

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

FIFTH DAY'S PROCEEDINGS

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

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Thursday, November 10, 2005

The Senate was called to order at 5:00 o'clock P.M., by Hon. Donald E. Hines, President of the Senate.

ROLL CALL

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

PRESENT

Mr. President	Dupre	Marionneaux
Adley	Ellington	McPherson
Amedee	Fields	Michot
Bajoie	Fontenot	Mount
Barham	Gautreaux B	Murray
Boasso	Gautreaux N	Nevers
Broome	Heitmeier	Quinn
Cain	Hollis	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Shepherd
Cravins	Kostelka	Smith
Dardenne	Lentini	Theunissen
Duplessis	Malone	Ullo
Total - 39		

ABSENT

Total - 0

The President of the Senate announced there were 39 Senators present and a quorum.

Prayer

The prayer was offered by Bishop G. A. Spears, following which the Senate joined in pledging allegiance to the flag of the United States of America.

Reading of the Journal

On motion of Senator Fields, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

Morning Hour

**Introduction of Senate Bills
and Joint Resolutions**

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Bills and Joint Resolutions a first and second time and referring them to committee.

SENATE BILL NO. 87—
BY SENATOR HOLLIS

AN ACT

To enact R.S. 47:305.54, relative to the state sales and use tax; to provide that the state sales or use tax shall not apply to certain manufacturing machinery and equipment; to provide an effective date and expiration date for the Act; and to provide for related matters.

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

SENATE BILL NO. 88—
BY SENATOR SHEPHERD

AN ACT

To enact R.S. 42:1114.3, relative to the receipt of any thing of economic value from certain contracts and subcontracts; to prohibit elected officials from entering into contracts, subcontracts, or transactions under certain conditions; to provide for penalties; and to provide for related matters.

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

SENATE BILL NO. 89—
BY SENATOR JONES

AN ACT

To enact R.S. 18:401.3, relative to holding certain elections; to provide for elections impaired as a result of a gubernatorially declared disaster or emergency; to provide for procedures for voter registration, early voting, absentee voting by mail, and election day voting; to provide for compliance with the Voting Rights Act of 1965; and to provide for related matters.

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

**Introduction of
Senate Concurrent Resolutions**

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Concurrent Resolutions a first and second time and acting upon them as follows:

SENATE CONCURRENT RESOLUTION NO. 16—
BY SENATOR SHEPHERD

A CONCURRENT RESOLUTION

To urge and request the various privately or publicly owned public utilities throughout the state, who are licensed and regulated by any department or agency of the state, to delay the collection of their monthly residential public utilities user fees that are due for payment in December, 2005, for those individuals residing in an area of the state that has been designated as either a Hurricane Katrina FEMA Individual Assistance Area or a Hurricane Rita FEMA Individual Assistance Area.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Local and Municipal Affairs.

SENATE CONCURRENT RESOLUTION NO. 17—
BY SENATOR SHEPHERD

A CONCURRENT RESOLUTION

To urge and request the various financial institutions throughout the state, who are licensed by the state to provide residential mortgage loans, to delay the collection of the monthly mortgage installment due for payment in December, 2005, for those individuals residing in an area of the state that has been designated as either a Hurricane Katrina FEMA Individual Assistance Area or a Hurricane Rita FEMA Individual Assistance Area.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Commerce, Consumer Protection, and International Affairs.

Senate Concurrent Resolutions on Second Reading

The following Senate Concurrent Resolutions were read and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 13— BY SENATOR QUINN

A CONCURRENT RESOLUTION

To urge and request the State Bond Commission to rescind certain lines of credit granted at its October 2005 meeting and to urge and request that the governor and the commission take no further action regarding lines of credit until July 1, 2006.

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

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

November 9, 2005

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

HOUSE BILL NO. 3— BY REPRESENTATIVE TOOMY AN ACT

To amend and reenact Section 10 of Act 169 of the 2005 Regular Session of the Legislature of Louisiana, relative to the recordation of documents in the mortgage and conveyance records and the consolidation of the laws affecting the recordation of documents; to change the effective date of the Act; and to provide for related matters.

HOUSE BILL NO. 15— BY REPRESENTATIVES CAZAYOUX, QUEZAIRE, AND SALTER AN ACT

To enact R.S. 48:442.1, relative to the expropriation of property for design-build projects by the Department of Transportation and Development; to provide relative to the content of the petition to expropriate such property; to provide relative to information which must be annexed to such petition; and to provide for related matters.

HOUSE BILL NO. 92— BY REPRESENTATIVE GREENE AN ACT

To enact R.S. 9:304, relative to legal deadlines affected by Executive Order KBB 2005-32, as amended; to provide for the effect of such legal deadlines on judgments of divorce; to provide for the effect of certain waiting and abandonment periods; to provide for the effect of judgments of divorce; and to provide for related matters.

HOUSE BILL NO. 104— BY REPRESENTATIVES GREENE, ANSARDI, AND GALLOT AND SENATOR LENTINI AN ACT

To amend and reenact R.S. 9:315(C)(3)(a) and 315.1(B) and to enact R.S. 9:315(C)(3)(d)(v), 315.11(C), and 315.21(F), relative to child support; to provide for the definition of gross income; to provide for a deviation from the guidelines; to provide for voluntary unemployment or underemployment; to provide for

retroactivity; to provide for a contingent effective date for R.S. 9:315.21(F); and to provide for related matters.

HOUSE BILL NO. 28— BY REPRESENTATIVES MARTINY, ALEXANDER, BEARD, BRUNEAU, BURNS, R. CARTER, CROWE, DANIEL, DOVE, DOWNS, ERDEY, GEYMANN, GREENE, HUTTER, JOHNS, KATZ, KENNARD, KLECKLEY, LABRUZZO, LAMBERT, MCVEA, MORRISH, PITRE, M. POWELL, T. POWELL, SCALISE, SCHNEIDER, SMILEY, JANE SMITH, STRAIN, THOMPSON, TOOMY, TRAHAN, TUCKER, WADDELL, WALSWORTH, WHITE, AND WINSTON AND SENATORS BARHAM, BOASSO, CAIN, DARDENNE, HOLLIS, KOSTELKA, LENTINI, MALONE, MICHOT, QUINN, ROMERO, SCHEDLER, AND THEUNISSEN AN ACT

To amend and reenact R.S. 29:735(A), relative to immunity of law enforcement agencies during Hurricane Katrina or Rita; to provide for limitation of liability for law enforcement agencies and officers based on detention of persons in any parish prison or local jail under certain circumstances; to provide for liability of law enforcement agencies under certain circumstances; to provide for retroactive application; and to provide for related matters.

HOUSE BILL NO. 88— BY REPRESENTATIVES GALLOT, ANSARDI, AND THOMPSON AND SENATOR LENTINI AN ACT

To enact R.S. 9:2554, relative to the removal and preservation of property by the lessor in certain emergency periods; to provide for the right of the lessor to enter leased property to make necessary repairs; to provide for the removal and disposal of property; to provide for the duty of the lessor to preserve unsalvageable property; to provide for the payment of storage costs and the lessor's privilege; to provide for the taking of an inventory of the property; to provide for a presumption of intent to abandon the leased premises; to provide for notice to the lessee; to provide for definitions; to provide for applicability; to provide for retroactive effect; to provide for termination of provisions; and to provide for related matters.

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

House Bills and Joint Resolutions

Senator Bajoie asked for and obtained a suspension of the rules to take up at this time the following House Bills and Joint Resolutions just received from the House of Representatives with the view of acting on the same:

HOUSE BILL NO. 3— BY REPRESENTATIVE TOOMY AN ACT

To amend and reenact Section 10 of Act 169 of the 2005 Regular Session of the Legislature of Louisiana, relative to the recordation of documents in the mortgage and conveyance records and the consolidation of the laws affecting the recordation of documents; to change the effective date of the Act; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary A.

HOUSE BILL NO. 15— BY REPRESENTATIVES CAZAYOUX, QUEZAIRE, AND SALTER AN ACT

To enact R.S. 48:442.1, relative to the expropriation of property for design-build projects by the Department of Transportation and Development; to provide relative to the content of the petition to expropriate such property; to provide relative to information which must be annexed to such petition; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary A.

