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

SIXTH 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

Friday, March 12, 2004

The House of Representatives was called to order at 10:00 A.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
Alario
Alexander
Ansardi
Arnold
Badon
Baldone
Baudoin
Baylor
Beard
Bowler
Broome
Bruce
Bruneau
Burns
Burrell
Carter, K.
Carter, R.
Cazayoux
Crane
Curtis
Damico
Daniel
Dartez
DeWitt
Doerge
Dorsey
Dove
Downs

Flavin
Frith
Futrell
Gallot
Geymann
Glover
Gray
Guillory, E.
Guillory, M.
Hammett
Heaton
Hebert
Hill
Honey
Hopkins
Hudson
Hunter
Hutter
Jackson
Jefferson
Johns
Katz
Kenney
LaBruzzo
LaFleur
Lambert
Lancaster
Marchand
Martiny

Murray
Odinet
Pierre
Pinac
Pitre
Powell, M.
Powell, T.
Quezaire
Richmond
Ritchie
Romero
Scalise
Schneider
Shepherd
Smiley
Smith, G.—56th
Smith, J.D.—50th
Smith, J.H.—8th
Smith, J.R.—30th
St. Germain
Strain
Thompson
Toomy
Townsend
Trahan
Triche
Tucker
Waddell
Walker

ABSENT

Crowe
Kennard

Total—2

The Speaker announced that there were 102 members present and a quorum.

Prayer

Prayer was offered by Rep. Jane Smith.

Pledge of Allegiance

Rep. Gray 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. Walker, the reading of the Journal was dispensed with.


Suspension of the Rules

On motion of Rep. Flavin, 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.

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 No. 7

Respectfully submitted,

GLENN KOEPP
Acting Secretary of the Senate

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 RESOLUTION NO. 1—

By Representatives Crowe and Scalise

A RESOLUTION

To amend and readopt House Rule 6.1 of the Rules of Order of the House of Representatives, to provide for the appointment of the Select Committee on Technology; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on House and Governmental Affairs.

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

HOUSE CONCURRENT RESOLUTION NO. 7—

By Representatives St. Germain, Arnold, Bruneau, Gallo, Lancaster, Montgomery, Murray, and Smiley

A CONCURRENT RESOLUTION

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

Read by title.

Reported favorably by the Committee on House and Governmental Affairs.

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

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

HOUSE BILL NO. 2—

By Representatives Hammett, Salter, Alario, Montgomery, Arnold, Baldone, K. Carter, Dartez, Farrar, Fauchoux, Heaton, Jefferson, Kenney, Richmond, Jane Smith, and Townsend

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.

On motion of Rep. DeWitt, and under a suspension of the rules, consideration of the above bill was deferred at this time.

HOUSE BILL NO. 3—

By Representatives Hammett, Salter, Alario, Montgomery, Arnold, Baldone, K. Carter, Dartez, Farrar, Fauchoux, Heaton, Jefferson, Kenney, Richmond, Jane Smith, and Townsend

AN ACT

To amend and reenact R.S. 47:301(3)(i), (13)(k), (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.

Suspension of the Rules

On motion of Rep. DeWitt, and under a suspension of the rules, consideration of the above bill was deferred at this time.
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.

Suspension of the Rules

On motion of Rep. DeWitt, and under a suspension of the rules, consideration of the above bill was deferred at this time.

HOUSE BILL NO. 12 (Duplicate of Senate Bill No. 8)—
BY REPRESENTATIVE ALARIO AND SENATOR HEITMEIER AND COAUTHORED BY REPRESENTATIVES TRICHE AND MURRAY AND SENATORS HINES AND MOUNT
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

On motion of Rep. Alario, the bill was returned to the 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.

Suspension of the Rules

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

HOUSE BILL NO. 25—
BY REPRESENTATIVE MCVEA
AN ACT
To amend and reenact 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.

Suspension of the Rules

On motion of Rep. Damico, and under a suspension of the rules, consideration of the above bill was deferred at this time.

HOUSE BILL NO. 5—
BY REPRESENTATIVES HAMMETT, SALTER, ALARIO, MONTGOMERY, BALDONE, K. CARTER, CURTIS, DARTEZ, FARRAR, FAUCHEUX, HILL, JEFFERSON, SCALISE, AND TOWNSEND
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

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

HOUSE BILL NO. 8—
BY REPRESENTATIVES FAUCHEUX, HAMMETT, SALTER, ALARIO, MONTGOMERY, BALDONE, K. CARTER, CURTIS, DARTEZ, FARRAR, FAUCHEUX, HILL, JEFFERSON, SCALISE, AND TOWNSEND
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.

Motion

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

HOUSE BILL NO. 26—
BY REPRESENTATIVES FAUCHEUX, HAMMETT, SALTER, ALARIO, MONTGOMERY, BALDONE, K. CARTER, CURTIS, DARTEZ, FARRAR, FAUCHEUX, HILL, JEFFERSON, SCALISE, AND TOWNSEND
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.

Motion

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

HOUSE BILL NO. 27—
BY REPRESENTATIVES FAUCHEUX, HAMMETT, SALTER, ALARIO, MONTGOMERY, BALDONE, K. CARTER, CURTIS, DARTEZ, FARRAR, FAUCHEUX, HILL, JEFFERSON, SCALISE, AND TOWNSEND
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.

Suspension of the Rules

On motion of Rep. Damico, and under a suspension of the rules, consideration of the above bill was deferred at this time.

HOUSE BILL NO. 28—
BY REPRESENTATIVES FAUCHEUX, HAMMETT, SALTER, ALARIO, MONTGOMERY, BALDONE, K. CARTER, CURTIS, DARTEZ, FARRAR, FAUCHEUX, HILL, JEFFERSON, SCALISE, AND TOWNSEND
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.

Motion

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

HOUSE BILL NO. 29—
BY REPRESENTATIVES FAUCHEUX, HAMMETT, SALTER, ALARIO, MONTGOMERY, BALDONE, K. CARTER, CURTIS, DARTEZ, FARRAR, FAUCHEUX, HILL, JEFFERSON, SCALISE, AND TOWNSEND
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.

Suspension of the Rules

On motion of Rep. Damico, and under a suspension of the rules, consideration of the above bill was deferred at this time.

HOUSE BILL NO. 30—
BY REPRESENTATIVES FAUCHEUX, HAMMETT, SALTER, ALARIO, MONTGOMERY, BALDONE, K. CARTER, CURTIS, DARTEZ, FARRAR, FAUCHEUX, HILL, JEFFERSON, SCALISE, AND TOWNSEND
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.

Motion

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

HOUSE BILL NO. 31—
BY REPRESENTATIVES FAUCHEUX, HAMMETT, SALTER, ALARIO, MONTGOMERY, BALDONE, K. CARTER, CURTIS, DARTEZ, FARRAR, FAUCHEUX, HILL, JEFFERSON, SCALISE, AND TOWNSEND
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.

Suspension of the Rules

On motion of Rep. Damico, and under a suspension of the rules, consideration of the above bill was deferred at this time.

