

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

EIGHTH 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

Tuesday, November 15, 2005

The Senate was called to order at 3:00 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	Ellington	McPherson
Adley	Fields	Michot
Amedee	Fontenot	Mount
Bajoie	Gautreaux B	Murray
Barham	Gautreaux N	Nevers
Boasso	Heitmeier	Quinn
Broome	Hollis	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Shepherd
Cravins	Kostelka	Smith
Dardenne	Lentini	Theunissen
Duplessis	Malone	Ullo
Dupre	Marionneaux	
Total - 38		

ABSENT

Cain
Total - 1

The President of the Senate announced there were 38 Senators present and a quorum.

Prayer

The prayer was offered by Senator Barham, 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 Barham, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

Morning Hour

**Privilege Report of the
Legislative Bureau**

November 15, 2005

To the President and Members of the Senate:

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

The following bills are approved as to construction and duplication.

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.

Reported without amendments.

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.

Reported without amendments.

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.

Reported without amendments.

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.

Reported without amendments.

HOUSE BILL NO. 73—

BY REPRESENTATIVES MARTINY, LAFLEUR, TOWNSEND, CAZAYOUX, CRAVINS, GALLOT, HEATON, FAUCHEUX, AND GARY SMITH AND SENATOR CHAISSON

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

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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.

Reported without amendments.

Respectfully submitted,
ARTHUR J. "ART" LENTINI
Chairman

Adoption of Legislative Bureau Report

On motion of Senator Lentini, the Bills and Joint Resolutions were read by title and passed to a third reading.

Messages from the House

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

Message from the House

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

November 14, 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 concurred in the following Senate Concurrent Resolutions:

**SENATE CONCURRENT RESOLUTION NO. 21—
BY SENATOR HINES**

A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals, Department of Social Services, and the office of homeland security to include the Louisiana Emergency Response Network and its board in any and all discussions and decisions regarding emergency and disaster preparation and response.

Reported without amendments.

**SENATE CONCURRENT RESOLUTION NO. 22—
BY SENATOR B. GAUTREAU**

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to review and consider revising or eliminating provisions of law which reduce social security benefits for those receiving benefits from federal, state, or local government retirement systems.

Reported without amendments.

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

Message from the House

**ASKING CONCURRENCE IN
HOUSE BILLS AND JOINT RESOLUTIONS**

November 15, 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. 11—

BY REPRESENTATIVES SMILEY, ALEXANDER, BEARD, BRUNEAU, BURNS, CROWE, DOVE, DOWNS, ERDEY, FRITH, GEYMAN, GREENE, HUTTER, KATZ, KENNARD, KLECKLEY, LABRUZZO, LAFONTA, LAMBERT, LANCASTER, MARTINY, MCVEA, MORRISH, PITRE, M. POWELL, T. POWELL, SCALISE, SCHNEIDER, JANE SMITH, STRAIN, 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. 32:706.1 and to enact R.S. 32:702(14) and (15) and 707.3, relative to vehicles sustaining water damage from a declared disaster; to provide for definitions; to provide for disclosure before transfer; to provide for certificates of destruction; to provide for restrictions on transfer and registration; to provide for dismantling or crushing; to provide for rules and regulations; to provide for penalties; and to provide for related matters.

HOUSE BILL NO. 18—

BY REPRESENTATIVE HUTTER

AN ACT

To amend and reenact R.S. 11:163(A) and (C), relative to retirement service and salary credit for public employees on involuntary furlough or leave without pay; to allow certain employees to continue to earn service and salary credit while on such furlough or leave; to provide for payment therefor; to provide limitations; to provide for implementation; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 93—

BY REPRESENTATIVES SCALISE, ALEXANDER, BEARD, BOWLER, BRUNEAU, BURNS, CROWE, DOVE, DOWNS, ERDEY, GEYMAN, GREENE, HUTTER, JOHNS, KATZ, KENNARD, KLECKLEY, LABRUZZO, LAMBERT, LANCASTER, MARTINY, MCVEA, MORRISH, PITRE, M. POWELL, T. POWELL, SCHNEIDER, SMILEY, JANE SMITH, STRAIN, TOOMY, TRAHAN, TUCKER, WADDELL, WALSWORTH, 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. 17:1990(A), (B)(1), (2)(a), and (4), and (C)(1)(a), (2)(a), and (3), 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), and 3983(A)(1)(g), to provide for the transfer of certain public elementary and secondary schools to the jurisdiction of the Recovery School District; to provide guidelines and conditions for such transfers; to provide definitions; 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 require the recovery district to make certain reports relative to the recovery district; to subject the administration of the recovery 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 recovery 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 transfer of such funds and for a limitation on the transfer of such funds; to provide for the expenditure of certain retained funds by certain city, parish, or other local public school systems; to provide for the eligibility of a student to attend a school operated under the jurisdiction of the recovery district; to provide for the obligations of the recovery district in providing services to students; to expand the definition of a Type 5 charter school 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 school 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 relative to the membership of governing or management boards of certain

Recovery School District charter schools; to provide limitations; to provide an effective date; and to provide for related matters.