HOUSE BILL NO. 28—

BY REPRESENTATIVES MARTINY, ALEXANDER, BEARD, BRUNEAU, BURNS, R. CARTER, CROWE, DANIEL, DOVE, DOWNS, ERDEY, GEYMAN, GREENE, HUTTER, JOHNS, KATZ, KENNARD, KLECKLEY, LABRUZZO, LAMBERT, MCVEA, MORRISH, PITRE, M. POWELL, T. POWELL, SCALISE, SCHNEIDER, SMILEY, JANE SMITH, STRAIN, THOMPSON, TOOMY, TRAHAN, TUCKER, WADDELL, WALSWORTH, WHITE, AND WINSTON AND SENATORS BARHAM, BOASSO, CAIN, DARDENNE, HOLLIS, KOSTELKA, LENTINI, MALONE, MICHOT, QUINN, ROMERO, SCHEDLER, AND THEUNISSEN

AN ACT

To amend and reenact R.S. 29:735(A), relative to immunity of law enforcement agencies during Hurricane Katrina or Rita; to provide for limitation of liability for law enforcement agencies and officers based on detention of persons in any parish prison or local jail under certain circumstances; to provide for liability of law enforcement agencies under certain circumstances; to provide for retroactive application; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary A.

HOUSE BILL NO. 88—

BY REPRESENTATIVES GALLOT, ANSARDI, AND THOMPSON AND SENATOR LENTINI

AN ACT

To enact R.S. 9:2554, relative to the removal and preservation of property by the lessor in certain emergency periods; to provide for the right of the lessor to enter leased property to make necessary repairs; to provide for the removal and disposal of property; to provide for the duty of the lessor to preserve unsalvageable property; to provide for the payment of storage costs and the lessor's privilege; to provide for the taking of an inventory of the property; to provide for a presumption of intent to abandon the leased premises; to provide for notice to the lessee; to provide for definitions; to provide for applicability; to provide for retroactive effect; to provide for termination of provisions; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary A.

HOUSE BILL NO. 92—

BY REPRESENTATIVE GREENE

AN ACT

To enact R.S. 9:304, relative to legal deadlines affected by Executive Order KBB 2005-32, as amended; to provide for the effect of such legal deadlines on judgments of divorce; to provide for the effect of certain waiting and abandonment periods; to provide for the effect of judgments of divorce; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary A.

HOUSE BILL NO. 104—

BY REPRESENTATIVES GREENE, ANSARDI, AND GALLOT AND SENATOR LENTINI

AN ACT

To amend and reenact R.S. 9:315(C)(3)(a) and 315.1(B) and to enact R.S. 9:315(C)(3)(d)(v), 315.11(C), and 315.21(F), relative to child support; to provide for the definition of gross income; to provide for a deviation from the guidelines; to provide for voluntary unemployment or underemployment; to provide for retroactivity; to provide for a contingent effective date for R.S. 9:315.21(F); and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary A.

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

NATURAL RESOURCES

Senator Malone, Chairman on behalf of the Committee on Natural Resources, submitted the following report:

November 10, 2005

To the President and Members of the Senate:

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

SENATE BILL NO. 27—

BY SENATOR DUPRE

A JOINT RESOLUTION

Proposing to amend Article VII, Section 10.2 of the Constitution of Louisiana, relative to the Wetlands Conservation and Restoration Fund; to change the name of the fund to the Coastal Protection and Restoration Fund; to provide relative to deposits and uses of the fund; to provide relative to certain federal revenues received by the state generated from Outer Continental Shelf oil and gas activity; to provide for the depositing and crediting of such monies into the fund, and for the uses of such federal revenues; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Reported with amendments.

SENATE BILL NO. 28—

BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 49:213.7(A)(1) and (2)(introductory paragraph), (B)(1) and (2) (introductory paragraph), (C), (D), (E)(introductory paragraph) and (F), and to enact R.S. 49:213.7(B)(3) and (E)(7), relative to the Wetlands Conservation and Restoration Fund; to change the name of the fund to the Coastal Protection and Restoration Fund; to provide relative to certain federal revenues to be credited and deposited to the fund; to provide relative to certain fund uses; to repeal Act 300 of the 2005 Regular Session; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 71—

BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 49:213.1, 213.2, 213.3, 213.4, 213.5, 213.6, 213.7, 214.11, 214.12(A)(1) and 214.13, relative to coastal protection, conservation, restoration and management; to authorize and provide for the development and implementation of a comprehensive coastal protection plan; to provide powers, duties, terms, procedures, definitions, conditions, and requirements; to provide relative to hurricane protection and coastal restoration; to provide relative to enforcement; to provide relative to certain authorities, commissions, and departments; to change the name of the Wetlands Conservation and Restoration Authority to the Coastal Protection and Restoration Authority and set forth its powers, duties and members; to change the name of the Governor's Advisory Commission on Coastal Restoration and Conservation to the Governor's Advisory Commission on Coastal Protection, Restoration and Conservation and set forth its powers, duties, and members; and to provide for related matters.

Reported with amendments.

Respectfully submitted, MAX T. MALONE Chairman

REPORT OF COMMITTEE ON

FINANCE

November 10, 2005

Senator Heitmeier, Chairman on behalf of the Committee on Finance, submitted the following report:

November 10, 2005

To the President and Members of the Senate:

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

SENATE CONCURRENT RESOLUTION NO. 12—

BY SENATOR HEITMEIER

A CONCURRENT RESOLUTION

To authorize the Revenue Estimating Conference to incorporate certain monies available for appropriation from the Budget Stabilization Fund into the official forecast for Fiscal Year 2005-2006 and to authorize the appropriation of such amounts.

Reported favorably.

SENATE BILL NO. 31—

BY SENATOR HEITMEIER AND REPRESENTATIVE ALARIO
AN ACT

To suspend and otherwise make of no effect, for purposes of Fiscal Year 2006-2007, the preparation of the continuation budget by the division of administration budget office as required by R.S. 39:29(A)(2); and to provide for related matters.

Reported favorably.

SENATE BILL NO. 32—

BY SENATOR HEITMEIER AND REPRESENTATIVE ALARIO
AN ACT

To suspend and otherwise to make of no effect, for purposes of Fiscal Year 2006-2007, certain provisions of law relating to the submission of budget requests by state agencies and submission of the executive budget and supporting document by the governor to the legislature and to provide for an extension of certain deadlines for submission; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 33—

BY SENATOR HEITMEIER AND REPRESENTATIVE ALARIO
AN ACT

To suspend and otherwise to make of no effect, for purposes of Fiscal Year 2004-2005, the preparation of an annual report by an undersecretary with respect to activities of his office as provided in R.S. 36:8(B); and to provide for related matters.

Reported favorably.

SENATE BILL NO. 65—

BY SENATOR HEITMEIER AND REPRESENTATIVE ALARIO
AN ACT

To suspend and otherwise make of no effect certain provisions of law relating to the comprehensive annual financial report and the narrative report of the state for the fiscal year ending June 30, 2005, and to provide for an extension of certain deadlines for completion and distribution; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
FRANCIS C. HEITMEIER
Chairman

SUPPLEMENTAL REPORT OF COMMITTEE ON

**COMMERCE, CONSUMER PROTECTION
AND INTERNATIONAL AFFAIRS**

Senator Hollis, Chairman on behalf of the Committee on Commerce, Consumer Protection, and International Affairs, submitted the following report:

November 10, 2005

To the President and Members of the Senate:

I am directed by your Committee on Commerce, Consumer Protection, and International Affairs to submit the following report:

SENATE BILL NO. 44—

BY SENATOR HOLLIS

AN ACT

To enact Part IV-B of Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1730.21 through 1730.39, relative to state building codes; to provide for public policy of codes; to provide for enforcement; to provide for appointment of building official; to provide for adoption of codes; to provide for the creation of the Louisiana Building Codes Council; to provide for construction of farm structures; to provide for mandamus and injunctive relief; and to provide for related matters.

Reported Favorably.