HOUSE BILL NO. 32—
BY REPRESENTATIVES FAUCHEUX, HAMMETT, SALTER, ALARIO, MONTGOMERY, BALDONE, K. CARTER, CURTIS, DARTEZ, FARRAR, FAUCHEUX, HILL, JEFFERSON, SCALISE, AND TOWNSEND
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.

Motion

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

HOUSE BILL NO. 33—
BY REPRESENTATIVES FAUCHEUX, HAMMETT, SALTER, ALARIO, MONTGOMERY, BALDONE, K. CARTER, CURTIS, DARTEZ, FARRAR, FAUCHEUX, HILL, JEFFERSON, SCALISE, AND TOWNSEND
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.

Motion

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

Motion

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

REP J. MURRAY
On page 1, line 13, after “effective”, insert a period “.” and delete the remainder of the line.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Richmond to Engrossed House Bill No. 8 by Representative Faucheux

AMENDMENT NO. 1
On page 1, line 13, after “effective”, insert a period “.” and delete the remainder of the line.

AMENDMENT NO. 2
On page 2, line 2, after “effective”, insert a period “.” and delete the remainder of the line.
AMENDMENT NO. 3

On page 2, line 10, after "effective", insert a period "." and delete the remainder of the line.

On motion of Rep. Murray, the amendments were withdrawn.

Rep. Faucheux moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker Faucheux Morrish
Alario Flavin Murray
Alexander Frith Odinet
Ansardi Futrell Pierre
Arnold Gallot Pinac
Badon Geymann Pire
Baldone Glover Powell, M.
Baudoin Gray Powell, T.
Baylor Guillory, E. Quezaire
Beard Guillory, M. Rich mond
Bowler Hammett Ritchie
Broome Heaton Scalise
Bruce Hebert Schneider
Bruneau Hill Shepherd
Burns Honey Smiley
Burrell Hopkins Smith, G.—56th
Budin Hunter Smith, J.D.—50th
Cazaroux Jean Smith, J.H.—8th
Cray Jackson Smith, J.R.—30th
Crowe Jefferson Stephen
Curtis Johns Strain
Damico Katz Thompson
Daniel Kenney Toomy
Dartez LaBruzzo Trahan
DeWitt LaFleur Triche
Dorsey Lambert Walker
Dove Marchand Walsworth
Downs Martiny White
Durand McDonald Winston
Erdey McVea Wooton
Fannin Montgomery Wright
Farrar Morrell
Total—101

NAYS

Total—0

ABSENT

Kennard Romero Tucker
Total—3

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Faucheux 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.

Suspension of the Rules

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

HOUSE BILL NO. 9

BY REPRESENTATIVES HAMMETT, ALARIO, ARNOLD, FAUCHEUX, HILL, KENNOR, MORRELL, ODINET, RICHMOND AND JANE SMITH

AN ACT

To amend and reenact R.S. 47:301(16)(1), 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.

Rep. Hammett moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker Faucheux Morrish
Alario Flavin Murray
Alexander Frith Odinet
Ansardi Futrell Pierre
Arnold Gallot Pinac
Badon Geymann Pire
Baudoin Gray Powell, M.
Baylor Guillory, E. Quezaire
Beard Guillory, M. Rich mond
Bowler Hammett Ritchie
Broome Heaton Scalise
Bruce Hebert Shepherd
Bruneau Hill Smiley
Burns Hopkins Smith, G.—56th
Cazaroux Hunter Smith, J.D.—50th
Cray Jackson Smith, J.H.—8th
Craze Hunter Smith, J.R.—30th
Curtis Johns St. Germain
Damico Katz Toomy
Daniel Kenney Townsend
Dartez LaBruzzo Trahan
DeWitt LaFleur Triche
Dorsey Lambert Walker
Dove Marchand Walsworth
Downs Martiny White
Durand McDonald Wooton
Erdey McVea Wooton
Fannin Montgomery Wright
Farrar Morrell
Total—101

NAYS

Total—0

ABSENT

Kennard Romero Tucker
Total—3

The Chair declared the above bill 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.

Suspension of the Rules

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

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 remove 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.

Rep. Hammett moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS
Mr. Speaker Faucheux Odinet
Alario Flavin Pierre
Alexander Frith Pinac
Ansardi Futrell Pitre
Arnold Gallot Powell, M.
Badon Geymann Powell, T.
Baldone Glover Quezaire
Baudoin Gray Ritchie
Baylor Guilory, E. Romero
Beard Guilory, M. Romer
Bowler Hammett Scalise
Broome Heaton Shepherd
Bruce Hebert Shepherd
Bruneau Hill Smith, G.—56th
Burns Honey Smith, J.D.—50th
Burrell Hudson Smith, J.H.—8th
Carter, K. Hutter Smith, J.R.—30th
Carter, R. Jackson Strain
Carayoux Jefferson Townsend
Crane Johns Thompson
Crown Katz Toomy
Curtis LaBrazzo Townsend
Damico LaFleur Trahan
Daniel Lambert Tucker
Dartez Lancaster Waddell
DeWitt Marchand Walker
Doerge Martiny Walksworth
Dorsey McDonald White
Dove McVea Winston
Downs Montgomery Wooton
Erdey Morrell Wright
Fannin Morrish
Farrar Murray

Total—100 NAYS

Total—0

The Chair declared the above bill 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.

HOUSE BILL NO. 15—
BY REPRESENTATIVES HAMMETT, STRAIN, ALARIO, ALEXANDER, ARNOLDS, BALDONE, BOWLER, BRUCE, BURNS, K. CARTER, CURTIS, DANIEL, DARTZE, DOERGE, DOWNS, FANNIN, FARRAR, FAUCHEUX, FLAVIN, FRITH, FUTRELL, GALLOT, GEYMANN, HILL, HOPKINS, JEFFERSON, JOHNS, KATZ, KENNARD, KENNEY, MCDONALD, MONTGOMERY, MORRELL, MORRISH, ODINET, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, SCALISE, SMITH, J. SMITH, JOHN SMITH, THOMPSON, TOMMY, TOWNSEND, WADDELL, AND WALKER AND SENATORS AMDEE, BARHAM, DUPLESISSIS, ELLINGTON, N. GAUTREAUX, HOLLIS, KOSTELKA, MCPHERSON, MICHOT, NEVERS, AND SMITH
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 exclude 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.