HOUSE BILL NO. 121—

BY REPRESENTATIVES CRANE, ALARIO, DEWITT, DORSEY, HAMMETT, AND SALTER AND SENATORS DUPLESSIS, HEITMEIER, HINES, AND MOUNT

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), 3982(A)(1), and 3983(A)(2)(a) and to enact R.S. 17:10.7, 1990(F)(3), 3973(2)(b)(v)(cc), and 3983(A)(1)(g), relative to the Recovery School District; to provide for the transfer of certain schools to the recovery 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 and continuation of the transfer; to require the recovery district to make certain reports relative to the recovery district; to subject the administration of the recovery 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 recovery 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 transfer of such funds and for a limitation on the transfer of such funds; to provide for the expenditure of certain retained funds by certain city, parish, or other local public school systems; to provide for the eligibility of a student to attend a school operated under the jurisdiction of the recovery district; to provide for the obligations of the recovery district in providing services to students; to expand the definition of a Type 5 charter school to include charters involving certain schools transferred to the recovery district; to prohibit members of certain school boards from also being members of the governing or management boards of certain Type 5 charter schools; to prohibit certain local school boards from considering or acting on Type 1 charter school 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.

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 which were taken up, read a first and second time by their titles and acted upon as follows:

HOUSE BILL NO. 11—

BY REPRESENTATIVES SMILEY, ALEXANDER, BEARD, BRUNEAU, BURNS, CROWE, DOVE, DOWNS, ERDEY, FRITH, GEYMAN, GREENE, HUTTER, KATZ, KENNARD, KLECKLEY, LABRUZZO, LAFONTA, LAMBERT, LANCASTER, MARTINY, MCVEA, MORRISH, PITRE, M. POWELL, T. POWELL, SCALISE, SCHNEIDER, JANE SMITH, STRAIN, 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. 32:706.1 and to enact R.S. 32:702(14) and (15) and 707.3, relative to vehicles sustaining water damage from a declared disaster; to provide for definitions; to provide for disclosure before transfer; to provide for certificates of destruction; to provide for restrictions on transfer and registration; to provide for dismantling or crushing; to provide

for rules and regulations; 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 Commerce, Consumer Protection, and International Affairs.

HOUSE BILL NO. 18—

BY REPRESENTATIVE HUTTER

AN ACT

To amend and reenact R.S. 11:163(A) and (C), relative to retirement service and salary credit for public employees on involuntary furlough or leave without pay; to allow certain employees to continue to earn service and salary credit while on such furlough or leave; to provide for payment therefor; to provide limitations; to provide for implementation; 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 Retirement.

HOUSE BILL NO. 93—

BY REPRESENTATIVES SCALISE, ALEXANDER, BEARD, BOWLER, BRUNEAU, BURNS, CROWE, DOVE, DOWNS, ERDEY, GEYMAN, GREENE, HUTTER, JOHNS, KATZ, KENNARD, KLECKLEY, LABRUZZO, LAMBERT, LANCASTER, MARTINY, MCVEA, MORRISH, PITRE, M. POWELL, T. POWELL, SCHNEIDER, SMILEY, JANE SMITH, STRAIN, TOOMY, TRAHAN, TUCKER, WADDELL, WALSWORTH, 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. 17:1990(A), (B)(1), (2)(a), and (4), and (C)(1)(a), (2)(a), and (3), 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), and 3983(A)(1)(g), to provide for the transfer of certain public elementary and secondary schools to the jurisdiction of the Recovery School District; to provide guidelines and conditions for such transfers; to provide definitions; 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 require the recovery district to make certain reports relative to the recovery district; to subject the administration of the recovery 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 recovery 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 transfer of such funds and for a limitation on the transfer of such funds; to provide for the expenditure of certain retained funds by certain city, parish, or other local public school systems; to provide for the eligibility of a student to attend a school operated under the jurisdiction of the recovery district; to provide for the obligations of the recovery district in providing services to students; to expand the definition of a Type 5 charter school 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 school 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 relative to the membership of governing or management boards of certain Recovery School District charter schools; to provide limitations; to provide 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 Education.