Respectfully submitted,
KÉN HOLLIS
Chairman

REPORT OF COMMITTEE ON

EDUCATION

Senator Ullo, Chairman on behalf of the Committee on Education, submitted the following report:

November 10, 2005

To the President and Members of the Senate:

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

SENATE CONCURRENT RESOLUTION NO. 9—

BY SENATOR ULLO

A CONCURRENT RESOLUTION

To suspend until sixty days after final adjournment of the 2006 Regular Session of the Legislature R.S. 17:1990(F), 3973(2)(b)(iii), (iv) and (v), 3983(A)(3)(a), 3983(A)(4)(c) and (f), 3991(C)(1)(b) and 3996(B)(4), relative to charter schools; to facilitate the formation, operation, and use of charter schools to assist in meeting the educational needs of Louisiana students.

Reported favorably.

SENATE CONCURRENT RESOLUTION NO. 15—

BY SENATOR ULLO AND REPRESENTATIVE CRANE

A CONCURRENT RESOLUTION

To provide for legislative approval of adjustments adopted by the State Board of Elementary and Secondary Education on November 9, 2005 to the Minimum Foundation Program formula for Fiscal Year 2005-06 previously developed and adopted by the state board on June 16, 2005 and approved by the Legislature as Senate Concurrent Resolution No. 125 of the 2005 Regular Legislative Session.

Reported favorably.

SENATE BILL NO. 49—

BY SENATORS DUPLESSIS AND SCHEDLER AND REPRESENTATIVE CRANE

AN ACT

To amend and reenact R.S. 17:1990(A), (B)(1), (2)(a), and (4), (C)(1)(a), (2)(a), and (3), 3973(2)(b)(v)(aa), and 3982(A)(1) and

to enact R.S. 17:10.7, 1990(F)(3), 3983(A)(1)(g) and (2)(ii), relative to the Recovery School District; to provide for the transference of certain schools to the district; to provide for the operation and management of such schools; to require the development and approval of a plan for the operation of all schools transferred and to specify the contents of such plan; to provide for the duration of the transfer and to provide for the continuation of the transfer; to require the state superintendent of education of report to the state board and to provide for the contents of that report; to provide relative to the Recovery School District; to subject the administration of the district to the approval of the State Board of Elementary and Secondary Education; to authorize the recovery district to manage and retain certain funding, including the authorization for retaining fund balances; to specify that the expenditure of certain funds by the recovery district is subject to the requirements of the approved Minimum Foundation Program formula; to provide with regard to the authority of the district to contract with for-profit providers; to provide for the exercise of limited rights of ownership over property of transferred schools by the recovery district; to provide for the transfer of certain funding to the recovery district; to provide for the process for the transference of such funds and for a limitation on the transference of such funds; to provide for the expenditure of certain retained funds by certain city, parish, or other local public school systems; provides for the eligibility of a student to attend school operated under the jurisdiction of the Recovery School District; provides for the obligations of the recovery district in providing services to students; to expand the definition of type 5 charters to include charters involving certain schools transferred to the recovery district; to prohibit certain local school boards from considering or acting on type 1 charter applications under certain circumstances; to authorize the state Department of Education to enter into a charter to operate a charter school under certain circumstances; to provide for effectiveness; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 70—
BY SENATOR ULLO

AN ACT

To amend and reenact R.S. 17:3983(A)(4), relative to charter schools; to eliminate certain provisions which establish a maximum number of charter schools that can be created or approved; and to provide for related matters.

Reported favorably.

Respectfully submitted,
CHRIS ULLO
Chairman

**Senate Bills and Joint Resolutions
on Second Reading
Reported by Committees**

Senator Dupre asked for and obtained a suspension of the rules to take up at this time the following Senate Bills and Joint Resolutions just reported by Committees.

SENATE BILL NO. 27—
BY SENATOR DUPRE

A JOINT RESOLUTION

Proposing to amend Article VII, Section 10.2 of the Constitution of Louisiana, relative to the Wetlands Conservation and Restoration Fund; to change the name of the fund to the Coastal Protection and Restoration Fund; to provide relative to deposits and uses of the fund; to provide relative to certain federal revenues received by the state generated from Outer Continental Shelf oil and gas activity; to provide for the depositing and crediting of such monies into the fund, and for the uses of such federal revenues; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Reported with amendments by the Committee on Natural Resources.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Original Senate Bill No. 27 by Senator Dupre

AMENDMENT NO. 1

On page 1, line 2, after "10.2" and before "of", insert "**Section 10.5(B) and (C)**"

AMENDMENT NO. 2

On page 1, line 13, after "10.2" and before "of", insert "**and Section 10.5(B) and (C)**"

AMENDMENT NO. 3

On page 4, line 1, after "**coastal**" insert "**protection, including**"

AMENDMENT NO. 4

On page 4, line 2, delete "**wetlands**"

AMENDMENT NO. 5

On page 4, between lines 3 and 4, insert

"(3) The fund balance limitations provided for in Paragraph (B) of this Section relative to the mineral revenues deposited to this fund shall not apply to revenues deposited pursuant to the provisions of this Paragraph.

F. References in this constitution or in law to the Wetlands Conservation and Restoration Fund shall mean the Coastal Protection and Restoration Fund."

* * *
§10.5. Mineral Revenue Audit and Settlement Fund
* * *

(B) After making the allocations provided for in Paragraph (A), the treasurer shall then deposit in and credit to the Mineral Revenue Audit and Settlement Fund any such remaining revenues. Any revenues deposited in and credited to the fund shall be considered mineral revenues from severance taxes, royalty payments, bonus payments, or rentals for purposes of determining deposits and credits to be made in and to the ~~Wetlands Conservation and Restoration Fund~~ **Coastal Protection and Restoration Fund** as provided in Article VII, Section 10.2 of this constitution. Any revenues deposited in and credited to the fund shall not be considered mineral revenues for purposes of the Budget Stabilization Fund as provided in Article VII, Section 10.3 of this constitution. Money in the fund shall be invested as provided by law. The earnings realized in each fiscal year on the investment of monies in the Mineral Revenue Audit and Settlement Fund shall be deposited in and credited to the Mineral Revenue Audit and Settlement Fund.

(C) After making the allocations provided for in Paragraph (A), the treasurer shall credit thirty-five million dollars to the ~~Wetlands Conservation and Restoration Fund~~ **Coastal Protection and Restoration Fund**, and thereafter any monies credited to the fund in any fiscal year may be annually appropriated by the legislature only for the purposes of retirement in advance of maturity through redemption, purchase, or repayment of debt of the state, pursuant to a plan proposed by the State Bond Commission to maximize the savings to the state; for payments against the unfunded accrued liability of the public retirement systems which are in addition to any payments required for the annual amortization of the unfunded accrued liability of the public retirement systems, required by Article X, Section 29 of this constitution; however, any such payment to the public retirement systems shall not be used, directly or indirectly, to fund cost-of-living increases for such systems; and for deposit in the ~~Wetlands Conservation and Restoration Fund~~ **Coastal Protection and Restoration Fund.**"

On motion of Senator Malone, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

November 10, 2005

SENATE BILL NO. 28—
BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 49:213.7(A)(1) and (2)(introductory paragraph), (B)(1) and (2) (introductory paragraph), (C), (D), (E)(introductory paragraph) and (F), and to enact R.S. 49:213.7(B)(3) and (E)(7), relative to the Wetlands Conservation and Restoration Fund; to change the name of the fund to the Coastal Protection and Restoration Fund; to provide relative to certain federal revenues to be credited and deposited to the fund; to provide relative to certain fund uses; to repeal Act 300 of the 2005 Regular Session; and to provide for related matters.

