

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

**THIRD 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  
Tuesday, March 9, 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
Burns	Honey	Smiley
Burrell	Hopkins	Smith, G.—56th
Carter, K.	Hudson	Smith, J.D.—50th
Carter, R.	Hunter	Smith, J.H.—8th
Cazayoux	Jackson	Smith, J.R.—30th
Crane	Jefferson	St. Germain
Crowe	Johns	Strain
Curtis	Katz	Thompson
Damico	Kenney	Toomy
Daniel	LaBruzzo	Townsend
Dartez	LaFleur	Trahan
DeWitt	Lambert	Triche
Doerge	Lancaster	Tucker
Dorsey	Marchand	Waddell
Downs	Martiny	Walker
Dove	McDonald	Walsworth

Durand	McVea	White
Erdey	Montgomery	Winston
Fannin	Morrell	Wooton
Farrar	Morrish	Wright
Faucheux	Murray	
Total—101		

**ABSENT**

Bruneau	Hutter	Kennard
Total—3		

The Speaker announced that there were 101 members present and a quorum.

**Prayer**

Prayer was offered by Dr. Ken Ward.

**Pledge of Allegiance**

Rep. Badon 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 8, 2004, was adopted.

**Petitions, Memorials and  
Communications**

The following petitions, memorials, and communications were received and read:

**Privileged Report of the Committee on Enrollment**

March 9, 2004

To the honorable Speaker and Members of the House of Representatives:

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

The following House Resolutions have been properly enrolled:

**HOUSE RESOLUTION NO. 2—**  
BY REPRESENTATIVES JOHNS, FLAVIN, GEYMAN, E. GUILLORY,  
AND MORRISH AND SENATORS CAIN, MOUNT, AND THEUNISSEN  
A RESOLUTION

To commend Pam Quebodeaux of Calcasieu Parish upon her selection as Louisiana Elementary Principal of the Year and to recognize her outstanding contributions to the education of the youth of Louisiana.

Respectfully submitted,

DONALD RAY KENNARD  
Chairman

The above House Resolutions contained in the report were signed by the Speaker of the House and taken by the Clerk of the House to the Secretary of State in accordance with the rules of the House.

**Message from the Senate**

**HOUSE CONCURRENT RESOLUTIONS**

March 8, 2004

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has concurred in the following House Concurrent Resolutions:

House Concurrent Resolution No. 1  
Returned without amendments.

House Concurrent Resolution No. 2  
Returned without amendments.

House Concurrent Resolution No. 3  
Returned without amendments.

House Concurrent Resolution No. 4  
Returned without amendments.

House Concurrent Resolution No. 5  
Returned without amendments.

House Concurrent Resolution No. 6  
Returned without amendments.

House Concurrent Resolution No. 8  
Returned without amendments.

Respectfully submitted,

MICHAEL S. BAER, III  
Secretary of the Senate

**Message from the Senate**

**ASKING CONCURRENCE IN  
SENATE CONCURRENT RESOLUTIONS**

March 8, 2004

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has adopted and asks your concurrence in the following Senate Concurrent Resolutions:

Senate Concurrent Resolution No. 4

Respectfully submitted,

MICHAEL S. BAER, III  
Secretary of the Senate

**Suspension of the Rules**

On motion of Rep. Gray, the rules were suspended in order to take up and consider Senate Concurrent Resolutions at this time.

**Senate Concurrent Resolutions**

The following Senate Concurrent Resolutions contained in the message were taken up and acted upon as follows:

**SENATE CONCURRENT RESOLUTION NO. 4—**

BY SENATOR HAINKEL

**A CONCURRENT RESOLUTION**

To commend and congratulate James F. Sefcik upon the occasion of his retirement as director of the Louisiana State Museum and assistant secretary of the Louisiana Department of Culture, Recreation and Tourism.

Read by title.

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

**Reports of Committees**

The following reports of committees were received and read:

**Report of the Committee on Appropriations**

March 9, 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 Concurrent Resolution No. 11, by Alario  
Reported favorably. (11-0)

JOHN ALARIO  
Chairman

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

March 9, 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. 5, by Hammett  
Reported favorably. (17-0) (Regular)

House Bill No. 6, by Hammett  
Reported with amendments. (17-0) (Regular)

House Bill No. 7, by Hammett  
Reported favorably. (17-0) (Regular)

House Bill No. 8, by Hammett  
Reported with amendments. (16-0) (Regular)

House Bill No. 9, by Hammett  
Reported favorably. (16-0) (Regular)

House Bill No. 10, by Hammett  
Reported with amendments. (15-0) (Regular)

House Bill No. 15, by Strain  
Reported with amendments. (17-0) (Regular)

House Bill No. 35, by Montgomery  
Reported with amendments. (17-0) (Regular)

House Bill No. 38, by LaFleur  
Reported favorably. (17-0) (Regular)

BRYANT O. HAMMETT, JR.  
Chairman

**Suspension of the Rules**

On motion of Rep. Jane Smith, the rules were suspended in order to take up and consider House and House Concurrent Resolutions Reported by Committee at this time.

**House and House Concurrent Resolutions  
Reported by Committee**

The following House and House Concurrent Resolutions reported by committee were taken up and acted upon as follows:

**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.

Read by title.

Reported favorably by the Committee on Appropriations.

