The House of Representatives was called to order at 3:00 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 Frith Pierre
Alario Frith Pincar Pitre
Alexander Futrell Powell, M.
Ansardi Gallot Powell, T.
Arnold Geymann Quezaire
Badon Glover Richmond
Baldone Gray Ritchie
Baudoin Guillory, E. Romero
Baylor Guillory, M. Scallise
Beard Hammett Schneider
Bowler Heaton Shepherd
Broome Hebert Smiley
Bruce Hill Smith, G.—56th
Bruneau Honey Smith, J.D.—50th
Burns Hopkins Smith, J.H.—8th
Burrell Hudson Smith, J.R.—30th
Carter, K. Hunter St. Germain
Carter, R. Hutter Strain
Cazayoux Jackson Thompson
Cone Jefferson Toomy
Crowe Johns Townsend
Curtis Katz Trahan
Damico Kenney Trieh
Daniel LaBruzzo Tucker
Dartez LaFleur Waddell
DeWitt Lambert Walker
Doerge Lancaster Walsworth
Dorsey Marchand
Downs Martin

ABSENT

Kennard

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

Prayer

Prayer was offered by Rep. Romero.

Pledge of Allegiance

Rep. Dove 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. Frith, the reading of the Journal was dispensed with.

On motion of Rep. Frith, the Journal of March 10, 2004, was adopted.

Petitions, Memorials and Communications

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

Message from the Senate

ASKING CONCURRENCE IN SENATE CONCURRENT RESOLUTIONS

March 10, 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 Nos. 5 and 6

Respectfully submitted,

GLENN KOEPP
Acting Secretary of the Senate

Suspension of the Rules

On motion of Rep. Downs, 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. 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.
Read by title.
On motion of Rep. Downs, and under a suspension of the rules,
the resolution was concurred in.

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.
Read by title.
On motion of Rep. Downs, and under a suspension of the rules,
the resolution was concurred in.

MESSAGE FROM THE SENATE
HOUSE CONCURRENT RESOLUTIONS
March 10, 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. 13
Returned without amendments.

House Concurrent Resolution No. 14
Returned without amendments.

House Concurrent Resolution No. 15
Returned without amendments.

Respectfully submitted,
GLENN KOEPP
Acting Secretary of the Senate

MESSAGE FROM THE SENATE
SIGNED SENATE CONCURRENT RESOLUTIONS
March 10, 2004
To the Honorable Speaker and Members of the House of
Representatives:

I am directed to inform your honorable body that the President
of the Senate has signed the following Senate Concurrent
Resolutions:

Senate Concurrent Resolution Nos. 2, 3, and 4
and ask the Speaker of the House of Representatives to affix his
signature to the same.

Respectfully submitted,
GLENN KOEPP
Acting Secretary of the Senate

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

REPORTS OF COMMITTEES
The following reports of committees were received and read:

REPORT OF THE COMMITTEE ON
HOUSE AND GOVERNMENTAL AFFAIRS
March 11, 2004
To the Speaker and Members of the House of Representatives:

I am directed by your Committee on House and Governmental
Affairs to submit the following report:

House Resolution No. 1, by Crowe
Reported with amendments. (9-0)

House Resolution No. 3, by Hunter
Reported favorably. (7-2)

House Concurrent Resolution No. 7, by St. Germain
Reported favorably. (9-0)

CHARLES D. LANCASTER, JR.
Chairman

REPORT OF THE COMMITTEE ON
MUNICIPAL, PAROCHIAL AND CULTURAL AFFAIRS
Thursday, March 11, 2004
To the Speaker and Members of the House of Representatives:

Pursuant to a meeting held on Wednesday, March 10, 2004, I am
directed by your Committee on Municipal, Parochial and Cultural
Affairs to submit the following report:

House Bill No. 32, by Townsend
Reported favorably. (9-0-1) (Regular)

ERNEST BAYLOR, JR.
Chairman

SUSPENSION OF THE RULES
On motion of Rep. Karen Carter, 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. 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.

Read by title.
Reported favorably by the Committee on Municipal, Parochial and Cultural Affairs.

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

Under the rules, placed on the regular calendar.

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

The following Senate Bills and Joint Resolutions on second reading to be referred were taken up, read, and referred to committees, as follows:

**SENATE BILL NO. 8—**

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

**Motion**

Rep. Alario moved that Senate Bill No. 8 be designated as a duplicate of House Bill No. 12.

Which motion was agreed to.