Reported with amendments by the Committee on Natural Resources.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Original Senate Bill No. 28 by Senator Dupre

AMENDMENT NO. 1

On page 3, line 5, delete "wetlands" and insert "protection, including"

AMENDMENT NO. 2

On page 3, delete lines 17 through 22 and insert: "Restoration Fund is subject to appropriations by the legislature only to the coastal restoration division within the office of coastal restoration and management for the purposes of coastal restoration, conservation, and hurricane protection. The money in the fund may be used only for those projects and programs which are consistent with the statement of intent, R.S. 49:213.1, and the annual plan as it pertains to coastal restoration, conservation, and hurricane protection the conservation and restoration of coastal wetlands and the following purposes:"

AMENDMENT NO. 3

On page 3, line 24, delete "wetlands" and insert "protection, including"

On motion of Senator Malone, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 31—

BY SENATOR HEITMEIER AND REPRESENTATIVE ALARIO
AN ACT

To suspend and otherwise make of no effect, for purposes of Fiscal Year 2006-2007, the preparation of the continuation budget by the division of administration budget office as required by R.S. 39:29(A)(2); and to provide for related matters.

Reported favorably by the Committee on Finance. On motion of Senator Heitmeier, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 32—

BY SENATOR HEITMEIER AND REPRESENTATIVE ALARIO
AN ACT

To suspend and otherwise to make of no effect, for purposes of Fiscal Year 2006-2007, certain provisions of law relating to the submission of budget requests by state agencies and submission of the executive budget and supporting document by the governor to the legislature and to provide for an extension of certain deadlines for submission; and to provide for related matters.

Reported favorably by the Committee on Finance. On motion of Senator Heitmeier, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 33—

BY SENATOR HEITMEIER AND REPRESENTATIVE ALARIO
AN ACT

To suspend and otherwise to make of no effect, for purposes of Fiscal Year 2004-2005, the preparation of an annual report by an undersecretary with respect to activities of his office as provided in R.S. 36:8(B); and to provide for related matters.

Reported favorably by the Committee on Finance. On motion of Senator Heitmeier, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 44—

BY SENATOR HOLLIS
AN ACT

To enact Part IV-B of Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1730.21 through 1730.39, relative to state building codes; to provide for public policy of codes; to provide for enforcement; to provide for appointment of building official; to provide for adoption of codes; to provide for the creation of the Louisiana Building Codes Council; to provide for construction of farm structures; to provide for mandamus and injunctive relief; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs. On motion of Senator Hollis, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 49—

BY SENATORS DUPLESSIS AND SCHEDLER AND REPRESENTATIVE CRANE
AN ACT

To amend and reenact R.S. 17:1990(A), (B)(1), (2)(a), and (4), (C)(1)(a), (2)(a), and (3), 3973(2)(b)(v)(aa), and 3982(A)(1) and to enact R.S. 17:10.7, 1990(F)(3), 3983(A)(1)(g) and (2)(ii), relative to the Recovery School District; to provide for the transference of certain schools to the district; to provide for the operation and management of such schools; to require the development and approval of a plan for the operation of all schools transferred and to specify the contents of such plan; to provide for the duration of the transfer and to provide for the continuation of the transfer; to require the state superintendent of education of report to the state board and to provide for the contents of that report; to provide relative to the Recovery School District; to subject the administration of the district to the approval of the State Board of Elementary and Secondary Education; to authorize the recovery district to manage and retain certain funding, including the authorization for retaining fund balances; to specify that the expenditure of certain funds by the recovery district is subject to the requirements of the approved Minimum Foundation Program formula; to provide with regard to the authority of the district to contract with for-profit providers; to provide for the exercise of limited rights of ownership over property of transferred schools by the recovery district; to provide for the transfer of certain funding to the recovery district; to provide for the process for the transference of such funds and for a limitation on the transference of such funds; to provide for the expenditure of certain retained funds by certain city, parish, or other local public school systems; provides for the eligibility of a student to attend school operated under the jurisdiction of the Recovery School District; provides for the obligations of the recovery district in providing services to students; to expand the definition of type 5 charters to include charters involving certain schools transferred to the recovery district; to prohibit certain local school boards from considering or acting on type 1 charter applications under certain circumstances; to authorize the state Department of Education to enter into a charter to operate a charter school under certain circumstances; to provide for effectiveness; and to provide for related matters.

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 49 by Senator Duplessis

AMENDMENT NO. 1

On page 1, delete lines 3 and 4 and insert " 3973(2)(b)(v)(aa), 3982(A)(1), and 3983(A)(2)(a) and to enact R.S. 17:10.7, 1990(F)(3), 3973(2)(b)(v)(cc), 3983(A)(1)(g), and 3997(A)(1)(c), relative to the Recovery School District; to provide for the"

AMENDMENT NO. 2

On page 1, line 9, change "state superintendent of education of" to "recovery district to"

AMENDMENT NO. 3

On page 2, line 9, after "district;" insert "to provide standards for the consideration of type 5 charter proposals; to prohibit members of certain school boards from also being members of the governing or management boards of certain Type 5 charter schools; to authorize the governing authority of a charter school to enter into collective bargaining for the employees;"

AMENDMENT NO. 4

On page 2, line 16, after "(aa)," delete "and" and after "3982(A)(1)" insert ", and 3983(A)(2)(a)"

AMENDMENT NO. 5

On page 2, line 17, after "(F)(3)," insert "3973(2)(b)(v)(cc)," and change "and (2)(ii)" to ", and 3997(A)(1)(c)"

AMENDMENT NO. 6

On page 2, line 29, after "system that" insert "not later than August 31, 2005,"

AMENDMENT NO. 7

On page 3, line 4, change "Directed by its administering agency, the" to "The"

AMENDMENT NO. 8

On page 3, line 26, change "administering agency" to "recovery district"

AMENDMENT NO. 9

On page 4, between lines 11 and 12, insert the following:
(iii) The requirements of this Subparagraph shall not preclude the operation of a limited number of schools prior to completion and approval of the required plan provided that such schools are operated in direct response to the present needs of students and provided that the operation of such schools is approved by the state board after a review by the board of the data presented by the recovery district supporting the operation of the school and review and consideration by the board of the efforts made by the recovery district to seek and consider input from the community and its leaders and the input gained from those efforts.

AMENDMENT NO. 10

On page 4, line 12, change "state superintendent of education" to "recovery district"

AMENDMENT NO. 11

On page 4, line 21, change "state superintendent of education" to "recovery district"

AMENDMENT NO. 12

On page 5, line 10, change "superintendent" to "recovery district"

AMENDMENT NO. 13

On page 7, line 27, after "planning" insert "and control"

AMENDMENT NO. 14

On page 11, at the end of line 10, after "(C)." insert "**The chartering authority shall review each type 5 charter proposal in compliance**

with the Principles and Standards for Quality Charter School Authorizing as promulgated by the National Association of Charter School Authorizers.

AMENDMENT NO. 15

On page 11, between lines 18 and 19, insert the following:

"(cc) No member of the State Board of Elementary and Secondary Education shall be a member of the governing or management board of any Type 5 charter school. No member of any city, parish, or other local public school board shall be a member of the governing or management board of any Type 5 charter school within the jurisdictional area of such city, parish, or other local public school board.

AMENDMENT NO. 16

On page 12, after line 29, insert the following:

"§3997. Charter school employees
 A.(1) * * *
(c) The governing authority of any charter school may bargain and enter into a collectively bargained contract on behalf of all or any group of its employees.

On motion of Senator Ullo, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 65—

BY SENATOR HEITMEIER AND REPRESENTATIVE ALARIO
 AN ACT

To suspend and otherwise make of no effect certain provisions of law relating to the comprehensive annual financial report and the narrative report of the state for the fiscal year ending June 30, 2005, and to provide for an extension of certain deadlines for completion and distribution; and to provide for related matters.

Reported with amendments by the Committee on Finance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Original Senate Bill No. 65 by Senator Heitmeier

AMENDMENT NO. 1

On page 1, line 7, change "The provisions" to "For purposes of the comprehensive annual financial report for the fiscal year ending June 30, 2005, only, the provisions"

AMENDMENT NO. 2

On page 1, line 13, change "The provisions" to "For purposes of the narrative report explaining the financial condition and the operations of the state for the fiscal year covered by the comprehensive annual financial report for the fiscal year ending June 30, 2005, only, the provisions"

AMENDMENT NO. 3

On page 1, delete lines 15 and 16, and insert "the narrative report are suspended and of no"

On motion of Senator Heitmeier, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 70—

BY SENATOR ULLO
 AN ACT

To amend and reenact R.S. 17:3983(A)(4), relative to charter schools; to eliminate certain provisions which establish a maximum number of charter schools that can be created or approved; and to provide for related matters.