November 15, 2005

HOUSE BILL NO. 121—

BY REPRESENTATIVES CRANE, ALARIO, DEWITT, DORSEY, HAMMETT, AND SALTER AND SENATORS DUPLESSIS, HEITMEIER, HINES, AND MOUNT

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), 3982(A)(1), and 3983(A)(2)(a) and to enact R.S. 17:10.7, 1990(F)(3), 3973(2)(b)(v)(cc), and 3983(A)(1)(g), relative to the Recovery School District; to provide for the transfer of certain schools to the recovery 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 and continuation of the transfer; to require the recovery district to make certain reports relative to the recovery district; to subject the administration of the recovery 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 recovery 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 transfer of such funds and for a limitation on the transfer of such funds; to provide for the expenditure of certain retained funds by certain city, parish, or other local public school systems; to provide for the eligibility of a student to attend a school operated under the jurisdiction of the recovery district; to provide for the obligations of the recovery district in providing services to students; to expand the definition of a Type 5 charter school to include charters involving certain schools transferred to the recovery district; to prohibit members of certain school boards from also being members of the governing or management boards of certain Type 5 charter schools; to prohibit certain local school boards from considering or acting on Type 1 charter school 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.

The bill was read by title; lies over under the rules.

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 14, 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. 45—

BY REPRESENTATIVE CROWE

A CONCURRENT RESOLUTION

To encourage the state attorney general and state treasurer to request all records or other appropriate documentation from charitable organizations relative to any monetary donations collected on behalf of Louisiana's hurricane victims in the effort to ensure accountability as well as the state's timely receipt of such donations as it strives to meet the needs of Louisiana's citizens.

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. 45—

BY REPRESENTATIVE CROWE

A CONCURRENT RESOLUTION

To encourage the state attorney general and state treasurer to request all records or other appropriate documentation from charitable organizations relative to any monetary donations collected on behalf of Louisiana's hurricane victims in the effort to ensure accountability as well as the state's timely receipt of such donations as it strives to meet the needs of Louisiana's citizens.

The resolution was read by title; lies over under the rules.

Senate Concurrent Resolutions on Second Reading to be Referred

The following Senate Concurrent Resolutions were read and referred to committees as follows:

SENATE CONCURRENT RESOLUTION NO. 23—

BY SENATOR B. GAUTREAUX

A CONCURRENT RESOLUTION

To commend Hornets' owner George Shinn for his resolve that the team will remain in New Orleans and his pledge to aid revitalization efforts.

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

SENATE CONCURRENT RESOLUTION NO. 24—

BY SENATOR SHEPHERD

A CONCURRENT RESOLUTION

To urge and request the secretary of state to make all absentee ballots more reader friendly.

The resolution was read by title. Senator Shepherd 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 Mr. President, Duplessis, Marionneaux, Adley, Dupre, McPherson, Amedee, Fields, Mount, Barham, Fontenot, Murray, Boasso, Gautreaux N, Nevers, Broome, Heitmeier, Romero, Chaisson, Jackson, Shepherd, Cheek, Jones, Smith, Cravins, Lentini, Theunissen, Dardenne, Malone, Ullo.

Total - 30

NAYS

Total - 0

ABSENT

Table with 3 columns: Name, Absent, Present. Lists Bajoie, Gautreaux B, Michot, Cain, Hollis, Quinn, Ellington, Kostelka, Schedler.

Total - 9

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

TRANSPORTATION, HIGHWAYS AND PUBLIC WORKS

Senator Ellington, Chairman on behalf of the Committee on Transportation, Highways and Public Works, submitted the following report:

November 15, 2005

To the President and Members of the Senate:

I am directed by your Committee on Transportation, Highways and Public Works to submit the following report:

HOUSE BILL NO. 132— (Substitute for House Bill No. 12 by Representatives Quezaire and Salter)

BY REPRESENTATIVES QUEZAIRE, SALTER, AND LAMBERT
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; to provide for certain requirements; and to provide for related matters.

Reported favorably.

Respectfully submitted,
NOBLE E. ELLINGTON
Chairman

REPORT OF COMMITTEE ON

JUDICIARY B

Senator Marionneaux, Chairman on behalf of the Committee on Judiciary B, submitted the following report:

November 15, 2005

To the President and Members of the Senate:

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

HOUSE CONCURRENT RESOLUTION NO. 26—
BY REPRESENTATIVES PINAC AND LAFONTA
A CONCURRENT RESOLUTION

To suspend until sixty days after final adjournment of the 2005 First Extraordinary Session of the Legislature of Louisiana the provisions of R.S. 4:214.1 relative to the minimum number of live racing days.