Rep. McDonald, on behalf of the Legislative Bureau, sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS
Amendments proposed by Representative McDonald on behalf of the Legislative Bureau to Engrossed House Bill No. 15 by Representative Hammett

AMENDMENT NO. 1
On page 1, line 7, following "hereby" and before "to" change "amended and reenacted" to "enacted"

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

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

HOUSE FLOOR AMENDMENTS
Amendments proposed by Representative Strain to Engrossed House Bill No. 15 by Representative Hammett

AMENDMENT NO. 1
Change "HAMMETT, STRAIN," to "STRAIN, HAMMETT,"' on page 1, line 7, following "hereby" and before "to" change "amended and reenacted" to "enacted"

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

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

ROLL CALL

The roll was called with the following result:

ABSENT
Hopkins Kenney
Kennard Kenney
Total—4

The Chair declared the above bill 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.
YEAS

Mr. Speaker     Flavin     Odinet
Alario         Frith      Pierre
Alexander      Futrell    Pinac
Ansardi        Gallot     Pitre
Arnold         Geymann    Powell, M.
Badon          Glover     Powell, T.
Baldone        Gray       Quezaire
Baudoin        Guillory, E. Richmond
Bayor          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
Dove           Martiny    Walsworth
Downs          McDonald  White
Durand         McVeA      Winston
Erdey          Montgomery Wooton
Fannin         Morrell    Wright
Farrar         Morrish   Wright
Fauteur        Murray
Total—103

NAYS

Total—0

Rep. Montgomery moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker     Faucheux     Murray
Alario         Flavin      Odinet
Alexander      Frith       Pierre
Ansardi        Futrell     Pinac
Arnold         Gallot      Pitre
Badon          Geymann     Powell, M.
Baldone        Gray        Powell, T.
Baudoin        Guillory, E. Quezaire
Bayor          Guillory, M. Richmond
Beard          Hammett    Ritchie
Bowler         Heaton     Romero
Broome         Hebert     Scalise
Bruce          Hill       Schneider
Bruneau        Honey      Shepherd
Burns          Hopkins    Smiley
Burrell        Hudson     Smith, G.—56th
Carter, K.     Hunter     Smith, J.H.—50th
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
Dove           Martiny    Walsworth
Downs          McDonald  White
Durand         McVeA      Winston
Erdey          Montgomery Wooton
Fannin         Morrell    Wright
Farrar         Morrish   Wright
Total—102

NAYS

Total—0

Rep. Montgomery 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.

HOUSE BILL NO. 35—
BY REPRESENTATIVES MONTGOMERY, ARNOLD, BALDONE, CURTIS, DANIEL, FARRAR, FAUCHEUX, HILL, JEFFERSON, KENNEY, MORRELL, ODINET, SCALISE, JANE SMITH, AND TOWNSEND

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 provide for an effective date; and to provide for related matters.

Read by title.

Rep. Montgomery 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.

HOUSE BILL NO. 38—
BY REPRESENTATIVES LAFLUR AND FAUCHEUX

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.
Motion

On motion of Rep. LaFleur, the bill was returned to the 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.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative McVea to Engrossed House Bill No. 23 by Representative McVea

AMENDMENT NO. 1
On page 1, line 9, after "Section 1." and before "Section 9(B)(14)" insert "That part of"

AMENDMENT NO. 2
On page 1, line 10, after "Legislature" and before "is hereby" insert "which is applicable to the allocation and distribution of funds in East Baton Rouge Parish"

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker    Faucheux    Murray
Alario    Flavin    Odinet
Alexander    Frith    Pierre
Ansar    Futrell    Pinac
Arnold    Gallot    Pitre
Badon    Geymann    Powell, M.
Baldone    Gray    Powell, T.
Baudoin    Guillory, E.    Quezaire
Baylor    Guillory, M.    Richmond
Beard    Hummett    Ritchie
Bowler    Heaton    Romero
Broome    Hebert    Scalise
Bruce    Hill    Schneider
Bruneau    Honey    Shepherd
Burns    Hopkins    Smiley
Burrell    Hudson    Smith, G.—56th
Carter, K.    Hunter    Smith, J.D.—50th
Carter, R.    Hutter    Smith, J.H.—8th
Cazayoux    Jackson    Smith, J.R.—30th
Crane    Jefferson    St. Germain
Crowe    Johns    Strain
Curtis    Katz    Thompson

NAYS

Damico    Kenney    Toomy
Daniel    LaBruzio    Townsend
Dartez    LaFleur    Trahan
DeWitt    Lambert    Trice
Doerge    Lancaster    Tucker
Dorsey    Marchand    Waddell
Dove    Martin    Walker
Downs    McDonald    Walworth
Durand    McVea    White
Erdey    Montgomery    Winston
Fannin    Morrell    Wooton
Farrar    Morrish    Wright

Total—102

ABSENT

Glover    Kennard
Total—2

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. McVea 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.

Suspension of the Rules

On motion of Rep. Alario, the rules were suspended in order to take up and consider Senate Bills and Joint Resolutions on Third Reading and Final Passage at this time.

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:

Regular Calendar

SENATE BILL NO. 8—
BY SENATORS HEITMEIER, HINES, MOUNT, CHEEK, DULPESIS, FIELDS, B. GAUTREAUX, HOLDEN, JACKSON, JONES, LENTINI, MCPHERSON, ULLO AND BAJOIE
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.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Alario to Reengrossed Senate Bill No. 8 by Senator Heitmeier (Duplicate of House Bill No. 12)
AMENDMENT NO. 1
Delete the set of House Floor Amendments proposed by Representative Alario and adopted by the House on March 11, 2004.

AMENDMENT NO. 2
On page 3, delete lines 2 through 4 in their entirety, and insert the following:

"Section 2. In the event that the Revenue Estimating Conference revises the official forecast for Fiscal Year 2003-2004 to incorporate additional state general fund revenues resulting from this Act, not less than forty-six million four hundred thousand dollars of such additional revenue shall be appropriated to the Louisiana Medical Assistance Trust Fund to be used in Fiscal Year 2004-2005 for the Medical Vendor Payments Program."

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

Rep. Alario 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 Baldone Baudoin Baylor Broome Bruce Burns Burrell Carter, K. Carter, R. Cazayoux Crane Curtis Damico Daniel Dartez DeWitt Doerge Dorsey Dove Downs Durand Fannin Farrar Total—84

Faucheur Frith Futrell Gallot Geymann Glover Gray Guillory, E. Guillory, M. Hammett Heaton Hebert Hill Hopkins Hudson Hunter Hutter Jackson Jefferson Johns Kenney LaFleur Lambert Marchand Martiny McDonald McVea


NAYS

Alexander Beard Bowler Bruneau Erdey Flavin Total—16

Katz LaBrezza Pitre Romero Scalise Schneider

Toomy Tucker Walsworth Winston

The Chair declared the above bill was finally passed.

Rep. Alario 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.

SENATE BILL NO. 9—

BY SENATORS MOUNT, HINES, HEITMEIER, ADLEY, AMEDEE, BAJOIE, BARHAM, BOASSE, BOISSIERE, CAIN, CHAISON, CHEREE, CRAVINS, DUPLESSIS, DUPRE, ELLINGTON, FIELDS, FONTENOT, R. GAUTREAUX, N. GAUTREAUX, HAINNEL, HOLDEN, HOLLIS, IRONS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHTON, 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.

Rep. Daniel moved the final passage of the bill.