Rep. Alario moved that Senate Bill No. 8 be amended to conform with House Bill No. 12 and sent up the following floor amendments:

**HOUSE FLOOR AMENDMENTS**

Conforming Amendments proposed by Representative Alario to Reengrossed Senate Bill No. 8 by Senator Heitmeier (Duplicate of House Bill No. 12)

**AMENDMENT NO. 1**

On page 3, delete lines 2 through 4 in their entirety and at the beginning of line 5, change "Section 3." to "Section 2."

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

**Motion**

On motion of Rep. Alario, the above bill, as amended, was referred to the Legislative Bureau.

**SENATE BILL NO. 9—**

BY SENATORS MOUNT, HINES, HEITMEIER, ADLEY, AMEDEE, BAJIOE, BARHAM, BOASGO, BOISSIERE, CAIN, CHAISSON, CHEEK, CRAVINS, DUPLESSIS, DUPRE, ELLINGTON, FIELDS, FONETNOT, R. GAUTREAUX, N. GAUTREAUX, HAINKEL, HOLDEN, HOLIS, IRONS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, NEVERS, ROMERO, SCHEDLER, SMITH AND UULLO 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.

Read by title.

**Motion**

Rep. Daniel moved that Senate Bill No. 9 be designated as a duplicate of House Bill No. 6.

Which motion was agreed to.

Rep. Daniel moved that Senate Bill No. 9 be amended to conform with House Bill No. 6 and sent up the following floor amendments:

**HOUSE FLOOR AMENDMENTS**

Conforming Amendments proposed by Representative Hammett to Reengrossed Senate Bill No. 9 by Senator Mount (Duplicate of House Bill No. 6)

**AMENDMENT NO. 1**

On page 1, at the end of line 10, change "2007." to "2008."

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

**Motion**

On motion of Rep. Daniel, the above bill, as amended, was referred to the Legislative Bureau.

**SENATE BILL NO. 13—**

BY SENATORS MOUNT, HINES, HEITMEIER AND NEVERS AND REPRESENTATIVES HAMMETT, SALTER, ALARIO, MONTGOMERY AND THOMPSON 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 provide for 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.

**Motion**

On motion of Rep. Daniel, the above bill, as amended, was referred to the Legislative Bureau.

**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.

Read by title.

**Motion**

Rep. Hammett moved that Senate Bill No. 14 be designated as a duplicate of House Bill No. 7.
Which motion was agreed to.

Rep. Hammett moved that Senate Bill No. 14 be amended to conform with House Bill No. 7 and sent up the following floor amendments:

**HOUSE FLOOR AMENDMENTS**

Conforming Amendments proposed by Representative Hammett to Reengrossed Senate Bill No. 14 by Senator Mount (Duplicate of House Bill No. 7)

**AMENDMENT NO. 1**

On page 1, line 9, change “2007,” to “2008.”

**AMENDMENT NO. 2**

On page 1, line 12, change “2007,” to “2008.”

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

**Motion**

On motion of Rep. Hammett, the above bill, as amended, was referred to the Legislative Bureau.

**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.

Read by title.

**Motion**

Rep. Hammett moved that Senate Bill No. 15 be designated as a duplicate of House Bill No. 5.

Which motion was agreed to.

**Motion**

On motion of Rep. Hammett, the above bill was referred to the Legislative Bureau.

**House Bills and Joint Resolutions on Third Reading and Final Passage**

The following House Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

**Regular Calendar**

**Suspension of the Rules**

On motion of Rep. Wright, the rules were suspended to limit the author or proponent handling the legislative instrument to ten minutes for opening remarks and all subsequent speakers on the instrument to five minutes.

**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, BOISNIERE, CHAIDSON, CHEEK, DUPRE, FIELDS, FONTENOT, B. GAUTREAUX, N. GAUTREAUX, HEITMEIER, HOLDEN, HOLLMANN, 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.

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

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representatives Hammett to Engrossed House Bill No. 1 by Representative Hammett

**AMENDMENT NO. 1**

On page 1, line 10, after “Chapter” and the comma “,” delete the remainder of the line and insert the following:

"for the period July 1, 2004, through June 30, 2009, the exemptions to the tax"

**AMENDMENT NO. 2**

On page 1, line 14, change “and 305.50, ” to “305.50, and 305.51”

**AMENDMENT NO. 3**

On page 2, line 2, after “Subsection” and the comma “,” delete the remainder of the line and insert the following:

"for the period July 1, 2004, through June 30, 2009, the exemptions to the tax levied by this"

**AMENDMENT NO. 4**

On page 2, line 6, change “and 305.50,” to “305.50, and 305.51”

**AMENDMENT NO. 5**

On page 2, line 8, after “(2)” and before “exemptions” change “The” to "For the period July 1, 2004, through June 30, 2009, the"

**AMENDMENT NO. 6**

On page 2, at the end of line 10, insert the following:

"As used in this Paragraph, the term "utilities" shall mean sales of steam, water, electric power or energy, and natural gas."