Reported favorably.

HOUSE BILL NO. 56—
BY REPRESENTATIVES PINAC, MARTINY, JOHNS, AND HEATON
AN ACT

To enact R.S. 4:147.1, relative to live horse racing; to provide relative to the required number of live racing days; to provide for the authority of the Louisiana State Racing Commission to approve additional races or race days and locations, transfer proceeds and purse supplements, all as made necessary by damage to existing facilities due to a disaster, emergency, or

force majeure, or other such occurrence; to provide for definitions; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 78—
BY REPRESENTATIVES MARTINY, PINAC, JOHNS, AND HEATON
AN ACT

To amend and reenact R.S. 27:353(4), 354, and 361(B)(4)(a)(i) and (ii) and to enact R.S. 4:147.2, relative to slot machine gaming at live horse racing facilities; to amend the definition of an eligible facility to provide that the Louisiana State Racing Commission can approve less than eighty days within a twenty-week period in certain emergencies or disasters or other such occurrences; to provide for the effect of this determination; to provide relative to the powers and authority of the Louisiana State Racing Commission; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 127—
BY REPRESENTATIVE MARTINY
AN ACT

To amend and reenact R.S. 15:824(B)(1)(b) and to enact R.S. 15:713, relative to medical care of prisoners; to provide for the payment of costs of medical care of prisoners in certain circumstances; and to provide for related matters.

Reported favorably.

Respectfully submitted,
ROBERT MARIONNEAUX, JR.
Chairman

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 15, 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. 80—
BY SENATOR HOLLIS
AN ACT

To enact R.S. 51:1927.1(D), relative to time limits to make certain investments under the Capital Companies Tax Credit Program; to extend the time limit for making certain investments; to provide for an effective date; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 82—
BY SENATOR HOLLIS
AN ACT

To enact R.S. 6:121.6, relative to the powers of the commissioner of the office of financial institutions; to authorize the commissioner to waive, suspend, or delay compliance of certain statutes relating to certain entities regulated by the commissioner; to provide for an effective date; and to provide for related matters.

Reported favorably.

Respectfully submitted,
KEN HOLLIS
Chairman

November 15, 2005

REPORT OF COMMITTEE ON EDUCATION

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

November 15, 2005

To the President and Members of the Senate:

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

SENATE BILL NO. 98— BY SENATOR MARIONNEAUX AN ACT

To enact R.S. 17:25.2, relative to the Minimum Foundation Program formula; to provide relative to the costs of the formula and the distribution of allocations; to provide relative to the application of the requirements of the formula to city, parish, and other local public school systems; and to provide for related matters.

Reported with amendments.

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.

Reported favorably.

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.

Reported favorably.

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.

Reported favorably.

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.

Reported favorably.

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.

Reported favorably.

HOUSE BILL NO. 142— BY REPRESENTATIVE SALTER AN ACT

To enact R.S. 17:3048.6, relative to continuing eligibility requirements for Tuition Opportunity Program for Students' awards applicable to students displaced as a consequence of certain natural disasters; to provide legislative findings; to provide definitions; to provide waivers and exceptions to certain program requirements and conditions; to provide applicability; to provide limitations; to provide relative to the authority of the Louisiana Student Financial Assistance Commission, including but not limited to requiring the adoption of certain rules relative to program waivers and exceptions; to provide legislative oversight; to provide for implementation; to provide an effective date; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 143— BY REPRESENTATIVE SALTER AN ACT

To enact R.S. 17:3048.6, relative to initial eligibility requirements for Tuition Opportunity Program for Students awards applicable to students displaced as a consequence of certain natural disasters; to provide legislative findings; to provide definitions; to provide waivers and exceptions to certain program requirements and conditions; to provide applicability; to provide limitations; to provide relative to the authority of the Louisiana Student Financial Assistance Commission, including but not limited to requiring the adoption of certain rules relative to program waivers and exceptions; to provide for legislative oversight; to provide for implementation; to provide an effective date; and to provide for related matters.

Reported favorably.

Respectfully submitted, CHRIS ULLO Chairman

House Concurrent Resolutions on Second Reading Reported by Committees

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

HOUSE CONCURRENT RESOLUTION NO. 26—

BY REPRESENTATIVES PINAC AND LAFONTA
A CONCURRENT RESOLUTION

To suspend until sixty days after final adjournment of the 2005 First Extraordinary Session of the Legislature of Louisiana the provisions of R.S. 4:214.1 relative to the minimum number of live racing days.

Reported favorably by the Committee on Judiciary B. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the resolution was read by title and referred to the Legislative Bureau.