Reported favorably by the Committee on Education. On motion of Senator Ullo, the bill was read by title, ordered engrossed, and passed to a third reading.

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SENATE BILL NO. 71—
BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 49:213.1, 213.2, 213.3, 213.4, 213.5, 213.6, 213.7, 214.11, 214.12(A)(1) and 214.13, relative to coastal protection, conservation, restoration and management; to authorize and provide for the development and implementation of a comprehensive coastal protection plan; to provide powers, duties, terms, procedures, definitions, conditions, and requirements; to provide relative to hurricane protection and coastal restoration; to provide relative to enforcement; to provide relative to certain authorities, commissions, and departments; to change the name of the Wetlands Conservation and Restoration Authority to the Coastal Protection and Restoration Authority and set forth its powers, duties and members; to change the name of the Governor's Advisory Commission on Coastal Restoration and Conservation to the Governor's Advisory Commission on Coastal Protection, Restoration and Conservation and set forth its powers, duties, and members; and to provide for related matters.

Reported with amendments by the Committee on Natural Resources.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Original Senate Bill No. 71 by Senator Dupre

AMENDMENT NO. 1

On page 1, line 3, after "214.13," insert "and to enact R.S. 49:213.11,"

AMENDMENT NO. 2

On page 1, line 17, after "reenacted" insert "and R.S. 49:213.11 is hereby enacted"

AMENDMENT NO. 3

On page 3, line 7, after "wetlands," insert "and barrier shorelines or reefs"

AMENDMENT NO. 4

On page 4, between lines 18 and 19, insert "(4) "Coastal Protection" means plans, projects, policies and programs intended to provide hurricane protection or coastal, or coastal wetland, conservation and restoration."

AMENDMENT NO. 5

On page 4, line 19, after "(2)" delete the remainder of the line and delete line 20 and insert

"(5) "Conservation and restoration" means the conservation, protection, enhancement, and restoration of coastal wetlands resources including but not limited to coastal ~~vegetated~~ wetlands and barrier shorelines or reefs"

AMENDMENT NO. 6

On page 4, line 27, change "(5)" to "(6)"

AMENDMENT NO. 7

On page 4, line 29, change "(6)" to "(7)"

AMENDMENT NO. 8

On page 5, line 4, change "(7)" to "(8)"

AMENDMENT NO. 9

On page 5, line 6, change "(8)" to "(9)" and after "Master plan" insert "or comprehensive master coastal protection plan"

AMENDMENT NO. 10

On page 5, line 7, delete "large-scale coastal restoration" and insert in lieu thereof "the protection, conservation, restoration, and enhancement of coastal wetlands, and barrier shorelines or reefs"

AMENDMENT NO. 11

On page 5, line 10, change "(9)" to "(10)"

AMENDMENT NO. 12

On page 5, line 12, change "(10)" to "(11)"

AMENDMENT NO. 13

On page 7, line 13, delete "Approve" and insert in lieu thereof "Have the right and the authority to approve"

AMENDMENT NO. 14

On page 11, line 29, delete "A member" and insert "Two members"

AMENDMENT NO. 15

On page 12, delete line 1, and insert "from their members who reside in the coastal area. One member from a parish west of the Atchafalaya River and one member from a parish east of the Atchafalaya River. Both members shall not reside in the same parish."

AMENDMENT NO. 16

On page 12, between lines 5 and 6, insert

"(14) The chairman of the Senate Natural Resources Committee or their designee.

(15) The chairman of the House Natural Resources Committee or their designee.

(16) The chairman of the Senate Transportation, Highways, and Public Works Committee or their designee.

(17) The chairman of the House Transportation Committee or their designee.

(18) A senator who represents a portion of the coastal area, appointed by the President of the Senate.

(19) A representative who represents a portion of the coastal area, appointed by the Speaker of the House."

AMENDMENT NO. 17

On page 16, delete lines 3 and 4 and insert "development and implementation of a program to ~~conserve and restore Louisiana's coastal vegetated wetlands~~ provide coastal protection there shall be established in the state treasury on the"

AMENDMENT NO. 18

On page 18, between lines 15 and 16, insert

"§213.11. Legal representation of the Authority; attorney general

The attorney general or his designee, who shall be a full-time assistant attorney general, shall be the legal advisor to the authority, shall counsel and advise the authority, and shall represent the authority in all legal proceedings.

* * *

On motion of Senator Malone, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

Senate Concurrent Resolutions
on Second Reading
Reported by Committees

Senator Ullo asked for and obtained a suspension of the rules to take up at this time the following Senate Concurrent Resolutions just reported by Committees.

SENATE CONCURRENT RESOLUTION NO. 15—

BY SENATOR ULLO AND REPRESENTATIVE CRANE
A CONCURRENT RESOLUTION

To provide for legislative approval of adjustments adopted by the State Board of Elementary and Secondary Education on November 9, 2005 to the Minimum Foundation Program formula for Fiscal Year 2005-06 previously developed and adopted by the state board on June 16, 2005 and approved by the Legislature as Senate Concurrent Resolution No. 125 of the 2005 Regular Legislative Session.

Reported favorably by the Committee on Education.

Motion

On motion of Senator Ullo, Senate Concurrent Resolution No. 15 was made Special Order of the Day No. 1 on Friday, November 11, 2005, immediately following the Morning Hour.

Motion to Make Special Order

Senator Dupre asked for and obtained a suspension of the rules for the purpose of making Senate Bill No. 27, which was just advanced to a Third Reading and Final Passage, Special Order of the Day No. 1 on Monday, November 14, 2005, immediately following the Morning Hour.

Motion to Make Special Order

Senator Dupre asked for and obtained a suspension of the rules for the purpose of making Senate Bill No. 28, which was just advanced to a Third Reading and Final Passage, Special Order of the Day No. 2 on Monday, November 14, 2005, immediately following the Morning Hour.

Motion to Make Special Order

Senator Dupre asked for and obtained a suspension of the rules for the purpose of making Senate Bill No. 71, which was just advanced to a Third Reading and Final Passage, Special Order of the Day No. 3 on Monday, November 14, 2005, immediately following the Morning Hour.

**Senate Resolutions
on Second Reading
Reported by Committees**

The following Senate Resolutions reported by Committees were taken up and acted upon as follows:

**SENATE RESOLUTION NO. 3—
BY SENATOR JONES**

A RESOLUTION

To urge and request the Department of Military Affairs' office of homeland security and emergency preparedness and the division of administration's office of facility planning and control to use Louisiana businesses and to establish a goal for awarding contracts to women and minorities in the rebuilding of the city of New Orleans and surrounding areas and for the other disaster stricken areas following Hurricanes Katrina and Rita.

Reported favorably by the Committee on Senate and Governmental Affairs.

The resolution was read by title. On motion of Senator Jones, the resolution was adopted.

**Senate Concurrent Resolutions
on Second Reading
Reported by Committees**

The following Senate Concurrent Resolutions reported by Committees were taken up and acted upon as follows:

**SENATE CONCURRENT RESOLUTION NO. 5—
BY SENATOR JONES**

A CONCURRENT RESOLUTION

To urge and request the governor of the state of Louisiana to add East Carroll Parish to the areas that are part of the Northern Louisiana Renewal Community which is part of the Renewal Louisiana program.

Reported favorably by the Committee on Senate and Governmental Affairs.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	McPherson
Adley	Ellington	Michot
Amedee	Fields	Mount
Bajoie	Fontenot	Murray
Barham	Gautreaux B	Nevers
Boasso	Gautreaux N	Quinn
Broome	Heitmeier	Romero
Cain	Hollis	Schedler
Chaisson	Jackson	Smith
Cheek	Jones	Theunissen
Cravins	Lentini	Ullo
Dardenne	Malone	
Duplessis	Marionneaux	
Total - 37		

NAYS

Total - 0

ABSENT

Kostelka	Shepherd
Total - 2	

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

**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:

Senator Ellington in the Chair

**SENATE BILL NO. 8—
BY SENATOR MURRAY**

AN ACT

To enact R.S. 45:859, relative to utilities; to provide that restoration and rebuilding of certain utilities is a valid public purpose; and to provide for related matters.