**AMENDMENT NO. 7**

On page 2, between lines 13 and 14, insert the following:

"Section 3. It is the intention of the legislature that the tax exemptions made inapplicable, inoperable, and of no effect for the period July 1, 2004, through June 30, 2009, by virtue of the
provisions of R.S. 47:302(R) and 331(P) shall resume, commence, and become effective on July 1, 2010."

AMENDMENT NO. 8
On page 2, line 14, change "Section 3." to "Section 4."

Rep. DeWitt objected. "305.50 and 305.51"

By a vote of 69 yeas and 33 nays, the amendments were adopted.

Suspension of the Rules
On motion of Rep. Curtis, and under a suspension of the rules, the above roll call was corrected to reflect him as voting yea.

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

HOUSE FLOOR AMENDMENTS
Amendments proposed by Representative Tucker to Engrossed House Bill No. 1 by Representative Hammett

AMENDMENT NO. 1
On page 1, line 2, after "331(P)," and before "relative" insert "to amend and reenact R.S. 47:302(R), 321(H), and 331(P), and to repeal R.S. 47:302(R), 321(H), and 331(P),"

AMENDMENT NO. 2
On page 1, line 6, after "enacted" and before "to" insert "and R.S. 47:321(H) is hereby amended and reenacted"

AMENDMENT NO. 3
On page 1, line 14, after "305.46," delete "and 305.50" and insert "305.50 and 305.51"

AMENDMENT NO. 4
On page 1, between lines 16 and 17, insert the following:
"§321. Imposition of tax
* * *
H. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, the exemptions to the tax levied pursuant to the provisions of this Section, except for those exemptions provided by R.S. 39:467 and 468, R.S. 47:305(A)(1), (B), (D)(1)(f), (j), (k), (l), (m), (s), and (t), and (G), 305.1, 305.2, 305.3, 305.8, 305.10, 305.14, 305.15, 305.20, 305.25(A)(1) and (2), 305.37, 305.38, 305.46, 305.50, and 305.51, and R.S. 51:1787, shall be inapplicable, inoperable, and of no effect to the extent of two-thirds of such exemptions.
* * *

AMENDMENT NO. 5
On page 2, line 1, after "P." delete "(1)"

AMENDMENT NO. 6
On page 2, at the end of line 1, delete "except as" and at the beginning of line 2, delete "provided in Paragraph (2) of this Subsection."

AMENDMENT NO. 7
On page 2, line 6 after "305.46," delete "and 305.50" and insert "305.50 and 305.51"

AMENDMENT NO. 8
On page 2, delete lines 8 through 10 in their entirety and insert the following:
"Section 2. R.S. 47:302(R), 321(H), and 331(P) are hereby amended and reenacted to read as follows:

§302. Imposition of tax
* * *
H. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, the exemptions to the tax levied pursuant to the provisions of this Section, except for those exemptions provided by R.S. 39:467 and 468, R.S. 47:305(A)(1), (B), (D)(1)(f), (j), (k), (l), (m), (s), and (t), and (G), 305.1, 305.2, 305.3, 305.8, 305.10, 305.14, 305.15, 305.20, 305.25(A)(1) and (2), 305.37, 305.38, 305.46, 305.50, and 305.51, and R.S. 51:1787, shall be inapplicable, inoperable, and of no effect to the extent of two-thirds of such exemptions.
* * *

§321. Imposition of tax
* * *

P. Notwithstanding any other provision of law to the contrary, the exemptions to the tax levied by this Section, except for the exemptions provided in R.S. 39:467 and 468, R.S. 47:305(A)(1), (B), (D)(1)(f), (j), (k), (l), (m), (s), and (t), and (G), 305.1, 305.2, 305.3, 305.8, 305.10, 305.14, 305.15, 305.20, 305.25(A)(1) and (2), 305.37, 305.38, 305.46, 305.50, 305.51, and R.S. 51:1787, shall be inapplicable, inoperable, and of no effect to the extent of two-thirds of such exemptions.
* * *

§331. Imposition of tax
* * *

R. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, the exemptions to the tax levied pursuant to the provisions of this
Section, except for those exemptions provided by R.S. 39:467 and 468, R.S. 47:305(A)(1), (B), (D)(1)(f), (j), (k), (l), (m), (s), and (t), and (G), 305.1, 305.2, 305.3, 305.8, 305.10, 305.14, 305.15, 305.20, 305.25(A)(1) and (2), 305.37, 305.38, 305.46, 305.50, and 305.51, and R.S. 51:1787, shall be inapplicable, inoperable, and of no effect to the extent of one-third of such exemptions.