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

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

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.

Reported favorably by the Committee on Education. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

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.

Reported favorably by the Committee on Education. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

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.

Reported favorably by the Committee on Education. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

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.

Reported favorably by the Committee on Education. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

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.

Reported favorably by the Committee on Education. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 56—

BY REPRESENTATIVES PINAC, MARTINY, JOHNS, AND HEATON
AN ACT

To enact R.S. 4:147.1, relative to live horse racing; to provide relative to the required number of live racing days; to provide for the authority of the Louisiana State Racing Commission to approve additional races or race days and locations, transfer proceeds and purse supplements, all as made necessary by damage to existing facilities due to a disaster, emergency, or force majeure, or other such occurrence; to provide for definitions; and to provide for related matters.

Reported favorably by the Committee on Judiciary B. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 78—

BY REPRESENTATIVES MARTINY, PINAC, JOHNS, AND HEATON
AN ACT

To amend and reenact R.S. 27:353(4), 354, and 361(B)(4)(a)(i) and (ii) and to enact R.S. 4:147.2, relative to slot machine gaming at live horse racing facilities; to amend the definition of an eligible facility to provide that the Louisiana State Racing Commission can approve less than eighty days within a twenty-week period in certain emergencies or disasters or other such occurrences; to provide for the effect of this determination; to provide relative to the powers and authority of the Louisiana State Racing Commission; and to provide for related matters.

Reported favorably by the Committee on Judiciary B. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 127—

BY REPRESENTATIVE MARTINY
AN ACT

To amend and reenact R.S. 15:824(B)(1)(b) and to enact R.S. 15:713, relative to medical care of prisoners; to provide for the payment of costs of medical care of prisoners in certain circumstances; and to provide for related matters.

Reported favorably by the Committee on Judiciary B. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

November 15, 2005

HOUSE BILL NO. 132— (Substitute for House Bill No. 12 by Representatives Quezairé and Salter)

BY REPRESENTATIVES QUEZAIRÉ, SALTER, AND LAMBERT
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; to provide for certain requirements; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways and Public Works. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 142—

BY REPRESENTATIVE SALTER
AN ACT

To enact R.S. 17:3048.6, relative to continuing eligibility requirements for Tuition Opportunity Program for Students' awards applicable to students displaced as a consequence of certain natural disasters; to provide legislative findings; to provide definitions; to provide waivers and exceptions to certain program requirements and conditions; to provide applicability; to provide limitations; to provide relative to the authority of the Louisiana Student Financial Assistance Commission, including but not limited to requiring the adoption of certain rules relative to program waivers and exceptions; to provide legislative oversight; to provide for implementation; to provide an effective date; and to provide for related matters.

Reported favorably by the Committee on Education. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 143—

BY REPRESENTATIVE SALTER
AN ACT

To enact R.S. 17:3048.6, relative to initial eligibility requirements for Tuition Opportunity Program for Students awards applicable to students displaced as a consequence of certain natural disasters; to provide legislative findings; to provide definitions; to provide waivers and exceptions to certain program requirements and conditions; to provide applicability; to provide limitations; to provide relative to the authority of the Louisiana Student Financial Assistance Commission, including but not limited to requiring the adoption of certain rules relative to program waivers and exceptions; to provide for legislative oversight; to provide for implementation; to provide an effective date; and to provide for related matters.

Reported favorably by the Committee on Education. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

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

Senator Hollis 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. 80—

BY SENATOR HOLLIS
AN ACT

To enact R.S. 51:1927.1(D), relative to time limits to make certain investments under the Capital Companies Tax Credit Program; to extend the time limit for making certain investments; to provide for an effective date; 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. 82—

BY SENATOR HOLLIS
AN ACT

To enact R.S. 6:121.6, relative to the powers of the commissioner of the office of financial institutions; to authorize the commissioner to waive, suspend, or delay compliance of certain statutes relating to certain entities regulated by the commissioner; to provide for an effective date; 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. 98—

BY SENATOR MARIONNEAUX
AN ACT

To enact R.S. 17:25.2, relative to the Minimum Foundation Program formula; to provide relative to the costs of the formula and the distribution of allocations; to provide relative to the application of the requirements of the formula to city, parish, and other local public school systems; 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. 98 by Senator Marionneaux

AMENDMENT NO. 1

On page 2, line 2, delete "**is determined**"

AMENDMENT NO. 2

On page 2, line 3, change "**total**" to "**amount of funding**"

AMENDMENT NO. 3

On page 2, line 8, after "**made**" insert "**or because of a court order**"

AMENDMENT NO. 4

On page 2, delete line 11, and insert "**formula shall not be required to continue to pay such increase to such 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.