The bill was read by title. Senator Murray moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Marionneaux
Adley	Ellington	McPherson
Amedee	Fields	Michot
Bajoie	Fontenot	Mount
Barham	Gautreaux B	Murray
Boasso	Gautreaux N	Nevers
Broome	Heitmeier	Quinn
Cain	Hollis	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Shepherd
Cravins	Kostelka	Smith
Dardenne	Lentini	Theunissen
Duplessis	Malone	Ullo
Total - 39		

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NAYS

Total - 0

ABSENT

Total - 0

The Chair declared the bill was passed. The title was read and adopted. Senator Murray moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 16—

BY SENATORS SCHEDLER, BARHAM, BOASSO, CAIN, DARDENNE, HOLLIS, KOSTELKA, LENTINI, MALONE, MICHOT, QUINN, ROMERO AND THEUNISSEN AND REPRESENTATIVES ALEXANDER, BEARD, BOWLER, BRUNEAU, BURNS, CROWE, DOVE, DOWNS, ERDEY, GEYMAN, GREENE, HUTTER, JOHNS, KATZ, KENNARD, KLECKLEY, LABRUZZO, LAMBERT, LANCASTER, MARTINY, MCVEA, MORRISH, PITRE, T. POWELL, M. POWELL, SCALISE, SCHNEIDER, SMILEY, JANE SMITH, STRAIN, TOOMY, TRAHAN, TUCKER, WADDELL, WALSWORTH, WHITE AND WINSTON

AN ACT

To enact R.S. 22:658(E), relative to settlement monies on claims arising under homeowners insurance policies; to require placement of monies into interesting-bearing accounts with the interest payable to the homeowner; and to provide for related matters.

The bill was read by title. Senator Schedler moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Mr. President, Dupre, Marionneaux; Adley, Ellington, McPherson; Amedee, Fields, Michot; Bajoie, Fontenot, Mount; Barham, Gautreaux B, Murray; Boasso, Gautreaux N, Nevers; Broome, Heitmeier, Quinn; Cain, Hollis, Romero; Chaisson, Jackson, Schedler; Cheek, Jones, Shepherd; Cravins, Kostelka, Smith; Dardenne, Lentini, Theunissen; Duplessis, Malone, Ullo; Total - 39

NAYS

Total - 0

ABSENT

Total - 0

The Chair declared the bill was passed. The title was read and adopted. Senator Schedler moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 48—

BY SENATOR MURRAY

AN ACT

To enact R.S. 22:696, relative to insurance coverage for property damage due to flooding; to require that itemized coverage limits be disclosed to the insured; and to provide for related matters.

Floor Amendments Sent Up

Senator Murray sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Murray to Engrossed Senate Bill No. 48 by Senator Murray

AMENDMENT NO. 1

On page 2, after line 7, insert the following:

"Section 2. 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 by 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."

On motion of Senator Murray, the amendments were adopted.

The bill was read by title. Senator Murray moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Mr. President, Dupre, Marionneaux; Adley, Ellington, McPherson; Amedee, Fields, Michot; Bajoie, Fontenot, Mount; Barham, Gautreaux B, Murray; Boasso, Gautreaux N, Nevers; Broome, Heitmeier, Quinn; Cain, Hollis, Romero; Chaisson, Jackson, Schedler; Cheek, Jones, Shepherd; Cravins, Kostelka, Smith; Dardenne, Lentini, Theunissen; Duplessis, Malone, Ullo; Total - 39

NAYS

Total - 0

ABSENT

Total - 0

The Chair declared the amended bill was passed. The title was read and adopted. Senator Murray moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 52—

BY SENATORS MURRAY AND CHAISSON

AN ACT

To enact R.S. 29:725.1, relative to the issuance of cease and desist orders by the attorney general during an emergency or disaster; to provide for the power of the attorney general to issue cease and desist orders during a state of emergency or disaster in the absence of the regular administration of justice; to provide for proper venue to request a hearing; and to provide for related matters.

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

Mr. President in the Chair

SENATE BILL NO. 55—

BY SENATOR ADLEY

AN ACT

To enact R.S. 22:667.1, relative to requiring property insurers to itemize coverages included in payments made to the insured; and to provide for related matters.

The bill was read by title. Senator Adley moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Marionneaux
Adley	Ellington	McPherson
Amedee	Fields	Michot
Bajoie	Fontenot	Mount
Barham	Gautreaux B	Murray
Boasso	Gautreaux N	Nevers
Broome	Heitmeier	Quinn
Cain	Hollis	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Shepherd
Cravins	Kostelka	Smith
Dardenne	Lentini	Theunissen
Duplessis	Malone	Ullo
Total - 39		

NAYS

Total - 0

ABSENT

Total - 0

The Chair declared the bill was passed. The title was read and adopted. Senator Adley moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 56—
BY SENATOR ELLINGTON AND REPRESENTATIVE QUEZAIRE
AN ACT

To enact R.S. 48:250.4, relative to contracts let by the Department of Transportation and Development; to authorize the Department of Transportation and Development to utilize the design-build method to construct transportation projects under certain circumstances; and to provide for related matters.

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

**Senate Bills and Joint Resolutions on
Third Reading and Final Passage,
Subject to Call**

The following Senate Bills and Joint Resolutions on Third Reading and Final Passage, subject to call, were taken up and acted upon as follows:

Called from the Calendar

Senator Chaisson asked that Senate Bill No. 66 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 66—
BY SENATORS CHAISSON AND AMEDEE
AN ACT

To enact Title XXXIII of the Louisiana Code of Criminal Procedure, to be comprised of Louisiana Code of Criminal Procedure Articles 941 through 956, relative to criminal procedure; to provide for emergency sessions of criminal court; to provide for definitions; to provide for applicability; to provide for criminal jurisdiction and venue in emergency sessions of court; to provide for venue for habeas corpus proceedings in certain circumstances; to provide for criteria for emergency sessions of court; to provide for the power and authority of the court conducting emergency sessions; to provide for legislative findings; to provide for powers, duties, and authority of the sheriff operating in emergency sessions of court; to provide for the powers, duties, and authority of the clerk of court of an affected court conducting emergency sessions; to provide for the authority of the indigent defender board of the affected court

conducting emergency sessions of court; to provide with respect to the summoning of a criminal jury pool; to provide for the suspension of certain time periods, limitations, and delays in the affected court; to provide for exceptions; to provide for appeals and the application of supervisory writs from a judgment or ruling of an affected court conducting emergency sessions of court; to provide for preemption of conflicting provisions of law; to provide for the court costs, fees, and fines assessed or taxed and collected by the affected court conducting emergency sessions of court; and to provide for related matters.

Floor Amendments Sent Up

Senator Chaisson sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Chaisson to Engrossed Senate Bill No. 66 by Senator Chaisson

AMENDMENT NO. 1

On page 3, line 19, after "**that**" change "**a**" to "**an appellate**."

AMENDMENT NO. 2

On page 3, line 20, after "**juvenile**," insert "**justice of the peace**."

On motion of Senator Chaisson, the amendments were adopted.

The bill was read by title. Senator Chaisson moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	McPherson
Adley	Ellington	Michot
Amedee	Fontenot	Mount
Bajoie	Gautreaux B	Murray
Barham	Gautreaux N	Nevers
Boasso	Heitmeier	Quinn
Broome	Hollis	Romero
Cain	Jackson	Schedler
Chaisson	Jones	Shepherd
Cheek	Kostelka	Smith
Cravins	Lentini	Theunissen
Dardenne	Malone	Ullo
Duplessis	Marionneaux	
Total - 38		

NAYS

Fields
Total - 1

ABSENT

Total - 0

The Chair declared the amended bill was passed. The title was read and adopted. Senator Chaisson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Rules Suspended

Senator Ullo asked for and obtained a suspension of the rules for the purpose of reverting to the Morning Hour.

**Introduction of Senate Bills
and Joint Resolutions**

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Bills

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and Joint Resolutions a first and second time and referring them to committee.