* * *

§321. Imposition of tax

* * *

H. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, the exemptions to the tax levied pursuant to the provisions of this Section, except for those exemptions provided by R.S. 39:467 and 468, R.S. 47:305(A)(1), (B), (D)(1)(f), (j), (k), (l), (m), (s), and (t), and (G), 305.1, 305.2, 305.3, 305.8, 305.10, 305.14, 305.15, 305.20, 305.25(A)(1) and (2), 305.37, 305.38, 305.46, 305.50, and 305.51, and R.S. 51:1787, shall be inapplicable, inoperable, and of no effect to the extent of one-third of such exemptions.

* * *

§331. Imposition of tax

* * *

P. Notwithstanding any other provision of law to the contrary, the exemptions to the tax levied by this Section, except for the exemptions provided by R.S. 39:467 and 468, R.S. 47:305(A)(1), (B), (D)(1)(f), (j), (k), (l), (m), (s), and (t), (G), 305.1, 305.2, 305.3, 305.8, 305.10, 305.14, 305.15, 305.20, 305.25(A)(1) and (2), 305.37, 305.38, 305.46, 305.50, and 305.51, and R.S. 51:1787, shall be inapplicable, inoperable, and of no effect to the extent of one-third of such exemptions.

Section 4. R.S. 47:302(R), 321(H), and 331(P) are hereby repealed in their entirety.

AMENDMENT NO. 2

On page 1, line 2, after "331(P)," and before "relative insert "to amend and reenact R.S. 47:302(R), 321(H), and 331(P), and to repeal R.S. 47:302(R), 321(H), and 331(P),"

AMENDMENT NO. 3

On page 1, line 6, after "enacted" and before "to" insert "and R.S. 47:321(H) is hereby amended and reenacted"

AMENDMENT NO. 4

On page 1, line 14, after "305.46," delete "and 305.50" and insert "305.50 and 305.51"

AMENDMENT NO. 5

On page 1, between lines 16 and 17, insert the following:

"§321. Imposition of tax

* * *

H. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, the exemptions to the tax levied pursuant to the provisions of this Section, except for those exemptions provided by R.S. 39:467 and 468, R.S. 47:305(A)(1), (B), (D)(1)(f), (j), (k), (l), (m), (s), and (t), and (G), 305.1, 305.2, 305.3, 305.8, 305.10, 305.14, 305.15, 305.20, 305.25(A)(1) and (2), 305.37, 305.38, 305.46, 305.50, and 305.51, and R.S. 51:1787, shall be inapplicable, inoperable, and of no effect from July 1, 2002.

* * *

AMENDMENT NO. 6

On page 2, line 1, after "P."

AMENDMENT NO. 7

On page 2, at the end of line 1, delete "except as" and at the beginning of line 2, delete "provided in Paragraph (2) of this Subsection.

AMENDMENT NO. 8

On page 2, line 6 after "305.46," delete "and 305.50" and insert "305.50 and 305.51"

AMENDMENT NO. 9

On page 2, delete lines 8 through 10 in their entirety and insert the following:

"Section 2. R.S. 47:302(R), 321(H), and 331(P) are hereby amended and reenacted to read as follows:

§302. Imposition of tax

R. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, the exemptions to the tax levied pursuant to the provisions of this Section, except for those exemptions provided by R.S. 39:467 and 468, R.S. 47:305(A)(1), (B), (D)(1)(f), (j), (k), (l), (m), (s), and (t), and (G), 305.1, 305.2, 305.3, 305.8, 305.10, 305.14, 305.15, 305.20, 305.25(A)(1) and (2), 305.37, 305.38, 305.46, 305.50, and 305.51,

AMENDMENT NO. 1

Delete the set of House Floor Amendments proposed by Representative Hammett and adopted by the House on March 11, 2004.

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Tucker to Engrossed House Bill No. 1 by Representative Hammett

AMENDMENT NO. 1

Delete the set of House Floor Amendments proposed by Representative Hammett and adopted by the House on March 11, 2004.
and R.S. 51:1787, shall be inapplicable, inoperable, and of no effect to the extent of two-thirds of such exemptions.

§321. Imposition of tax

* * *

H. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, the exemptions to the tax levied pursuant to the provisions of this Section, except for those exemptions provided by R.S. 39:467 and 468, R.S. 47:305(A)(1), (B), (D)(1)(f), (j), (k), (l), (m), (s), and (t), and (G), 305.1, 305.2, 305.3, 305.8, 305.10, 305.14, 305.15, 305.20, 305.25(A)(1) and (2), 305.37, 305.38, 305.46, 305.50, and 305.51, and R.S. 51:1787, shall be inapplicable, inoperable, and of no effect to the extent of two-thirds of such exemptions.