**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. 131—

BY REPRESENTATIVES SALTER, DURAND, ALARIO, DEWITT, DORSEY, AND HAMMETT AND SENATORS HEITMEIER, HINES, AND MOUNT

AN ACT

To amend and reenact Section 5 of Act 182 of the 2005 Regular Session of the Legislature, relative to state fees; to provide for the effective date of the Healthcare Affordability Act; and to provide for related matters.

Under the provisions of Joint Rule No. 5, the duplicate bill was read by title and referred to the Legislative Bureau.

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

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

SENATE BILL NO. 103— (Substitute of Senate Bill No. 11 by Senator Quinn;

BY SENATOR QUINN

AN ACT

To amend and reenact R.S. 47:1993(D) and 2101(A)(1) and to enact R.S. 47:1978.1, relative to the assessment of land and property damaged or destroyed during a disaster or emergency declared by the governor; to provide for assessment procedures and for collection of tax on such property; to provide for filing dates of tax rolls for tax year 2005 (2006 Orleans); to provide for deadlines for payment of ad valorem taxes for tax year 2005 (2006 Orleans); and to provide for related matters.

On motion of Senator Mount, the bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 104— (Substitute of Senate Bill No. 14 by Senator Schedler)

BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 47:1993(D) and 2101(A)(1) and to enact R.S. 47:1978.1, relative to the assessment of land and property damaged or destroyed during a disaster or emergency declared by the governor; to provide for assessment procedures and for collection of tax on such property; to provide for filing dates of tax rolls for tax year 2005 (2006 Orleans); to provide for deadlines for payment of ad valorem taxes for tax year 2005 (2006 Orleans); and to provide for related matters.

On motion of Senator Mount, the bill was read by title and ordered engrossed and passed to a third reading.

Senator Fields in the Chair

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. 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.

Reported favorably by the Committee on Local and Municipal Affairs.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	McPherson
Adley	Ellington	Mount
Amedee	Fields	Murray
Bajoie	Fontenot	Nevers
Barham	Gautreaux N	Quinn
Boasso	Heitmeier	Romero

Broome	Jackson	Shepherd
Chaisson	Jones	Smith
Cheek	Kostelka	Theunissen
Cravins	Lentini	Ullo
Dardenne	Malone	
Duplessis	Marionneaux	
Total - 34		

NAYS

Total - 0

ABSENT

Cain	Hollis	Schedler
Gautreaux B	Michot	
Total - 5		

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

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.

Reported favorably by the Committee on Senate and Governmental Affairs.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Marionneaux
Adley	Dupre	McPherson
Amedee	Ellington	Mount
Bajoie	Fields	Murray
Barham	Fontenot	Nevers
Boasso	Gautreaux N	Quinn
Broome	Heitmeier	Romero
Chaisson	Jackson	Shepherd
Cheek	Jones	Smith
Cravins	Lentini	Ullo
Dardenne	Malone	
Total - 32		

NAYS

Total - 0

ABSENT

Cain	Kostelka	Theunissen
Gautreaux B	Michot	
Hollis	Schedler	
Total - 7		

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

Mr. President in the Chair

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:

November 15, 2005

SENATE BILL NO. 3—

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, GEYMANN, 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 amend and reenact R.S. 24:513(A)(5)(a) and 514(E) and (F), all relative to audit reports and financial statements of certain governmental entities; to provide for an extension of time relative to the completion of audit reports and financial statements in the event of certain disasters or emergencies; to provide for effectiveness provisions; and to provide for related matters.

Floor Amendments Sent Up

Senator Lentini sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 3 by Senator Schedler

AMENDMENT NO. 1

On page 3, line 7, following "from" and before "sworn" change "finishing" to "furnishing"

On motion of Senator Lentini, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Yeas, McPherson. Lists names like Mr. President, Adley, Amedee, Bajoie, Barham, Boasso, Broome, Chaisson, Cheek, Cravins, Dardenne, Duplessis, Total - 35.

NAYS

Total - 0

ABSENT

Table with 2 columns: Name, Absent. Lists Cain, Gautreaux B, Total - 4.

The Chair declared the amended 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. 4—

BY SENATORS SCHEDLER AND DUPRE AN ACT

To amend and reenact R.S. 39:1410.60(A), relative to certain governmental entities; to provide for an extension of time for preparation of certain financial documents in the event of a

gubernatorial declared disaster or emergency; and to provide for related matters.

