

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

**SECOND DAY'S PROCEEDINGS**

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

House of Representatives  
State Capitol  
Baton Rouge, Louisiana

Monday, March 8, 2004

The House of Representatives was called to order at 4:00 P.M., by the Honorable Joe R. Salter, Speaker of the House of Representatives.

**Morning Hour**

**ROLL CALL**

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

**PRESENT**

Mr. Speaker	Flavin	Odinot
Alario	Frith	Pierre
Alexander	Futrell	Pinac
Ansardi	Gallot	Pitre
Arnold	Geymann	Powell, M.
Badon	Glover	Powell, T.
Baldone	Gray	Quezaire
Baudoin	Guillory, E.	Richmond
Baylor	Guillory, M.	Ritchie
Beard	Hammett	Romero
Bowler	Heaton	Scalise
Broome	Hebert	Schneider
Bruce	Hill	Shepherd
Bruneau	Honey	Smiley
Burns	Hopkins	Smith, G.—56th
Burrell	Hudson	Smith, J.D.—50th
Carter, K.	Hunter	Smith, J.H.—8th
Carter, R.	Hutter	Smith, J.R.—30th
Cazayoux	Jackson	St. Germain
Crane	Jefferson	Strain
Crowe	Johns	Thompson
Curtis	Katz	Toomy
Damico	Kenney	Townsend
Daniel	LaBruzzo	Trahan
Dartez	LaFleur	Triche
DeWitt	Lambert	Tucker
Doerge	Lancaster	Waddell
Dorsey	Marchand	Walker
Downs	Martiny	Walsworth

Dove	McDonald	White
Durand	McVea	Winston
Erdey	Montgomery	Wooton
Fannin	Morrell	Wright
Farrar	Morrish	
Faucheux	Murray	
Total—103		

ABSENT

Kennard  
Total—1

The Speaker announced that there were 103 members present and a quorum.

**Prayer**

Prayer was offered by Rep. Broome.

**Pledge of Allegiance**

Rep. Downs 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. Hill, the reading of the Journal was dispensed with.

On motion of Rep. Hill, the Journal of March 7, 2004, was adopted.

**Reports of Committees**

The following reports of committees were received and read:

**Report of the Committee on Appropriations**

March 8, 2004

To the Speaker and Members of the House of Representatives:

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

House Bill No. 12, by Alario  
Reported favorably. (16-0) (Duplicate of SB8)

House Bill No. 23, by McVea  
Reported favorably. (13-0) (Regular)

JOHN A. ALARIO, JR.  
Chairman

**Report of the Committee on Ways and Means**

March 8, 2004

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. 1, by Hammett  
Reported favorably. (18-0) (Regular)

House Bill No. 2, by Hammett  
Reported favorably. (17-0) (Regular)

House Bill No. 3, by Hammett  
Reported favorably. (17-0) (Regular)

BRYANT O. HAMMETT, JR.  
Chairman

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### Suspension of the Rules

On motion of Rep. Alario, the rules were suspended in order to take up House Bills contained in the committee report at this time.

### House Bills and Joint Resolutions on Second Reading Reported by Committee

The following House Bills and Joint Resolutions on second reading reported by committee were taken up 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, BAJOE, 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.

Read by title.

Reported favorably by the Committee on Ways and Means.

On motion of Rep. Hammett, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

#### HOUSE BILL NO. 2—

BY 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 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; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Ways and Means.

On motion of Rep. Hammett, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

#### HOUSE BILL NO. 3—

BY 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.

Read by title.

Reported favorably by the Committee on Ways and Means.

On motion of Rep. Hammett, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

#### HOUSE BILL NO. 12—

BY REPRESENTATIVES ALARIO AND TRICHE

##### 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.

Read by title.

Reported favorably by the Committee on Appropriations.

On motion of Rep. Alario, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

#### HOUSE BILL NO. 23—

BY REPRESENTATIVE MCVEA

##### 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.

Read by title.

Reported favorably by the Committee on Appropriations.

On motion of Rep. Alario, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

### 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. 1—

BY REPRESENTATIVE CROWE

##### A RESOLUTION

To amend and readopt House Rules 6.1(introductory paragraph), (16), and (17) and 6.6(P) and (Q) of the Rules of Order of the House of Representatives, and to adopt House Rules 6.1(18), 6.6(R), and 6.7(C)(6) of the Rules of Order of the House of Representatives, to create and provide for the House Committee on Science and Technology; and to provide for related matters.

Read by title.

Rep. Crowe sent up floor amendments which were read as follows:

### HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Crowe to Original House Resolution No. 1 by Representative Crowe

#### AMENDMENT NO. 1

On page 1, line 2, after "House" delete the remainder of the line and on line 3, delete "and (Q)" and insert "Rule 6.1"

#### AMENDMENT NO. 2

On page 1, at the end of line 3, delete "and to adopt House" and delete lines 4 and 5 in their entirety, and on line 6, delete "Technology;" and insert "to provide for the appointment of select committees,"

#### AMENDMENT NO. 3

On page 1, line 8, after "6.1" delete the remainder of the line and delete line 9 in its entirety and on line 10, delete "Rules 6.1(18), 6.6(R), and 6.7(C)(6)"

#### AMENDMENT NO. 4

On page 1, line 11, change "are" to "is" and change "adopted" to "readopted"

#### AMENDMENT NO. 5

On page 1, line 12, after "Committees" insert a semicolon ";" and "select committees"

#### AMENDMENT NO. 6

On page 1, at the beginning of line 13, insert "A." and change "eighteen" to "seventeen"

#### AMENDMENT NO. 7

On page 1, line 16, change "eighteen" to "seventeen"