§331. Imposition of tax

* * *

P. Notwithstanding any other provision of law to the contrary, the exemptions to the tax levied by this Section, except for the exemptions provided in R.S. 39:467 and 468, R.S. 47:305(A)(1), (B), (D)(1)(f), (j), (k), (l), (m), (s), and (t), and (G), 305.1, 305.2, 305.3, 305.8, 305.10, 305.15, 305.20, 305.25(A)(1) and (2), 305.37, 305.38, 305.46, 305.50, and 305.51, and R.S. 51:1787, shall be inapplicable, inoperable, and of no effect to the extent of one-third of such exemptions.

Section 3. R.S. 47:302(R), 321(H), and 331(P) are hereby amended and reenacted to read as follows:

§302. Imposition of tax

R. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, the exemptions to the tax levied pursuant to the provisions of this Section, except for those exemptions provided by R.S. 39:467 and 468, R.S. 47:305(A)(1), (B), (D)(1)(f), (j), (k), (l), (m), (s), and (t), and (G), 305.1, 305.2, 305.3, 305.8, 305.10, 305.14, 305.15, 305.20, 305.25(A)(1) and (2), 305.37, 305.38, 305.46, 305.50, and 305.51, and R.S. 51:1787, shall be inapplicable, inoperable, and of no effect to the extent of one-third of such exemptions.

§321. Imposition of tax

* * *

H. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, the exemptions to the tax levied pursuant to the provisions of this Section, except for those exemptions provided by R.S. 39:467 and 468, R.S. 47:305(A)(1), (B), (D)(1)(f), (j), (k), (l), (m), (s), and (t), and (G), 305.1, 305.2, 305.3, 305.8, 305.10, 305.14, 305.15, 305.20, 305.25(A)(1) and (2), 305.37, 305.38, 305.46, 305.50, and 305.51, and R.S. 51:1787, shall be inapplicable, inoperable, and of no effect to the extent of one-third of such exemptions.

§331. Imposition of tax

* * *

P. Notwithstanding any other provision of law to the contrary, the exemptions to the tax levied by this Section, except for the exemptions provided in R.S. 39:467 and 468, R.S. 47:305(A)(1), (B), (D)(1)(f), (j), (k), (l), (m), (s), and (t), and (G), 305.1, 305.2, 305.3, 305.8, 305.10, 305.14, 305.15, 305.20, 305.25(A)(1) and (2), 305.37, 305.38, 305.46, 305.50, and 305.51, and R.S. 51:1787, shall be inapplicable, inoperable, and of no effect to the extent of one-third of such exemptions.

Section 4. R.S. 47:302(R), 321(H), and 331(P) are hereby repealed in their entirety.

AMENDMENT NO. 10

On page 2, line 11, change "Section 2." to "Section 5."

AMENDMENT NO. 11

On page 2, delete lines 14 through 16, and insert the following:

"Section 6. Sections 1, 5, and 6 of this Act shall become effective July 1, 2004; Section 2 of this Act shall become effective on July 1, 2005; Section 3 of this Act shall become effective on July 1, 2006; and Section 4 of this Act shall become effective on July 1, 2007."

Rep. Tucker moved the adoption of the amendments.


A record vote was asked for and ordered by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Alexander Gysyn
Beard Hutter
Bowler Johns
Bruneau Katz
Burns LaBruzzo
Crowe Lambert
Daniel Lancaster
Dove Martin
Erdey Morrish
Flavin Pite
Futrell Powell, M.

Total—33

NAYS

Mr. Speaker Fannin
Alario Farrar
Ansardi Faucheux
Arnold Frith
Baldone Glover
Baudoin Gray
Baylor Guillory, E.
Broome Guillory, M.
Bruce Hammitt
Burrell Heaton
Carter, K. Hebert
Carter, R. Hill
Cazayoux Honey
Crane Hopkins
Curtis Hunter
Damico Hunter

McVea
Morrell
Murray
Oden
Pierre
Powell, T.
Quezaire
Richmond
Ritchie
Smith, G.—6th
Smith, J.D.—50th
Smith, J.H.—8th
Smith, J.R.—30th
St. Germain
Strain
Dartez Jackson Thompson
DeWitt Jefferson Townsend
Doerge Kenney Trahan
Dorsey LaFleur Walker
Downs Marchand Wooton
Durand McDonald Wright
Total—69

ABSENT
Kennard Shepherd
Total—2

The amendments were rejected.