SENATE BILL NO. 90— BY SENATOR SHEPHERD

AN ACT

To enact R.S. 18:401.3, relative to holding certain elections; to provide for a election impaired as a result of a gubernatorially declared disaster or emergency; to provide for a toll-free telephone line; to provide for the validation of absentee voting by mail; to provide for use of all operating polling places; to provide for compliance with the Voting Rights Act of 1965; and to provide for related matters.

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

SENATE BILL NO. 91— BY SENATOR NEVERS

A JOINT RESOLUTION

Proposing to add Article VII, Section 10.3(C)(5) of the Constitution of Louisiana, relative to the Budget Stabilization Fund; to authorize the appropriation of monies due to the effects of a gubernatorially declared disaster or emergency; to provide for the use of monies to be deposited into the Fund in a fiscal year to be appropriated for certain purposes when a disaster or emergency has been declared; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

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

SENATE BILL NO. 92— BY SENATOR HEITMEIER

A JOINT RESOLUTION

Proposing to amend Article VII, Section 10.3(C)(3) of the Constitution of Louisiana, relative to the Budget Stabilization Fund; to provide for appropriations from the fund following certain declarations of disaster or emergency; to provide for an effective date; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

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

Introduction of Senate Concurrent Resolutions

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Concurrent Resolutions a first and second time and acting upon them as follows:

SENATE CONCURRENT RESOLUTION NO. 18— BY SENATOR SHEPHERD

A CONCURRENT RESOLUTION

To direct the secretary of state to establish a toll-free telephone line and advertise nationally for displaced Louisiana citizens to receive information related to the election process, including but not limited to, locating their voting place.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Senate and Governmental Affairs.

SENATE CONCURRENT RESOLUTION NO. 19— BY SENATOR THEUNISSEN

A CONCURRENT RESOLUTION

To urge and request the governor of the state of Louisiana and the Louisiana congressional delegation to intervene in activities of the Federal Emergency Management Agency's mitigation division to revise flood insurance rate maps as they impact areas in Louisiana devastated by hurricanes Katrina and Rita.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Yeas, Nays. Lists names of senators and their counts for yeas and nays.

NAYS

Total - 0

ABSENT

Fontenot Total - 1

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

November 10, 2005

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

HOUSE BILL NO. 8— BY REPRESENTATIVES ODINET, BEARD, DANIEL, DARTEZ, FRITH, GEYMANN, ST. GERMAIN, AND WOOTON AND SENATOR N. GAUTREAUX

AN ACT

To provide for an extended period of time for renewal or extension of oyster leases expiring on January 1, 2006; to provide relative to terms of lease renewals or extensions; to provide for the 2006 due date for annual rent for oyster leases; and to provide for the 2006 dates for determination and advertisement of defaulted oyster leases; to suspend Section 501(G)(3) of Chapter 5 of Part VII of Title 76 of the Louisiana Administrative Code relative to public auction of leases in default; and to provide for related matters.

HOUSE BILL NO. 19— BY REPRESENTATIVE CRANE

AN ACT

To amend and reenact R.S. 17:24.10(C)(4), relative to LA 4 class ratio requirements; to provide for the applicability of provisions relative to the requirements for student to lead teacher and student to adult staff member ratios for LA 4 classes; to provide for the State Board of Elementary and Secondary Education to

adopt rules relative to the ratios required for LA 4 classes; to provide for effectiveness; and to provide for related matters.

HOUSE BILL NO. 20—
BY REPRESENTATIVE CRANE

AN ACT

To amend and reenact R.S. 17:88(A) and (C) and to enact R.S. 17:88(F), relative to the required dates for adoption and submission of school board budgets; to provide for the applicability of provisions relative to the required dates for school boards to adopt budgets and submit such budgets to the state superintendent of education; to provide for the State Board of Elementary and Secondary Education to adopt rules relative to the adoption and submission of such budgets; to provide for effectiveness; and to provide for related matters.

HOUSE BILL NO. 22—
BY REPRESENTATIVE CRANE

AN ACT

To amend and reenact R.S. 17:2112(A)(1) and to enact R.S. 17:2112(C), relative to the required time lines for conducting sight and hearing tests for certain pupils; to provide for the applicability of the requirement for testing the sight and hearing of pupils within thirty days after the admission of any pupils entering school late in the session; to provide for the State Board of Elementary and Secondary Education to adopt rules relative to such requirement; to provide for effectiveness; and to provide for related matters.

HOUSE BILL NO. 21—
BY REPRESENTATIVE CRANE

AN ACT

To amend and reenact R.S. 17:236, relative to the requirement for a minimum school session; to provide for the applicability of the requirement for a minimum school session of not less than one hundred eighty days for school classification purposes; to provide for the State Board of Elementary and Secondary Education to adopt rules relative to the minimum school session; to provide for effectiveness; and to provide for related matters.

HOUSE BILL NO. 33—
BY REPRESENTATIVE CRANE

AN ACT

To amend and reenact R.S. 17:154.3 and to enact R.S. 17:154.1(A)(5), relative to minimum requirements for instructional time; to provide for applicability of such requirements including the required number of certain work days per school year under specified circumstances; to provide for certification by the state superintendent of education relative to the applicability of the minimum requirements for instructional time for certain public schools and school systems; to provide for rules and regulations adopted by the State Board of Elementary and Secondary Education relative to all such applicability; to provide for effectiveness; and to provide for related matters.

HOUSE BILL NO. 34—
BY REPRESENTATIVES ALARIO, HAMMETT, ODINET, BALDONE, CURTIS, FAUCHEUX, HEATON, HILL, HONEY, KENNEY, AND TOWNSEND

A JOINT RESOLUTION

Proposing to add Article VII, Sections 18(G)(5) and 20(A)(10) of the Constitution of Louisiana, relative to the homestead exemption and special assessment level where the homestead has been destroyed or is uninhabitable due to a disaster or emergency; to provide for claiming and keeping the homestead exemption and special assessment levels; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

HOUSE BILL NO. 35—
BY REPRESENTATIVES ARNOLD, BALDONE, HEATON, KENNEY, ODINET, AND TOWNSEND AND SENATOR MURRAY

AN ACT

To amend and reenact R.S. 47:1987(A), relative to assessment procedure; to provide for a change of the time and date when the assessor of Orleans Parish has to complete the work on

preparing and making up the assessment lists; to provide for additional time to reassess and prepare the tax rolls for 2006 in Orleans Parish; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 44—
BY REPRESENTATIVES HAMMETT, PINAC, BALDONE, CURTIS, HEATON, HILL, HONEY, KENNEY, ODINET, AND TOWNSEND

AN ACT

To amend and reenact R.S. 47:2106, relative to the deferment of ad valorem tax payments where property subject to ad valorem taxation has been damaged or destroyed during a gubernatorially declared disaster or emergency; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 46—
BY REPRESENTATIVES HAMMETT, PINAC, BALDONE, CURTIS, FAUCHEUX, HEATON, HILL, HONEY, KENNEY, ODINET, AND TOWNSEND

AN ACT

To enact R.S. 47:1703(E), relative to the homestead exemption; to provide for an extension of the homestead exemption when property is damaged or destroyed during a disaster or emergency declared by the governor; to provide for an effective date; and to provide for related matters.

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

House Bills and Joint Resolutions

Senator Bajoie asked for and obtained a suspension of the rules to take up at this time the following House Bills and Joint Resolutions just received from the House of Representatives with the view of acting on the same:

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

The following House Bills and Joint Resolutions were read by title and referred to committees as follows:

HOUSE BILL NO. 8—
BY REPRESENTATIVES ODINET, BEARD, DANIEL, DARTEZ, FRITH, GEYMAN, ST. GERMAIN, AND WOOTON AND SENATOR N. GAUTREAUX

AN ACT

To provide for an extended period of time for renewal or extension of oyster leases expiring on January 1, 2006; to provide relative to terms of lease renewals or extensions; to provide for the 2006 due date for annual rent for oyster leases; and to provide for the 2006 dates for determination and advertisement of defaulted oyster leases; to suspend Section 501(G)(3) of Chapter 5 of Part VII of Title 76 of the Louisiana Administrative Code relative to public auction of leases in default; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Natural Resources.