#### AMENDMENT NO. 8

On page 1, delete lines 18 through 20 in their entirety, on page 2, delete lines 1 through 27 in their entirety, and on page 3, delete lines 1 through 27 in their entirety and insert the following:

- "(1) Administration of Criminal Justice
- (2) Appropriations
- (3) Agriculture, Forestry, Aquaculture, and Rural Development
- (4) Civil Law and Procedure
- (5) Commerce
- (6) Education
- (7) Environment
- (8) Health and Welfare
- (9) House and Governmental Affairs
- (10) Insurance
- (11) Judiciary

- (12) Labor and Industrial Relations
- (13) Municipal, Parochial and Cultural Affairs
- (14) Natural Resources
- (15) Retirement
- (16) Transportation, Highways and Public Works
- (17) Ways and Means

B. The Speaker may establish select committees for specific studies or purposes. He shall appoint the members thereof and designate the chairman. A select committee shall have the same powers, duties, and authorities and shall be subject to the same rules as standing committees during interims between sessions."

On motion of Rep. Crowe, the amendments were adopted.

On motion of Rep. Crowe, the resolution, as amended, was ordered engrossed and referred to the Committee on House and Governmental Affairs.

#### **HOUSE RESOLUTION NO. 3—**

BY REPRESENTATIVE HUNTER

##### **A RESOLUTION**

To amend and readopt House Rule 6.3(A) of the Rules of Order of the House of Representatives to provide that chairmen of standing committees may serve on other standing committees.

Read by title.

Under the rules, the above resolution was referred to the Committee on House and Governmental Affairs.

#### **HOUSE CONCURRENT RESOLUTION NO. 7—**

BY REPRESENTATIVE ST. GERMAIN

##### **A CONCURRENT RESOLUTION**

To designate the ground floor breezeway of the Louisiana State Capitol as Elias "Bo" Ackal, Jr. Hall.

Read by title.

Under the rules, the above resolution was referred to the Committee on House and Governmental Affairs.

#### **HOUSE CONCURRENT RESOLUTION NO. 9—**

BY REPRESENTATIVE BRUCE

##### **A CONCURRENT RESOLUTION**

To urge and request the boards of supervisors of the Louisiana State University System, the Southern University System, the University of Louisiana System, and the Louisiana Community and Technical College System to consider the implementation of tuition exemption programs for law enforcement officers and firefighters or the enhancement of any such programs at institutions under the supervision of each where such programs currently exist and to submit a written report on any actions taken in the consideration of such program implementation or enhancement to the House Committee on Appropriations and the Senate Committee on Revenue and Fiscal Affairs by not later than May 15, 2004.

Read by title.

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

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### Senate Concurrent Resolutions

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

#### SENATE CONCURRENT RESOLUTION NO. 2—

BY SENATOR HINES

##### A CONCURRENT RESOLUTION

To commend and congratulate Senator Paulette Irons on being one of ten winners of the Home Box Office (HBO) national "Hearing Her Voice, Telling Her Story" award, which honors contributions made by African-American women.

Read by title.

On motion of Rep. Bruneau, and under a suspension of the rules, the resolution was concurred in.

#### SENATE CONCURRENT RESOLUTION NO. 3—

BY SENATOR FONTENOT

##### A CONCURRENT RESOLUTION

To commend and congratulate the Louisiana State University Fighting Tigers on culminating their impressive season by capturing the national championship on January 4, 2004.

Read by title.

On motion of Rep. Erdey, and under a suspension of the rules, the resolution was concurred in.

### 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. 27—

BY REPRESENTATIVE DANIEL

##### AN ACT

To amend and reenact R.S. 47:6019(A)(1), (2), and (3)(a) and (b)(i) and (B), relative to the state historic rehabilitation credit; to extend the sunset; to provide for the administration of the credit by the State Historic Preservation Office and the Department of Revenue; to provide for an effective date; and to provide for related matters.

Read by title.

### Motion

On motion of Rep. Broome, the bill was returned to the calendar.

#### HOUSE BILL NO. 37—

BY REPRESENTATIVE BALDONE

##### AN ACT

To repeal Chapter 5 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, comprised of R.S. 47:601 through 618, to repeal the corporation franchise tax; and to provide for an effective date and the applicability of the Act.

Read by title.

### Motion

On motion of Rep. Broome, the bill was returned to the calendar.

### Introduction of House Bills and Joint Resolutions

The following named members introduced the following entitled House Bills and Joint Resolutions which were read the first time by their titles and placed upon the calendar for their second reading and, under a suspension of the rules, were referred to committee as follows:

#### HOUSE BILL NO. 38—

BY REPRESENTATIVE LAFLEUR

##### AN ACT

To amend and reenact R.S. 47:305.50(B), relative to the state sales and use tax; to exempt repairs of rail rolling stock manufactured in this state for use in interstate commerce from the tax, under certain circumstances; to provide for an effective date; and to provide for related matters.

Read by title.

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

### Suspension of the Rules

On motion of Rep. Hammett, the rules were suspended to permit the Committee on Ways and Means to meet on Tuesday, March 8, 2004, and consider the following legislative instruments without giving the notice required by House Rule 14.24(A):

House Bill No. 38

### Leave of Absence

Rep. Kennard - 1 day

### Adjournment

On motion of Rep. Kenney, at 4:25 P.M., the House agreed to adjourn until Tuesday, March 9, 2004, at 4:00 P.M.

The Speaker of the House declared the House adjourned until 4:00 P.M., Tuesday, March 9, 2004.

ALFRED W. SPEER  
Clerk of the House