Suspension of the Rules
On motion of Rep. Faucheux, and under a suspension of the rules, the above roll call was corrected to reflect him as voting nay.

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

HOUSE FLOOR AMENDMENTS
Amendments proposed by Representatives Odinet, Farrar, Townsend, DeWitt, Gary Smith, and Jack Smith to Engrossed House Bill No. 1 by Representative Hammett

AMENDMENT NO. 1
Delete the set of House Floor Amendments proposed by Representative Hammett and adopted by the House on March 11, 2004.

AMENDMENT NO. 2
On page 1, line 10, after "Chapter" and the comma "," delete the remainder of the line and insert the following:
"for the period July 1, 2004, through June 30, 2006, the exemptions to the tax"

AMENDMENT NO. 3
On page 2, line 2, after "Subsection" and the comma "," delete the remainder of the line and insert the following:
"for the period July 1, 2004, through June 30, 2006, the exemptions to the tax levied by this"

AMENDMENT NO. 4
On page 2, line 8, after "(2)" and before "exemptions" change "The" to "For the period July 1, 2004, through June 30, 2006, the"

AMENDMENT NO. 5
On page 2, between lines 13 and 14, insert the following:
"Section 3. It is the intention of the legislature that the tax exemptions made inapplicable, inoperable, and of no effect for the period July 1, 2004, through June 30, 2006, by virtue of the provisions of R.S. 47:302(R) and 331(P) shall resume, commence, and become effective on July 1, 2006."

AMENDMENT NO. 6
On page 2, line 14, change "Section 3." to "Section 4."

Motion
Rep. Lambert moved the previous question be ordered on the amendments.


By a vote of 44 yeas and 52 nays, the House refused to order the previous question on the amendments.

Rep. Odinet moved the adoption of the amendments.


A record vote was asked for and ordered by the House.

ROLL CALL
The roll was called with the following result:

YEAS
Beard Heaton Romero
Bowler Hebert Scalise
Bruno Hutter Schneider
Bums Johns Smith, G.—56th
Carter, R. Katz Smith, J.D.—50th
Crowe LaBruzzi Smith, J.H.—8th
Daniel Lambert Toomy
DeWitt Lancaster Townsend
Dove Martiny Triche
Farrar McVea Tucker
Fauciex Morris Waddell
Flavin Murray Walworth
Frith Odinet White
Futrell Pitre Winston
Geymann Powell, M. Wooton
Total—45

NAYS
Mr. Speaker Downs McDonald
Alario Durand Montgomery
Alexander Erdey Morrell
Ansardi Fannin Pierre
Arnold Gallot Pinac
Badon Glover Powell, T.
Baldone Gray Quezair
Baudoin Guillory, E. Richmond
Baylor Guillory, M. Ritchie
Broome Hammett Shepherd
Bruce Hill Smiley
Burrell Honey Smith, J.R.—30th
Carter, K. Hopkins St. Germain
Cazayoux Hudson Strain
Crane Hunter Thompson
Curtis Jackson Trahan
Damico Jefferson Walker
Dartez Kenney Wright
Doerge LaFleur Trahan
Dorsey Marchand Wooton
Total—58

ABSENT
Kennard Shepherd
Total—1

The amendments were rejected.
Suspension of the Rules
On motion of Rep. Daniel, and under a suspension of the rules, the above roll call was corrected to reflect him as voting yea.

Suspension of the Rules
On motion of Rep. Marchand, and under a suspension of the rules, the above roll call was corrected to reflect her as voting nay.

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

HOUSE FLOOR AMENDMENTS
Amendments proposed by Representative Beard to Engrossed House Bill No. 1 by Representative Hammett

AMENDMENT NO. 1
On page 1, line 2, after "331(P)," and before "relative" insert "to amend and reenact R.S. 47:302(R), 321(H), and 331(P), and to repeal R.S. 47:302(R), 321(H), and 331(P),"

AMENDMENT NO. 2
On page 1, line 6, after "enacted" and before "to" insert "and R.S. 47:321(H) is hereby amended and reenacted"

AMENDMENT NO. 3
On page 1, line 14, after "305.46," delete "and 305.50" and insert "305.50 and 305.51"

AMENDMENT NO. 4
On page 1, between lines 16 and 17, insert the following:
"§321. Imposition of tax

* * *

H. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, the exemptions to the tax levied pursuant to the provisions of this Section, except for those exemptions provided by R.S. 39:467 and 468, R.S. 47:305(A)(1), (B), (D)(1)(f), (j), (k), (l), (m), (s), and (t), and (G), 305.1, 305.2, 305.3, 305.8, 305.10, 305.14, 305.15, 305.20, 305.25(A)(1) and (2), 305.37, 305.38, 305.46, 305.50, and 305.51, and R.S. 51:1787, shall be inapplicable, inoperable, and of no effect to the extent of three-fourths of such exemptions.

