hereby create the Senate Select Committee on Consumer Affairs and Technology to study and make recommendations on consumer problems/difficulties in various areas including, but not limited to, the affect of technological advances and to study and review the Senate's technology systems and present and continuously update a comprehensive plan for ensuring accessibility, security, upgrades, and enhancements, considering the Senate's current and future needs.

The committee shall have the same powers, duties, and authorities as standing committees during interims between sessions. A majority of the committee members shall constitute a quorum for conducting business and the committee shall meet at such times as called by the chairman, with the approval of the president.

Please take the appropriate action under the Senate Rules to record and make official notifications of this action.

Sincerely,
DONALD E. HINES

SENATE

State of Louisiana

March 11, 2004

Mr. Glenn Koepp
Acting Secretary of the Senate
Post Office Box 94183
Baton Rouge, LA 70804

Dear Glenn:

Pursuant to Senate Rule 13:20, I hereby create the Senate Select Committee on Juvenile Justice to provide ongoing legislative oversight of the implementation of juvenile justice reforms adopted by the Juvenile Justice Commission.

The committee shall have the same powers, duties, and authorities as standing committees during interims between sessions. A majority of the committee members shall constitute a quorum for conducting business and the committee shall meet at such times as called by the chairman, with the approval of the president.

Please take the appropriate action under the Senate Rules to record and make official notifications of this action.

Sincerely,
DONALD E. HINES

SENATE
State of Louisiana

March 11, 2004

Mr. Glenn Koepp
Acting Secretary of the Senate
Post Office Box 94183
Baton Rouge, LA 70804

Dear Glenn:

Pursuant to Senate Rule 13:20, I hereby recreate the Senate Select Committee on Homeland Security to study and review homeland security issues and make recommendations to assure the state's readiness in case of terrorist attacks including, but not limited to, funding availability and coordination of effort to establish additional trauma centers around the state and coordination between Louisiana's national guard, local and state law enforcement agencies, and state departments.

The committee shall have the same powers, duties, and authorities as standing committees during interims between sessions. A majority of the committee members shall constitute a quorum for conducting business and the committee shall meet at such times as called by the chairman, with the approval of the president.

Please take the appropriate action under the Senate Rules to record and make official notifications of this action.

Sincerely,
DONALD E. HINES

Message from the House

SIGNED HOUSE CONCURRENT RESOLUTIONS

March 11, 2004

HOUSE CONCURRENT RESOLUTION NO. 13—

BY REPRESENTATIVE WALSWORTH
A CONCURRENT RESOLUTION

To express condolences upon the death of Reverend Charles Reed of Monroe.

HOUSE CONCURRENT RESOLUTION NO. 14—

BY REPRESENTATIVES DOWNS AND GALLOT AND SENATOR KOSTELKA
A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences to the family of Leesa and Lauryn Willets upon their tragic deaths.

HOUSE CONCURRENT RESOLUTION NO. 15—

BY REPRESENTATIVE BROOME
A CONCURRENT RESOLUTION

To commend the Public Administration Institute Student Association (PAISA) at Louisiana State University and to recognize April 13, 2004, as the sixth annual PAISA Day.

and asked that the President of the Senate affix his signature to the same.

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

The House Concurrent Resolutions contained herein were signed by the President of the Senate.

Privilege Report of the Committee on Senate and Governmental Affairs

ENROLLMENTS

Senator Jones, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

March 11, 2004

SENATE RESOLUTION NO. 3—

BY SENATOR HINES
A RESOLUTION

To amend and readopt Senate Rule No. 13.1(A)(15) of the Rules of Order of the Senate, relative to the number of members on standing committees of the Senate; to increase the number of members on the Senate Committee on Revenue and Fiscal Affairs to eleven members.

SENATE RESOLUTION NO. 4—

BY SENATORS HINES, DUPRE, B. GAUTREAUX AND N. GAUTREAUX
A RESOLUTION

To create and provide with respect to a Senate Select Committee on Coastal Restoration and Flood Control; to provide for membership; to provide for duties and responsibilities of the committee; and to provide for related matters.

SENATE RESOLUTION NO. 5—

BY SENATOR KOSTELKA
A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana upon the death of James Thomas Breland.

SENATE RESOLUTION NO. 6—

BY SENATOR KOSTELKA
A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana upon the death of Dennis D. Colvin.

SENATE RESOLUTION NO. 8—
BY SENATORS HINES AND HAINKEL
A RESOLUTION

To adopt Senate Rule No 3.3(33) and Senate Rule No. 3.7(F) of the Rules of Order of the Senate, relative to the duties of the secretary of the Senate; to authorize the president of the Senate to restrict the authority of the secretary of the Senate upon the adoption of this resolution censuring the secretary of the Senate and placing the secretary on probation; to censure the secretary of the Senate and suspend him from performance of his duties for thirty days without compensation; and to place the secretary of the Senate on probation until the first day of the 2005 Regular Session.

Respectfully submitted,
CHARLES D. JONES
Chairman

The foregoing Senate Resolutions were signed by the President of the Senate and presented to the Secretary of State by the Secretary.

Leaves of Absence

The following leaves of absence were asked for and granted:

Boissiere 1 Day Holden 1 Day

Adjournment

Senator Bajoie moved that the Senate adjourn until Monday, March 15, 2004, at 5:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 5:00 o'clock P.M. on Monday, March 15, 2004.

GLENN A. KOEPP
Acting Secretary of the Senate

GAYE F. HAMILTON
Journal Clerk