Floor Amendments Sent Up

Senator Marionneaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux to Engrossed Senate Bill No. 4 by Senator Schedler

AMENDMENT NO. 1

On page 2, line 2, after "(2)" insert "(a)"

AMENDMENT NO. 2

On page On page 2, between lines 6 and 7, insert:

"(b) No money to be borrowed, debt to be incurred, bonds or other evidences of debt to be issued which are reviewed under the expedited procedure provided for in this Paragraph or pursuant to any other provision of this Part shall in any way make the state a guarantor of, nor pledge the full faith and credit of the state to, nor make the state liable in any way for any payment of, such money borrowed, debt incurred, bonds or other evidences of debt reviewed."

On motion of Senator Marionneaux, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Yeas, Absent. Lists names like Mr. President, Adley, Amedee, Bajoie, Barham, Boasso, Broome, Chaisson, Cheek, Cravins, Dardenne, Duplessis, Total - 37.

NAYS

Total - 0

ABSENT

Table with 2 columns: Name, Absent. Lists Cain, McPherson, Total - 2.

The Chair declared the amended 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. 6—

BY SENATOR JONES

AN ACT

To enact R.S. 18:115(F)(2)(d) and 425(A)(4), relative to the conduct of elections during or following a gubernatorially declared state of emergency; to provide relative to the registration of voters; to provide for the authority of a voter who has registered by mail who has not previously voted in the parish in which he is registered during certain emergencies; to require an affidavit

attesting to the voter's eligibility; to provide for the effectiveness of such provisions; to provide relative to a parishwide shortage of commissioners due to an emergency; to authorize commissioners from other parishes to serve in the affected parish; to provide relative to selection, training, and certain expenses of such commissioners; and to provide for related matters.

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

SENATE BILL NO. 15—

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

To enact R.S. 42:1114(D) and 1114.1(A)(1)(c), relative to the Code of Governmental Ethics; to require that all elected and appointed officials report all funds received from, or which is to be reimbursed by, the federal government as a result of work performed in connection with a proclamation of a state of emergency; and to provide for related matters.

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

SENATE BILL NO. 18—

BY SENATORS MOUNT, N. GAUTREAUX AND MURRAY
A JOINT RESOLUTION

Proposing to add Article VII, Section 18(G)(5) and Section 20(A)(10) of the Constitution of Louisiana, relative to ad valorem property tax; to provide a procedure for the retention of the homestead exemption and the special assessment level if the homestead is damaged or destroyed in certain circumstances; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

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

SENATE BILL NO. 19—

BY SENATORS MOUNT AND MURRAY
AN ACT

To amend and reenact R.S. 47:1992(F)(1) and (G), 2101(A)(2) and (3), the introductory paragraph of 2171(A), 2180(A)(1)(a) and 2180.1(A), and to enact R.S. 47:1997(C) relative to ad valorem property tax procedures; to provide with respect to deadlines in Title 47 of the Louisiana Revised Statutes of 1950 as to assessments and tax collections for property; to provide with respect to such deadlines for property damaged by natural disasters in 2005; and to provide for related matters.

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

SENATE BILL NO. 20—

BY SENATORS MOUNT AND MURRAY
AN ACT

To amend and reenact R.S. 47:2106 and to enact R.S. 47:1703(E), relative to ad valorem property tax on damaged property; to provide for continuation of the homestead exemption where the owner is unable to occupy the homestead due to a disaster or emergency; to provide for the postponement and later collection of such taxes in parishes affected by disasters and other calamities; and to provide for related matters.

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

SENATE BILL NO. 42—

BY SENATORS MOUNT AND MURRAY
AN ACT

To amend and reenact R.S. 47:287.85(C)(2) and R.S. 47:293(3), relative to income tax of estates and trusts, corporations, and individuals; to provide that the Louisiana federal income tax deduction shall not be reduced by the amount of certain federal disaster relief tax credits; to provide for an effective date; and to provide for related matters.

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

SENATE BILL NO. 54—

BY SENATORS ELLINGTON AND NEVERS
AN ACT

To amend and reenact R.S. 47:331(P)(2) and to enact R.S. 47:301(3)(j) and (13)(l), and 302(T), 321(J), and 331(R), relative to state sales and use tax of the state and any political subdivision whose boundaries are coterminous with those of the state; to provide for a limitation on the sale price and cost price of natural gas for certain taxpayers; to provide for an exemption for electricity for certain taxpayers; to provide for an effective date; 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 BILL NO. 64—

BY SENATOR HINES
AN ACT

To provide for a special statewide election on the fifth Saturday in April of 2006 for the purpose of submitting constitutional amendments to the electors of the state; to provide for the conduct of such election; and to provide for related matters.