* * *

§321. Imposition of tax

* * *

AMENDMENT NO. 8
On page 2, delete lines 8 through 10 in their entirety and insert the following:

"Section 2. R.S. 47:302(R), 321(H), and 331(P) are hereby amended and reenacted to read as follows:

§302. Imposition of tax

R. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, the exemptions to the tax levied pursuant to the provisions of this Section, except for those exemptions provided by R.S. 39:467 and 468, R.S. 47:305(A)(1), (B), (D)(1)(f), (j), (k), (l), (m), (s), and (t), and (G), 305.1, 305.2, 305.3, 305.8, 305.10, 305.14, 305.15, 305.20, 305.25(A)(1) and (2), 305.37, 305.38, 305.46, 305.50, and 305.51, and R.S. 51:1787, shall be inapplicable, inoperable, and of no effect to the extent of three-fourths of such exemptions.

* * *

§331. Imposition of tax

* * *

P. Notwithstanding any other provision of law to the contrary, the exemptions to the tax levied by this Section, except for the exemptions provided in R.S. 39:467 and 468, R.S. 47:305(A)(1), (B), (D)(1)(f), (j), (k), (l), (m), (s), and (t), and (G), 305.1, 305.2, 305.3, 305.8, 305.10, 305.14, 305.15, 305.20, 305.25(A)(1) and (2), 305.37, 305.38, 305.46, 305.50, and 305.51, and R.S. 51:1787, shall be inapplicable, inoperable, and of no effect to the extent of three-fourths of such exemptions.

* * *

Section 3. R.S. 47:302(R), 321(H), and 331(P) are hereby amended and reenacted to read as follows:

§302. Imposition of tax

R. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, the exemptions to the tax levied pursuant to the provisions of this Section, except for those exemptions provided by R.S. 39:467 and 468, R.S. 47:305(A)(1), (B), (D)(1)(f), (j), (k), (l), (m), (s), and (t), and (G), 305.1, 305.2, 305.3, 305.8, 305.10, 305.14, 305.15, 305.20, 305.25(A)(1) and (2), 305.37, 305.38, 305.46, 305.50, and 305.51, and R.S. 51:1787, shall be inapplicable, inoperable, and of no effect to the extent of one-half of such exemptions.

* * *
§321. Imposition of tax

H. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, the exemptions to the tax levied pursuant to the provisions of this Section, except for those exemptions provided by R.S. 39:467 and 468, R.S. 47:305(A)(1), (B), (D)(1)(f), (j), (k), (l), (m), (s), and (t), and (G), 305.1, 305.2, 305.3, 305.8, 305.10, 305.14, 305.15, 305.20, 305.25(A)(1) and (2), 305.37, 305.38, 305.46, 305.50, and 305.51, and R.S. 51:1787, shall be inapplicable, inoperable, and of no effect to the extent of one-half of such exemptions.

§331. Imposition of tax

P. Notwithstanding any other provision of law to the contrary, the exemptions to the tax levied by this Section, except for the exemptions provided in R.S. 39:467 and 468, R.S. 47:305(A)(1), (B), (D)(1)(f), (j), (k), (l), (m), (s), and (t), and (G), 305.1, 305.2, 305.3, 305.8, 305.10, 305.14, 305.15, 305.20, 305.25(A)(1) and (2), 305.37, 305.38, 305.46, 305.50, and 305.51, and R.S. 51:1787, shall be inapplicable, inoperable, and of no effect to the extent of one-fourth of such exemptions.

AMENDMENT NO. 9

On page 2, line 11, change "Section 2." to "Section 6."

AMENDMENT NO. 10

On page 2, delete lines 14 through 16, and insert the following:

"Section 7. Sections 1, 6, and 7 of this Act shall become effective July 1, 2004; Section 2 of this Act shall become effective on January 1, 2007; Section 3 of this Act shall become effective on January 1, 2008; Section 4 of this Act shall become effective on January 1, 2009; and Section 5 of this Act shall become effective on January 1, 2010."

Rep. Beard moved the adoption of the amendments.


By a vote of 34 yeas and 68 nays, the amendments were rejected.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Townsend to Engrossed House Bill No. 1 by Representative Hammett

AMENDMENT NO. 1

Delete the set of House Floor Amendments proposed by Representative Hammett and adopted by the House on March 11, 2004.