ROLL CALL
The roll was called with the following result:

YEAS

Mr. Speaker Alario Alexander Ansardi Arnold Badon Baldone Baudoin Beaudoin Beaudoin Marchand Burrell Carter, K. Carter, R. Cazayoux Crane Curtis Damico Daniel Dartez DeWitt Doerge Dorsey Dove Downs Durand Fannin Farrar Total—84

Flavin Frith Futrell Gallot Geymann Glover Gray Guillory, E. Guillory, M. Hunt Hammett Heaton Hebert Hill Hopkins Hudson Hunter Hutter Jackson Jefferson Johns Kenney LaFleur Lambert Marchand Martiny McDonald McVea

Odinet Frith Futrell Gallot Geymann Glover Gray Guillory, E. Guillory, M. Hunt Hammett Heaton Hebert Hill Hopkins Hudson Hunter Hutter Jackson Jefferson Johns Kenney LaFrezza Pitre Romero Scalise Schneider

Toomy Tucker Walsworth Winston Wright
The Chair declared the above bill was finally passed.

Rep. Daniel 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.

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.

Rep. Hammett moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker Faucheux Morrish
Alario Flavin Murray
Alexander Frith Odinet
Ansardi Futrell Pierre
Arnold Gallot Pinac
Badon Geymann Pitre
Baldone Glover Powell, M.
Baudoin Gray Powell, T.
Baylor Guillory, E. Quezaire
Beard Guillory, M. Richmond
Bowler Hammett Ritchie
Broome Heaton Scalise
Bruce Hebert Shepherd
Bruneau Hill Smith, G.—56th
Burns Honey Smith, J.D.—50th
Burrell Hopkins Smith, J.R.—30th
Carter, K. Hudson St. Germain
Carter, R. Hunter Strain
Cazayoux Hutter Thompson
Crane Jackson Toomy
Crowe Jefferson Truhan
Curtis Johnn Tucker
Damicco Katz Walker
Daniel Kenney Waddell
Dartez LaBriuzzo Walker
DeWitt LaFleur Walsworth
Doerge Lambert White
Dorsey Lancaster Winston
Dove Marchand
Downs Martiny
Durand McDonald
Erdey McVea

NAYS

Farrar Morish Fannin Montgomery Wooton
Farrar Morrell Wright

ABSENT

Romero

Kennard

The Chair declared the above bill was finally passed.

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.

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.

Rep. Hammett moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker Faucheux Murray
Alario Flavin Odinet
Alexander Frith Pierre
Ansardi Futrell Pinac
Arnold Gallot Pitre
Badon Geymann Powell, M.
Baldone Glover Powell, T.
Baudoin Gray Quezaire
Baylor Guillory, E. Richmond
Beard Guillory, M. Ritchie
Bowler Hammett Scalise
Broome Heaton Shepherd
Bruce Hebert Smith, G.—56th
Bruneau Hill Smith, J.D.—50th
Burns Honey Smith, J.H.—8th
Burrell Hopkins Smith, J.R.—30th
Carter, K. Hudson St. Germain
Carter, R. Hunter Strain
Cazayoux Hutter Toomy
Crane Jackson Shepherd
Crowe Jefferson Smiley
Curtis Johnn Smith, G.—56th
Damicco Katz Smith, J.D.—50th
Daniel Kenney Smith, J.H.—8th
Dartez LaBriuzzo Smith, J.R.—30th
DeWitt LaFleur St. Germain
Doerge Lambert Strain
Dorsey Lancaster Thompson
Dove Marchand Toomy
Downs Martiny TownSEND
Durand McDonald TownSEND
Erdey McVea Truhan

NAYS

Farrar Morrell Wright

ABSENT

Romero

Kennard
Doerge Lancaster Walker Carter, R.—8th
Dorsey Marchand Walsworth Crane Hunt—30th
Dove Martin White Carayouxs Hutter—St. Germain
Downs McDonald White Curtis Jefferson—Strain
Durand VeA White Damico Johns Thompson
Erdey Montgomery Wright Daniel Katz Toomy
Fannin Morrell Smith, J.R.—30th
Farrar Morrish Townsend
Total—100

Doerge LaFleur Triche
NAYS Dorsey Lambert Tucker
Schneider Downs Marchand Walker
Total—1 Durand McDonald Walsworth

ABSENT Erdey McVeA White
Katz Kennard Waddell
Total—3 Faucheux Murray Wright

The Chair declared the above bill was finally passed.

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.

**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**

**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.

Rep. Townsend moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. Speaker Flavin Odinet
Alario Frith Pierre
Alexander Futrell Pinac
Arnold Gallot Pite
Badon Geymann Powell, M.
Baldone Glover Powell, T.
Baudoin Gray Quezaire
Baylor Guillory, E. Richmond
Beard Guillory, M. Ritchie
Bowler Hammett Romero
Broome Heaton Scalise
Bruce Hbert Schneider
Bruneau Hill Shepherd
Burns Honey Smiley
Burrell Hopkins Smith, G.—56th
Carter, K. Hudson Smith, J.D.—50th

Carter, R. Hunter Smith, J.H.—8th
Carayouxs Hutter Smith, J.R.—30th
Crane Jackson St. Germain
Curtis Jefferson Strain
Damico Johns Thompson
Daniel Katz Toomy
Dartez Kenney Townsend
DeWitt LaBruzzo Trahan
Doerge LaFleur Triche
Dorsey Lambert Tucker
Dove Lancaster Waddell
Downs Marchand Walker
Durand McDonald Walsworth
Erdey McVeA White
Fannin Montgomery Winston
Farrar Morrish Wooton
Faucheux Murray Wright

Total—99

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Townsend 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.

**Recess**

On motion of Rep. Hammett, the Speaker declared the House at recess until 11:40 A.M.

**After Recess**

Speaker Salter called the House to order at 12:00 P.M.

**ROLL CALL**

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

**PRESENT**

Mr. Speaker Flavin Odinet
Alario Frith Pierre
Alexander Futrell Pinac
Ansardi Gallot Pite
Arnold Geymann Powell, M.
Badon Glover Powell, T.
Baldone Gray Quezaire
Baudoin Guillory, E. Richmond
Baylor Guillory, M. Ritchie
Bowler Hammett Romero
Broome Heaton Scalise
Bruce Hbert Schneider
Bruneau Hill Shepherd
Burns Honey Smiley
Burrell Hopkins Smith, G.—56th
Carter, K. Hudson Smith, J.D.—50th
Carter, K. Hunter Smith, J.H.—8th
By Representatives Hammett, Salter, Alario, Montgomery, Arnold, Baldone, K. Carter, Dartez, Farrar, Faucheux, Heaton, Jefferson, Kenney, Richmond, Jane Smith, and Townsend

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.