HOUSE BILL NO. 19—
BY REPRESENTATIVE CRANE

AN ACT

To amend and reenact R.S. 17:24.10(C)(4), relative to LA 4 class ratio requirements; to provide for the applicability of provisions relative to the requirements for student to lead teacher and student to adult staff member ratios for LA 4 classes; to provide for the State Board of Elementary and Secondary Education to adopt rules relative to the ratios required for LA 4 classes; to provide for effectiveness; and to provide for related matters.

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

November 10, 2005

HOUSE BILL NO. 20—
BY REPRESENTATIVE CRANE
AN ACT

To amend and reenact R.S. 17:88(A) and (C) and to enact R.S. 17:88(F), relative to the required dates for adoption and submission of school board budgets; to provide for the applicability of provisions relative to the required dates for school boards to adopt budgets and submit such budgets to the state superintendent of education; to provide for the State Board of Elementary and Secondary Education to adopt rules relative to the adoption and submission of such budgets; to provide for effectiveness; and to provide for related matters.

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

HOUSE BILL NO. 21—
BY REPRESENTATIVE CRANE
AN ACT

To amend and reenact R.S. 17:236, relative to the requirement for a minimum school session; to provide for the applicability of the requirement for a minimum school session of not less than one hundred eighty days for school classification purposes; to provide for the State Board of Elementary and Secondary Education to adopt rules relative to the minimum school session; to provide for effectiveness; and to provide for related matters.

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

HOUSE BILL NO. 22—
BY REPRESENTATIVE CRANE
AN ACT

To amend and reenact R.S. 17:2112(A)(1) and to enact R.S. 17:2112(C), relative to the required time lines for conducting sight and hearing tests for certain pupils; to provide for the applicability of the requirement for testing the sight and hearing of pupils within thirty days after the admission of any pupils entering school late in the session; to provide for the State Board of Elementary and Secondary Education to adopt rules relative to such requirement; to provide for effectiveness; and to provide for related matters.

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

HOUSE BILL NO. 33—
BY REPRESENTATIVE CRANE
AN ACT

To amend and reenact R.S. 17:154.3 and to enact R.S. 17:154.1(A)(5), relative to minimum requirements for instructional time; to provide for applicability of such requirements including the required number of certain work days per school year under specified circumstances; to provide for certification by the state superintendent of education relative to the applicability of the minimum requirements for instructional time for certain public schools and school systems; to provide for rules and regulations adopted by the State Board of Elementary and Secondary Education relative to all such applicability; to provide for effectiveness; and to provide for related matters.

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

HOUSE BILL NO. 34—
BY REPRESENTATIVES ALARIO, HAMMETT, ODINET, BALDONE, CURTIS, FAUCHEUX, HEATON, HILL, HONEY, KENNEY, AND TOWNSEND
A JOINT RESOLUTION

Proposing to add Article VII, Sections 18(G)(5) and 20(A)(10) of the Constitution of Louisiana, relative to the homestead exemption and special assessment level where the homestead has been destroyed or is uninhabitable due to a disaster or emergency; to provide for claiming and keeping the homestead exemption and special assessment levels; to provide for submission of the

proposed amendment to the electors; and to provide for related matters.

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

HOUSE BILL NO. 35—
BY REPRESENTATIVES ARNOLD, BALDONE, HEATON, KENNEY, ODINET, AND TOWNSEND AND SENATOR MURRAY
AN ACT

To amend and reenact R.S. 47:1987(A), relative to assessment procedure; to provide for a change of the time and date when the assessor of Orleans Parish has to complete the work on preparing and making up the assessment lists; to provide for additional time to reassess and prepare the tax rolls for 2006 in Orleans Parish; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 44—
BY REPRESENTATIVES HAMMETT, PINAC, BALDONE, CURTIS, HEATON, HILL, HONEY, KENNEY, ODINET, AND TOWNSEND
AN ACT

To amend and reenact R.S. 47:2106, relative to the deferment of ad valorem tax payments where property subject to ad valorem taxation has been damaged or destroyed during a gubernatorially declared disaster or emergency; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 46—
BY REPRESENTATIVES HAMMETT, PINAC, BALDONE, CURTIS, FAUCHEUX, HEATON, HILL, HONEY, KENNEY, ODINET, AND TOWNSEND
AN ACT

To enact R.S. 47:1703(E), relative to the homestead exemption; to provide for an extension of the homestead exemption when property is damaged or destroyed during a disaster or emergency declared by the governor; to provide for an effective date; and to provide for related matters.

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

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

**ASKING CONCURRENCE IN
HOUSE CONCURRENT RESOLUTIONS**

November 10, 2005

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 35—
BY REPRESENTATIVE FAUCHEUX
A CONCURRENT RESOLUTION

To urge and request the motion picture industry to locate more productions in Louisiana to help ease the hardships faced due to Hurricanes Katrina and Rita and speed the recovery of Louisiana's economy.

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

House Concurrent Resolutions

Senator Bajoie asked for and obtained a suspension of the rules to take up at this time the following House Concurrent Resolutions just received from the House which were taken up, read a first and second time by their titles and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 35—
BY REPRESENTATIVE FAUCHEUX
A CONCURRENT RESOLUTION

To urge and request the motion picture industry to locate more productions in Louisiana to help ease the hardships faced due to Hurricanes Katrina and Rita and speed the recovery of Louisiana's economy.

The resolution was read by title. Senator Amedee moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	McPherson
Adley	Ellington	Michot
Amedee	Fields	Mount
Bajoie	Gautreaux B	Murray
Barham	Gautreaux N	Nevers
Boasso	Heitmeier	Quinn
Broome	Hollis	Romero
Cain	Jackson	Schedler
Chaisson	Jones	Shepherd
Cheek	Kostelka	Smith
Cravins	Lentini	Theunissen
Dardenne	Malone	Ullo
Duplessis	Marionneaux	

Total - 38

NAYS

Total - 0

ABSENT

Fontenot
Total - 1

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

Privilege Report of the Committee on Senate and Governmental Affairs

ENROLLMENTS

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

November 10, 2005

To the President and Members of the Senate:

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

The following Senate Concurrent Resolution has been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 4—
BY SENATORS JONES, BAJOIE, BROOME, CRAVINS, DUPLESSIS, FIELDS, JACKSON, MURRAY, SHEPHERD, ADLEY, AMEDEE, BARHAM, BOASSO, CHEEK, DARDENNE, DUPRE, ELLINGTON, B. GAUTREAUX, N. GAUTREAUX, HEITMEIER, HINES, HOLLIS, KOSTELKA, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MOUNT, NEVERS, QUINN, ROMERO, SCHEDLER, SMITH, THEUNISSEN AND ULLO AND REPRESENTATIVES BADON, BARROW, BAYLOR, BURRELL, K. CARTER, CRAVINS, CURTIS, DORSEY, GALLOT, GLOVER, GRAY, E. GUILLORY, HARRIS, HONEY, HUNTER, JACKSON, JEFFERSON, LAFONTA, MARCHAND, MORRELL, PIERRE, QUEZAIRE AND RICHMOND

A CONCURRENT RESOLUTION
To express the sincere condolences of the Legislature of Louisiana upon the death of civil rights pioneer Rosa Parks.

Respectfully submitted,
CHARLES D. JONES
Chairman

The foregoing Senate Concurrent Resolution was signed by the President of the Senate.

Message from the House

SIGNED HOUSE CONCURRENT RESOLUTIONS

November 10, 2005

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has signed the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 30—
BY REPRESENTATIVE MARTINY
A CONCURRENT RESOLUTION

To commend James M. "Jim" Hudson upon being named a Community Banker of the Year.

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

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

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

Adjournment

Senator Bajoie moved that the Senate adjourn until Friday, November 11, 2005, at 10:00 o'clock A.M.

The President of the Senate declared the Senate adjourned until 10:00 o'clock A.M. on Friday, November 11, 2005.

GLENN A. KOEPP
Secretary of the Senate

GAYE F. HAMILTON
Journal Clerk