AMENDMENT NO. 2

On page 1, line 10, after "Chapter" and the comma "," delete the remainder of the line and insert the following:

"for the period July 1, 2004, through June 30, 2006, the exemptions to the tax"

AMENDMENT NO. 3

On page 2, line 2, after "Subsection" and the comma "," delete the remainder of the line and insert the following:

"for the period July 1, 2004, through June 30, 2006, the exemptions to the tax levied by this"
"Section 3. It is the intention of the legislature that the tax exemptions made inapplicable, inoperable, and of no effect for the period July 1, 2004, through June 30, 2006, by virtue of the provisions of R.S. 47:302(R) and 331(P) shall resume, commence, and become effective on July 1, 2006."

AMENDMENT NO. 6

On page 2, line 14, change "Section 3." to "Section 4."

Point of Order

Rep. Hammett asked for a ruling from the Chair as to whether the House has a rule prohibiting the consideration of duplicate amendments on the same bill.

Ruling of the Chair

The Chair ruled the House does have such a rule, House Rule 11.5, and thus the amendment by Rep. Townsend was out of order.

The amendments were withdrawn.

Motion

Rep. Crane moved the previous question be ordered on the entire subject matter.


By a vote of 62 yeas and 39 nays, the House agreed to order the previous question on the entire subject matter.

Rep. Hammett moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker
Alario
Ansardi
Arnold
Badon
Baldone
Baudoin
Baylor
Broome
Bruce
Burrell
Carter, K.
Cazayoux
Crane
Curtis
Damico
Daniel
Dartez
Doerge
Dorsey
Downs
Durand
Erdey
Fannin
Total—70

Morrell
Morrish
Murray
Piere
Pirac
Powell, T.
Quezaire
Richmond
Ritchie
Schneider
Shepherd
Smith, J.H.—8th
Smith, J.R.—30th
St. Germain
Strain
Thompson
Toomy
Trahan
Triche
Waddell
Walker
Wright

NAYS

Alexander
Beard

Futrell
Geymann
Romero
Scalise

ABSENT

Kennard
Total—1

The Chair declared the above bill, having received a two-thirds vote of the elected members, was finally passed.

The title of the above bill was read and adopted.

Rep. Hammett moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Privileged Report of the Legislative Bureau

March 11, 2004

To the Speaker and Members of the House of Representatives:

I am directed by your Legislative Bureau to submit the following report:

Senate Bill No. 8
Reported without amendments.

Senate Bill No. 9
Reported without amendments.

Senate Bill No. 14
Reported without amendments.

Senate Bill No. 15
Reported without amendments.

Respectfully submitted,

CHARLES MCDONALD
Chairman

Senate Instruments on Second Reading
Returned from the Legislative Bureau

Rep. Alario asked for and obtained a suspension of the rules to take up at this time the following Senate Bills and Joint Resolutions on second reading just returned from the Legislative Bureau, with a view of acting on the same:

SENATE BILL NO. 8—
BY SENATORS HEITMEIER, HINES, MOUNT, CHEEK, DUPLESSIS, FIELDS, B. GAUTREAUX, HOLDEN, JACKSON, JONES, LENTINI, MCPHERSON AND ULLO
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 without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 9—
BY SENATORS MOUNT, HINES, HEITMEIER, ADLEY, AMEDEE, BAJOIE, BARHAM, BOASSO, BOISSIERE, CAIN, CHAISON, CREEK, CRAVINS, DUGLESSIS, DUPRE, ELLINGTON, FIELDS, FONTENOT, B. GAUTREAUX, N. GAUTREAUX, HAINKEL, HOLDEN, HOLLIS, IRONS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MARIONNEAUX, MCPPHERSON, 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.

Read by title.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Daniel, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

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.

Read by title.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

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.

Read by title.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

Privileged Report of the Committee on Enrollment
March 11, 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. 4—
BY REPRESENTATIVE BAYLOR
A RESOLUTION
To commend James C. Birdsong, Jr. upon his appearance at Huntington High School in Shreveport and to welcome him to 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.

Privileged Report of the Committee on Enrollment
March 11, 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 Concurrent Resolutions have been properly enrolled:

HOUSE CONCURRENT RESOLUTION NO. 13—
BY REPRESENTATIVE WALLSWORTH
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.

Respectfully submitted,

DONALD RAY KENNARD
Chairman

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

Leave of Absence

Rep. Kennard - 1 day

Adjournment

On motion of Rep. Kenney, at 5:05 P.M., the House agreed to adjourn until Friday, March 12, 2004, at 10:00 A.M.

The Speaker of the House declared the House adjourned until 10:00 A.M., Friday, March 12, 2004.

ALFRED W. SPEER
Clerk of the House