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

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Hammett to Engrossed House Bill No. 2 by Representative Hammett

**AMENDMENT NO. 1**

On page 1, line 2, after "337.10(I)" and before the comma "," insert "and to amend and reenact R.S. 47:301(3)(i)(i), (13)(k)(i), and (28)(a),"

**AMENDMENT NO. 2**

On page 1, line 6, after the semicolon ";" delete the remainder of the line, and insert the following:

"to provide for effective dates; and to provide for"

**AMENDMENT NO. 3**

On page 1, line 21, after "actual" and before "manufacturing" insert "manufacturing for agricultural purposes or the actual"

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"Machinery and equipment" shall also mean tangible personal property or other property that is eligible for depreciation for federal income tax purposes and that is used as an integral part of the production, processing, and storing of food and fiber or of timber.

**AMENDMENT NO. 5**

On page 3, line 20, after "the" and before "manufacturing" insert "agricultural, forestry, fishing, and hunting Sector 11 or the"

**AMENDMENT NO. 6**

On page 4, between lines 9 and 10, insert the following:

"(dd) "Manufacturing for agricultural purposes" means the production, processing, and storing of food and fiber and the production, processing, and storing of timber."

**AMENDMENT NO. 7**

On page 4, line 10, change "(dd)" to "(ee)"

**AMENDMENT NO. 8**

On page 4, line 11, after "Sectors" change "31-33" to "11 and 31-33"

**AMENDMENT NO. 9**

On page 4, line 14, change "(ee)" to "(ff)" and at the end of line 14, delete the period "." and insert "or manufacturing for agricultural purposes."

**AMENDMENT NO. 10**

On page 4, line 28, after "actual" and before "manufacturing" insert "manufacturing for agricultural purposes or the actual"

**AMENDMENT NO. 11**

On page 5, line 18, after ""manufacturing"," and before ""plant facility"," insert ""manufacturing for agricultural purposes,"

**AMENDMENT NO. 12**

On page 6, at the end of line 3, insert "manufacturing for agricultural purposes or the actual"

**AMENDMENT NO. 13**

On page 6, line 22, after ""manufacturing"," and before ""plant facility"," insert ""manufacturing for agricultural purposes,"

**AMENDMENT NO. 14**

On page 7, between lines 10 and 11, insert the following:

"Section 2. R.S. 47:301(3)(ii), (13)(k)(i), and (28)(a) are hereby amended and reenacted to read as follows:

§301. Definitions

As used in this Chapter the following words, terms, and phrases have the meaning ascribed to them in this Section, unless the context clearly indicates a different meaning:

* * *
For the period beginning July 1, 2007, and ending on June 30, 2008, the sales price shall be reduced by forty-two percent.

For the period beginning July 1, 2007, and ending on June 30, 2009, the cost price shall be reduced by fifty-six percent.

For the period beginning July 1, 2008, and ending on June 30, 2009, the cost price shall be reduced by fifty-six percent.

For all periods beginning on or after July 1, 2011, the sales price shall be reduced by eighty-four percent.

For the period beginning July 1, 2005, and ending on June 30, 2006, the cost price shall be reduced by two percent.

For the period beginning July 1, 2005, and ending on June 30, 2006, the cost price shall be reduced by fourteen percent.

For the period beginning July 1, 2006, and ending on June 30, 2007, the cost price shall be reduced by twenty-eight percent.

For the period beginning July 1, 2006, and ending on June 30, 2007, the sales price shall be reduced by twenty-eight percent.

For all periods beginning on or after July 1, 2011, the sales price shall be reduced by eighty-four percent.

* * *

(3)

(i)(i) For purposes of the imposition of the use tax levied by the state and any political subdivision whose boundaries are coterminous with those of the state, the cost price of machinery and equipment used by a manufacturer in a plant facility predominately and directly in the actual manufacturing process of an item of tangible personal property, which is for ultimate sale to another and not for internal use, at one or more fixed locations within Louisiana, shall be reduced as follows:

(aa) For the period ending on June 30, 2005, the cost price shall be reduced by two percent.

(bb) For the period beginning July 1, 2005, and ending on June 30, 2006, the cost price shall be reduced by fourteen percent.

(cc) For the period beginning July 1, 2006, and ending on June 30, 2007, the cost price shall be reduced by twenty-eight percent.

(dd) For the period beginning July 1, 2007, and ending on June 30, 2008, the cost price shall be reduced by forty-two percent.

(ee) For the period beginning July 1, 2008, and ending on June 30, 2009, the cost price shall be reduced by fifty-six percent.

(ff) For the period beginning July 1, 2009, and ending on June 30, 2010, the cost price shall be reduced by seventy percent.

(gg) For all periods beginning after or after July 1, 2011, the sales price shall be reduced by eighty-four percent.

* * *

(28)(a) For purposes of the imposition of the lease or rental tax levied by the state and any political subdivision whose boundaries are coterminous with those of the state, the "gross proceeds", "monthly lease or rental price paid", and "monthly lease or rental price contracted or agreed to be paid" for machinery and equipment used by a manufacturer in a plant facility predominately and directly in the actual manufacturing process of an item of tangible personal property, which is for ultimate sale to another and not for internal use, at one or more fixed locations within Louisiana shall be reduced as follows:

(i) For the period ending on June 30, 2005, by two percent.

(ii) For the period beginning July 1, 2005, and ending on June 30, 2006, by fourteen percent.

(iii) For the period beginning July 1, 2006, and ending on June 30, 2007, by twenty-eight percent.

(iv) For the period beginning July 1, 2007, and ending on June 30, 2008, by forty-two percent.

(v) For the period beginning July 1, 2008, and ending on June 30, 2009, by fifty-six percent.

(vi) For the period beginning July 1, 2009, and ending on June 30, 2010, by seventy percent.

(vii) For the period beginning July 1, 2010, and ending on June 30, 2011, by eighty-six percent.

(viii) For all periods beginning on or after July 1, 2011, by one hundred percent.

* * *

Section 3. R.S. 47:301(3)(i)(i), (13)(k)(i), and (28)(a) are hereby amended and reenacted to read as follows:

§301. Definitions

As used in this Chapter the following words, terms, and phrases have the meaning ascribed to them in this Section, unless the context clearly indicates a different meaning:

* * *
(3)  

(i) For purposes of the imposition of the use tax levied by the state and any political subdivision whose boundaries are coterminous with those of the state, the cost price of machinery and equipment used by a manufacturer in a plant facility predominately and directly in the actual manufacturing process of an item of tangible personal property, which is for ultimate sale to another and not for internal use, at one or more fixed locations within Louisiana, shall be reduced as follows:

   (a) For the period ending on June 30, 2005, the cost price shall be reduced by five percent.

   (bb) For the period beginning July 1, 2005, and ending on June 30, 2006, the cost price shall be reduced by fourteen nineteen percent.

   (cc) For the period beginning July 1, 2006, and ending on June 30, 2007, the cost price shall be reduced by twenty-eight thirty-three percent.

   (dd) For the period beginning July 1, 2007, and ending on June 30, 2008, the cost price shall be reduced by forty-two forty-seven percent.

   (ee) For the period beginning July 1, 2008, and ending on June 30, 2009, the cost price shall be reduced by fifty-six sixty-one percent.