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

**Suspension of the Rules**

On motion of Rep. Jane Smith, 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. 5—  
BY REPRESENTATIVES HAMMETT, SALTER, ALARIO AND  
MONTGOMERY  
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.

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. 6—  
BY 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 corporation franchise tax and individual income tax credit 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.

Read by title.

Reported with amendments by the Committee on Ways and Means.

The committee amendments were read as follows:

**HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on Ways and Means to Original House Bill No. 6 by Representative Hammett

**AMENDMENT NO. 1**

Change "HAMMETT" to "DANIEL, HAMMETT"

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

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

Under the rules, placed on the regular calendar.

**HOUSE BILL NO. 7—  
BY 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.

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. 8—  
BY REPRESENTATIVES HAMMETT, SALTER AND MONTGOMERY  
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.

Read by title.

Reported with amendments by the Committee on Ways and Means.

The committee amendments were read as follows:

**HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on Ways and Means to Original House Bill No. 8 by Representative Hammett

**AMENDMENT NO. 1**

Change "HAMMETT" to "FAUCHEUX, HAMMETT"

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

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

Under the rules, placed on the regular calendar.

# Page 4 HOUSE

3rd Day's Proceedings - March 9, 2004

## HOUSE BILL NO. 9—

BY REPRESENTATIVES HAMMETT AND ALARIO  
AN ACT

To amend and reenact R.S. 47:301(16)(l), 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.

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. 10—

BY REPRESENTATIVE HAMMETT  
AN ACT

To amend and reenact R.S. 47:6007, relative to the Louisiana motion picture investor tax credit; to extend 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.

Read by title.

Reported with amendments by the Committee on Ways and Means.

The committee amendments were read as follows:

### HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Ways and Means to Original House Bill No. 10 by Representative Hammett

#### AMENDMENT NO. 1

On page 1, line 3, change "extend" to "remove"

#### AMENDMENT NO. 2

On page 7, delete lines 15 and 16

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

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

Under the rules, placed on the regular calendar.

## HOUSE BILL NO. 15—

BY REPRESENTATIVES STRAIN, ALARIO, ALEXANDER, BALDONE, BOWLER, BRUCE, DANIEL, DARTEZ, DOERGE, DOWNS, FANNIN, FAUCHEUX, FLAVIN, FRITH, FUTRELL, GALLOT, GEYMAN, HILL, HOPKINS, JOHNS, KATZ, KENNARD, KENNEY, MCDONALD, MORRISH, H. POWELL, QUEZAIRE, RITCHIE, SCALISE, JACK SMITH, JOHN SMITH, THOMPSON, TOOMY, WADDELL, AND WALKER AND SENATORS AMEDEE, BARHAM, DUPLESSIS, ELLINGTON, N. GAUTREAUX, HOLLIS, KOSTELKA, MCPHERSON, MICHOT, NEVERS, AND SMITH

AN ACT

To enact R.S. 47:301(10)(w), relative to the sales and use taxes of the state and statewide political subdivisions; to phase in a reduction of the tax for 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.

Read by title.

Reported with amendments by the Committee on Ways and Means.

The committee amendments were read as follows:

### HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Ways and Means to Original House Bill No. 15 by Representative Strain

#### AMENDMENT NO. 1

Change "STRAIN" to "HAMMETT, STRAIN"

#### AMENDMENT NO. 2

On page 1, line 2, change "47.301(10)(w)" to "47:301(10)(x)"

#### AMENDMENT NO. 3

On page 1, delete line 3 and insert "political subdivisions; to exclude the sale or purchase by"

#### AMENDMENT NO. 4

On page 1, line 7, change "47:301(10)(w)" to "47:301(10)(x)"

#### AMENDMENT NO. 5

On page 1, delete lines 15 and 16 and insert "(x) For purposes of the sales and use tax imposed by the state or any political subdivision"

#### AMENDMENT NO. 6

On page 2, delete lines 4 through 11 in their entirety

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

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

Under the rules, placed on the regular calendar.

## HOUSE BILL NO. 35—

BY REPRESENTATIVE MONTGOMERY  
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 extend 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.

Read by title.

Reported with amendments by the Committee on Ways and Means.

The committee amendments were read as follows:

**HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on Ways and Means to Original House Bill No. 35 by Representative Montgomery

AMENDMENT NO. 1

On page 1, line 6, change "extend" to "delete"

AMENDMENT NO. 2

On page 1, delete line 14 and insert "A.(1)(a)(i) The sales and"

AMENDMENT NO. 3

On page 2, delete line 1, and insert "(ii) The sales and use tax"

AMENDMENT NO. 4

On page 2, line 13, after "later.", delete the remainder of the line and delete line 14 in its entirety

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

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

Under the rules, placed on the regular calendar.

**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.

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.

**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. 12—**  
BY REPRESENTATIVE KENNARD  
A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of LSU equipment manager Jeff Boss.

Read by title.

On motion of Rep. McVea, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

**Leave of Absence**

Rep. Kennard - 1 day

**Adjournment**

On motion of Rep. Kenney, at 4:15 P.M., the House agreed to adjourn until Wednesday, March 10, 2004, at 2:00 P.M.

The Speaker of the House declared the House adjourned until 2:00 P.M., Wednesday, March 10, 2004.

ALFRED W. SPEER  
Clerk of the House