   (ff) For the period beginning July 1, 2009, and ending on June 30, 2010, the cost price shall be reduced by seventy-five seventy-five percent.

   (gg) For the period beginning July 1, 2010, and ending on June 30, 2011, the cost price shall be reduced by eighty-four eighty-four percent.

(ii) For purposes of the imposition of the sales tax levied by the state and any political subdivision whose boundaries are coterminous with those of the state, the sales price of machinery and equipment purchased by a manufacturer for use in a plant facility predominately and directly in the actual manufacturing process of an item of tangible personal property, which is for ultimate sale to another and not for internal use, at one or more fixed locations within Louisiana shall be reduced as follows:

   (a) For the period ending on June 30, 2005, the sales price shall be reduced by five percent.

   (bb) For the period beginning July 1, 2005, and ending on June 30, 2006, the sales price shall be reduced by fourteen nineteen percent.

   (cc) For the period beginning July 1, 2006, and ending on June 30, 2007, the sales price shall be reduced by twenty-eight thirty-three percent.

   (dd) For the period beginning July 1, 2007, and ending on June 30, 2008, the sales price shall be reduced by forty-two forty-seven percent.

   (ee) For the period beginning July 1, 2008, and ending on June 30, 2009, the sales price shall be reduced by fifty-six sixty-one percent.

   (ff) For the period beginning July 1, 2009, and ending on June 30, 2010, the sales price shall be reduced by seventy-five seventy-five percent.

   (gg) For the period beginning July 1, 2010, and ending on June 30, 2011, the sales price shall be reduced by eighty-four eighty-four percent.

   (hh) For all periods beginning on or after July 1, 2011, the sales price shall be reduced by one hundred percent.

(iii) For purposes of the imposition of the lease or rental tax levied by the state and any political subdivision whose boundaries are coterminous with those of the state, the “gross proceeds”, “monthly lease or rental price paid”, and “monthly lease or rental price contracted or agreed to be paid” for machinery and equipment used by a manufacturer in a plant facility predominately and directly in the actual manufacturing process of an item of tangible personal property, which is for ultimate sale to another and not for internal use, at one or more fixed locations within Louisiana shall be reduced as follows:

   (i) For the period ending on June 30, 2005, by five percent.

   (ii) For the period beginning July 1, 2005, and ending on June 30, 2006, by fourteen nineteen percent.

   (iii) For the period beginning July 1, 2006, and ending on June 30, 2007, by twenty-eight thirty-three percent.

   (iv) For the period beginning July 1, 2007, and ending on June 30, 2008, by forty-two forty-seven percent.

   (v) For the period beginning July 1, 2008, and ending on June 30, 2009, by fifty-six sixty-one percent.

   (vi) For the period beginning July 1, 2009, and ending on June 30, 2010, by seventy-five seventy-five percent.

   (vii) For the period beginning July 1, 2010, and ending on June 30, 2011, by eighty-four eighty-four percent.

   (viii) For all periods beginning on or after July 1, 2011, by one hundred percent.

AMENDMENT NO. 15

On page 7, delete lines 11 through 13, and insert the following:

“Section 4.A. Sections 1 and 4 of this Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.”
B. In the event that the Revenue Estimating Conference revises the estimate of State General Fund (Direct) which is available for appropriation for Fiscal Year 2004-2005 and such revision exceeds the December 16, 2003, forecast of such State General Fund (Direct) by one hundred eighty million dollars or more, Section 2 of this Act shall become effective on the first day of the second month following the month in which such forecast is revised by the conference.

C. In the event that the Revenue Estimating Conference revises the estimate of State General Fund (Direct) which is available for appropriation for Fiscal Year 2004-2005 and such revision exceeds the December 16, 2003, forecast of such State General Fund (Direct) by two hundred thirty-five million dollars or more, Section 3 of this Act shall become effective on the first day of the second month following the month in which such forecast is revised by the conference.

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

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

HOUSE FLOOR AMENDMENTS
Amendments proposed by Representative Scalise to Engrossed House Bill No. 2 by Representative Hammett

AMENDMENT NO. 1
On page 2, line 3, change "July" to "January" and change "2006" to "2005"

AMENDMENT NO. 2
On page 2, line 4, change "fourteen" to "ten"

AMENDMENT NO. 3
On page 2, line 5, change "2006" to "2005" and change "2007" to "2006"

AMENDMENT NO. 4
On page 2, line 6, change "twenty-eight" to "forty"

AMENDMENT NO. 5
On page 2, line 7, change "2007" to "2006" and change "2008" to "2007"

AMENDMENT NO. 6
On page 2, line 8, change "forty-two" to "seventy"

AMENDMENT NO. 7
On page 2, delete lines 9 through 14 in their entirety

AMENDMENT NO. 8
On page 2, line 15, change "(g)" to "(d)" and change "2011" to "2007"

AMENDMENT NO. 9
On page 5, line 3, change "July" to "January" and change "2006" to "2005"

AMENDMENT NO. 10
On page 5, line 4, change "fourteen" to "ten"

AMENDMENT NO. 11
On page 5, line 5, change "2006" to "2005" and change "2007" to "2006"

AMENDMENT NO. 12
On page 5, line 6, change "twenty-eight" to "forty"

AMENDMENT NO. 13
On page 5, line 7, change "2007" to "2006" and change "2008" to "2007"

AMENDMENT NO. 14
On page 5, line 8, change "forty-two" to "seventy"

AMENDMENT NO. 15
On page 5, delete lines 9 through 14 in their entirety

AMENDMENT NO. 16
On page 5, line 15, change "(g)" to "(d)" and change "2011" to "2007"

AMENDMENT NO. 17
On page 5, line 7, change "July" to "January" and change "2006" to "2005"

AMENDMENT NO. 18
On page 5, line 8, change "fourteen" to "ten"

AMENDMENT NO. 19
On page 5, line 9, change "2006" to "2005" and change "2007" to "2006"

AMENDMENT NO. 20
On page 5, line 10, change "twenty-eight" to "forty"

AMENDMENT NO. 21
On page 5, line 11, change "2007" to "2006" and change "2008" to "2007"

AMENDMENT NO. 22
On page 5, line 12, change "forty-two" to "seventy"

AMENDMENT NO. 23
On page 5, delete lines 13 through 18 in their entirety

AMENDMENT NO. 24
On page 5, line 19, change "(vii)" to "(iv)" and change "2011" to "2007"

AMENDMENT NO. 25
On page 5, On page 7, delete lines 7 through 9, and insert the following:
"1. A political subdivision may, by ordinance, provide for a sales and use tax exclusion as provided for in R.S. 47:301(3)(i), 301(13)(k), and 301(28), for the sales, cost or lease and rental price of manufacturing machinery and equipment, either immediately effective, or subject to an equal or shorter phase-in period as provided in those provisions."

Rep. Scalise moved the adoption of the amendments.


By a vote of 34 yeas and 69 nays, the amendments were rejected.

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

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representatives Tucker and Daniel to Engrossed House Bill No. 2 by Representative Hammett

**AMENDMENT NO. 1**

On page 7, between lines 10 and 11, insert the following:

"Section 2. If at any time prior to the end of the 2004-2005 fiscal year the Revenue Estimating Conference certifies State General Fund revenues which exceed the December 16, 2003 State General Fund revenue estimate of $6,537,800,000 by greater than $15,000,000, the phase-in schedules of R.S. 47:301(3)(i)(aa) through (gg), 47:301(13)(k)(i)(aa) through (gg), and 47:301(28)(a)(i) through (vii) for the exclusion for manufacturing machinery and equipment, as provided for in Section 1 of this Act, shall be revised in accordance with Section 3 of this Act.

Section 3(a). The revised phase-in schedules set forth in this Section shall not become effective unless and until the condition set forth in Section 2 is satisfied. Provided the condition set forth in Section 2 of this Act is satisfied, R.S. 47:301(3)(i)(i), (13)(k)(i), and (28)(a) are hereby enacted to read as follows:

§301. Definitions

As used in this Chapter the following words, terms, and phrases have the meaning ascribed to them in this Section, unless the context clearly indicates a different meaning:

* * *

(3)

* * *

(i)(i) For purposes of the imposition of the sales tax levied by the state and any political subdivision whose boundaries are coterminous with those of the state, the sales price of machinery and equipment purchased by a manufacturer for use in a plant facility predominately and directly in the actual manufacturing process of an item of tangible personal property, which is for ultimate sale to another and not for internal use, at one or more fixed locations within Louisiana shall be reduced as follows:

(aa) For the period beginning July 1, 2004, and ending on June 30, 2005, the sales price shall be reduced by five percent.

(bb) For the period beginning July 1, 2005, and ending on June 30, 2006, the sales price shall be reduced by twenty percent.

(cc) For the period beginning July 1, 2006, and ending on June 30, 2007, the cost price shall be reduced by thirty-five percent.

(dd) For the period beginning July 1, 2007, and ending on June 30, 2008, the cost price shall be reduced by fifty percent.

(ee) For the period beginning July 1, 2008, and ending on June 30, 2009, the cost price shall be reduced by sixty-five percent.

(ff) For all periods beginning July 1, 2009, and ending on June 30, 2010, the cost price shall be reduced by eighty-two and one-half percent.

(gg) For all periods beginning on or after July 1, 2010, the cost price shall be reduced by one hundred percent.

* * *

(13)

* * *

(k(i) For purposes of the imposition of the sales tax levied by the state and any political subdivision whose boundaries are coterminous with those of the state, the sales price of machinery and equipment purchased by a manufacturer for use in a plant facility predominately and directly in the actual manufacturing process of an item of tangible personal property, which is for ultimate sale to another and not for internal use, at one or more fixed locations within Louisiana shall be reduced as follows:

(aa) For the period beginning July 1, 2004, and ending on June 30, 2005, the sales price shall be reduced by five percent.

(bb) For the period beginning July 1, 2005, and ending on June 30, 2006, the sales price shall be reduced by twenty percent.

(cc) For the period beginning July 1, 2006, and ending on June 30, 2007, the sales price shall be reduced by thirty-five percent.

(dd) For the period beginning July 1, 2007, and ending on June 30, 2008, the sales price shall be reduced by fifty percent.

(ee) For the period beginning July 1, 2008, and ending on June 30, 2009, the sales price shall be reduced by sixty-five percent.

(ff) For all periods beginning July 1, 2009, and ending on June 30, 2010, the sales price shall be reduced by eighty-two and one-half percent.

(gg) For all periods beginning on or after July 1, 2010, the sales price shall be reduced by one hundred percent.

(13)
(ii) For the period beginning July 1, 2005, and ending on June 30, 2006, by twenty percent.

(iii) For the period beginning July 1, 2006, and ending on June 30, 2007, by thirty-five percent.

(iv) For the period beginning July 1, 2007, and ending on June 30, 2008, by fifty percent.

(v) For the period beginning July 1, 2008, and ending on June 30, 2009, by sixty-five percent.

(vi) For all periods beginning July 1, 2009, and ending on June 30, 2010, by eighty-two and one-half percent.

(vii) For all periods beginning on or after July 1, 2010, by one hundred percent.

* * * *

Section 3(b). Provided the condition set forth in Section 2 of this Act is satisfied and the phase-in schedules of Section 3(a) become effective, a taxpayer shall receive a refund as an overpayment with respect to any sales and use taxes paid in connection with the purchase, use, lease, or rental of manufacturing machinery and equipment during the 2004-2005 fiscal year which would not have been due had the condition set forth in Section 2 been satisfied on or before July 1, 2004.

AMENDMENT NO. 2

On page 7, line 11, change "Section 2." to "Section 4."

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representatives Tucker and Murray to Engrossed House Bill No. 2 by Representative Hammett

AMENDMENT NO. 1

On page 7, between lines 10 and 11, insert the following:

"I. A political subdivision may, by ordinance, provide for a sales and use tax exclusion as provided for in R.S. 47:301(3)(i), (13)(k), and (28) for the sales, cost, or lease and rental price of manufacturing machinery and equipment, either immediately effective, or subject to an equal or lesser phase-in period as provided in those provisions."

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Farrar to Engrossed House Bill No. 2 by Representative Hammett

AMENDMENT NO. 1

On page 3, at the end of line 20, insert the following:

"Manufacturers shall also mean a person whose principal activity is as an electric utility."

Rep. Farrar moved the adoption of the amendments.


By a vote of 46 yeas and 54 nays, the amendments were rejected.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Daniel to Engrossed House Bill No. 2 by Representative Hammett

AMENDMENT NO. 1

On page 7, between lines 10 and 11, insert the following:

"Section 2. In the event that the Revenue Estimating Conference revises the estimate of money to be received by the state general fund and dedicated funds which are available for appropriation for Fiscal Year 2004-2005 and such revisions is greater than fifteen million dollars over any amounts recognized by the conference as a result of any Act that passed during the First Extraordinary Session of the Legislature of 2004, the phase-in schedules of R.S. 47:301(i)(aa) through (gg), 47:301(13)(k)(i)(aa) through (gg), and 47:301(28)(a)(i) through (vii) for the exclusion for manufacturing machinery and equipment, as provided for in Section 1 of this Act, shall be revised in accordance with Section 3 of this Act.

Section 3(a). The revised phase-in schedules set forth in this Section shall not become effective unless and until the condition set forth in Section 2 is satisfied. Provided the condition set forth in Section 2 of this Act is satisfied, R.S. 47:301(3)(i)(i), (13)(k)(i), and (28)(a) are hereby enacted to read as follows:

§301. Definitions

As used in this Chapter the following words, terms, and phrases have the meaning ascribed to them in this Section, unless the context clearly indicates a different meaning:

* * * *

(iii) For purposes of the imposition of the use tax levied by the state and any political subdivision whose boundaries are coterminal with those of the state, the cost price of machinery and equipment used by a manufacturer in a plant facility predominately and directly in the actual manufacturing process of an item of tangible personal property, which is for ultimate sale to another and not for internal use, at one or more fixed locations within Louisiana shall be reduced as follows:

(aa) For the period beginning July 1, 2004, and ending on June 30, 2005, the cost price shall be reduced by five percent.

(bb) For the period beginning July 1, 2005, and ending on June 30, 2006, the cost price shall be reduced by twenty percent.

(cc) For the period beginning July 1, 2006, and ending on June 30, 2007, the cost price shall be reduced by thirty-five percent.
(dd) For the period beginning July 1, 2007, and ending on June 30, 2008, the cost price shall be reduced by fifty percent.

(ee) For the period beginning July 1, 2008, and ending on June 30, 2009, the cost price shall be reduced by sixty-five percent.

(ff) For all periods beginning July 1, 2009, and ending on June 30, 2010, the cost price shall be reduced by eighty-two and one-half percent.

(gg) For all periods beginning on or after July 1, 2010, the cost price shall be reduced by one hundred percent.

*  *  *

(13)

*  *  *

(k)(i) For purposes of the imposition of the sales tax levied by the state and any political subdivision whose boundaries are coterminous with those of the state, the sales price of machinery and equipment purchased by a manufacturer for use in a plant facility predominately and directly in the actual manufacturing process of an item of tangible personal property, which is for ultimate sale to another and not for internal use, at one or more fixed locations within Louisiana shall be reduced as follows:

(aa) For the period beginning July 1, 2004, and ending on June 30, 2005, the sales price shall be reduced by five percent.

(bb) For the period beginning July 1, 2005, and ending on June 30, 2006, the sales price shall be reduced by twenty percent.

(cc) For the period beginning July 1, 2006, and ending on June 30, 2007, the sales price shall be reduced by thirty-five percent.

(dd) For the period beginning July 1, 2007, and ending on June 30, 2008, the sales price shall be reduced by fifty percent.

(ee) For the period beginning July 1, 2008, and ending on June 30, 2009, the sales price shall be reduced by sixty-five percent.

(ff) For all periods beginning July 1, 2009, and ending on June 30, 2010, the sales price shall be reduced by eighty-two and one-half percent.

(gg) For all periods beginning on or after July 1, 2010, the cost price shall be reduced by one hundred percent.

*  *  *

(i) For the period beginning July 1, 2004, and ending on June 30, 2005, by five percent.

(ii) For the period beginning July 1, 2005, and ending on June 30, 2006, by twenty percent.

(iii) For the period beginning July 1, 2006, and ending on June 30, 2007, by thirty-five percent.

(iv) For the period beginning July 1, 2007, and ending on June 30, 2008, by fifty percent.

(v) For the period beginning July 1, 2008, and ending on June 30, 2009, by sixty-five percent.

(vi) For all periods beginning July 1, 2009, and ending on June 30, 2010, by eighty-two and one-half percent.

(vii) For all periods beginning on or after July 1, 2010, by one hundred percent.

*  *  *

Section 3(b). Provided the condition set forth in Section 2 of this Act is satisfied and the phase-in schedules of Section 3(a) become effective, a taxpayer shall receive a refund as an overpayment with respect to any sales and use taxes paid in connection with the purchase, use, lease, or rental of manufacturing machinery and equipment during the 2004-2005 fiscal year which would not have been due had the condition set forth in Section 2 been satisfied on or before July 1, 2004."

AMENDMENT NO. 2

On page 7, line 11, change "Section 2." to "Section 4."

Rep. Daniel 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  Beard  Bowler  Bruneau  Burns  Carter, R.  Curtis  Damico  Daniel  DeWitt  Downs  Erdey  Farrar  Faucheux  Flavin  Total—47

Frith  Futrell  Geymann  Glover  Hutter  Johns  LaBrazzo  Lancaster  McVeA  Morrish  Odinet  Pitre  Powell, M.  Romero  Scalise

Schneider  Shepherd  Smiley  Smith, J.R.—30th  St. Germain  Strain  Trench  Tucker  Waddell  Walsworth  White  Winston  Wright  Scale

NAYS

Mr. Speaker  Alario  Ansardi  Arnold  Badon  Baldone  Baudoin  Baylor  Dove  Durand  Fannin  Gallot  Gray  Guilory, E.  Guilory, M.  Hammett  Marchand  McDonald  Montgomery  Murray  Pierre  Pnac  Powell, T.  Richmond

Page 17 HOUSE 6th Day's Proceedings - March 12, 2004
Broome
Bruce
Burrell
Carter, K.
Cazayoux
Dartez
Doerge
Dorsey
Total—48
ABSENT
Crowe
Heaton
Hill
Total—9
The Chair declared the above bill 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.

HOUSE BILL NO. 3—
BY REPRESENTATIVES HAMMETT, SALTER, ALARIO, MONTGOMERY,
ARNOLD, BALDONE, K. CARTER, DARTZ, FARRAR, FAUCHEUX,
HEATON, JEFFERSON, KENNEY, RICHMOND, JANE SMITH, AND
TOWNSEND
AN ACT
To amend and reenact R.S. 47:601(A)(introductory paragraph),
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.
Rep. Hammett moved the final passage of the bill.

ROLL CALL
The roll was called with the following result:
YEAS
Mr. Speaker
Alario
Alexander
Ansardi
Arnold
Badon
Baldone
Baudoin
Baylor
Beard
Bowler
Broome
Bruce
Bruneau
Burns
Burrell
Carter, K.
Carter, R.
Cazayoux
Crane
Crowe
Curtis
Damico
Daniel
Dartez
DeWitt
Doerge
Dorsey
Dove
Downs
Durand
Erdey
Fannin
Farrar
Total—101
NAYS
Romero
Total—1
ABSENT
Kennard
Total—2

The amendments were rejected.
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
Alexander
Ansardi
Arnold
Badon
Baldone
Baudoin
Baylor
Beard
Bowler
Broome
Bruce
Bruneau
Burns
Burrell
Carter, K.
Carter, R.
Cazayoux
Crane
Crowe
Curtis
Damico
Daniel
Dartez
DeWitt
Doerge
Dorsey
Dove
Downs
Durand
Erdey
Fannin
Farrar
Faucheux
Total—102
NAYS
Romero
Total—1
ABSENT
Kennard
Total—2
ABSENT

Crowe           Kennard
Total—2

The Chair declared the above bill 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.

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 RESOLUTION NO. 5—
BY REPRESENTATIVE GRAY
A RESOLUTION
To commend Dunbar's Creole Cooking in New Orleans upon the celebration of its twentieth anniversary.

Read by title.

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

Leave of Absence

Rep. Kennard - 1 day

Adjournment

On motion of Rep. Kenney, at 1:15 P.M., the House agreed to adjourn until Tuesday, March 16, 2004, at 5:00 P.M.

The Speaker of the House declared the House adjourned until 5:00 P.M., Tuesday, March 16, 2004.

ALFRED W. SPEER
Clerk of the House