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

SENATE BILL NO. 78—

BY SENATORS MOUNT AND MURRAY
AN ACT

To amend and reenact R.S. 47:1508(B)(1), relative to the furnishing of tax information to taxpayers; to authorize the Department of Revenue to release to taxpayers their income tax information; to provide for an effective date; and to provide for related matters.

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

SENATE BILL NO. 81—

BY SENATOR HINES
AN ACT

To enact R.S. 42:1114.3, relative to disclosure of certain contracts; to require elected officials and appointed state officials to disclose information to the Board of Ethics regarding the receipt of certain things of value related to certain contracts and subcontracts; to provide for the content of such disclosure; to provide for penalties; and to provide for related matters.

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

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.

November 15, 2005

Floor Amendments Sent Up

Senator Lentini sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 89 by Senator Jones

AMENDMENT NO. 1

On page 1, delete lines 9 through 11, and insert "§401.3. Gubernatorially declared emergency; plan for rescheduling elections"

AMENDMENT NO. 2

On page 2, line 1, change "designate" to "provide"; and on line 2, delete "to hold elections"

On motion of Senator Lentini, the amendments were adopted.

The bill was read by title. Senator Jones 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, Duplessis, Lentini, Amedee, Dupre, Marionneaux, Bajoie, Ellington, McPherson, Broome, Fields, Murray, Chaisson, Gautreaux B, Nevers, Cheek, Heitmeier, Shepherd, Cravins, Jackson, Theunissen, Dardenne, Jones, Ullo, Total - 24

NAYS

Table with 3 columns: Adley, Kostelka, Romero, Barham, Malone, Schedler, Boasso, Michot, Smith, Gautreaux N, Mount, Hollis, Quinn, Total - 13

ABSENT

Table with 2 columns: Cain, Fontenot, Total - 2

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

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

The following House 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 Jones asked that Senate Bill No. 6 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 6— BY SENATOR JONES

AN ACT

To enact R.S. 18:115(F)(2)(d) and 425(A)(4), relative to the conduct of elections during or following a gubernatorially declared state of emergency; to provide relative to the registration of voters; to provide for the authority of a voter who has registered by mail who has not previously voted in the parish in which he is registered during certain emergencies; to require an affidavit attesting to the voter's eligibility; to provide for the effectiveness of such provisions; to provide relative to a parishwide shortage of commissioners due to an emergency; to authorize commissioners from other parishes to serve in the affected parish; to provide relative to selection, training, and certain expenses of such commissioners; and to provide for related matters.

Floor Amendments Sent Up

Senator Dardenne sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Dardenne to Engrossed Senate Bill No. 6 by Senator Jones

AMENDMENT NO. 1

On page 2, line 13, after "2005" insert "and subsequent to the presidential election held November 2, 2004,"

On motion of Senator Dardenne, the amendments were adopted.

Floor Amendments Sent Up

Senator Dardenne sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Dardenne to Engrossed Senate Bill No. 6 by Senator Jones

AMENDMENT NO. 1

On page 2, line 17, after "effective" delete the remainder of the line and line 18 and insert "until July 1, 2006."

On motion of Senator Dardenne, the amendments were adopted.

Floor Amendments Sent Up

Senator Bajoie sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Bajoie to Engrossed Senate Bill No. 6 by Senator Jones

AMENDMENT NO. 1

On page 2, line 13, after "2005," insert "and any person who first became eligible to vote after August 10, 2005, and has registered to vote at least thirty days prior to the first election in which such person would be eligible to vote"

On motion of Senator Bajoie, the amendments were adopted.

The bill was read by title. Senator Jones 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

Bajoie	Fields	McPherson
Broome	Gautreaux B	Murray
Chaisson	Heitmeier	Shepherd
Cravins	Jackson	
Duplessis	Jones	
Total - 16		

NAYS

Adley	Gautreaux N	Nevers
Amedee	Hollis	Quinn
Barham	Kostelka	Romero
Boasso	Lentini	Schedler
Cheek	Malone	Smith
Dardenne	Michot	Theunissen
Fontenot	Mount	
Total - 20		

ABSENT

Cain	Ellington	Ullo
Total - 3		

The Chair declared the amended bill failed to pass.

Notice of Reconsideration

Senator Jones, pursuant to Senate Rule Number 11.12, gave notice that before the expiration of the Morning Hour of the next succeeding legislative day of the Senate, he would move to reconsider the vote by which the bill failed to pass.

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:

HOUSE BILL NO. 84—
BY REPRESENTATIVE ALARIO AND SENATOR HEITMEIER
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.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Michot
Adley	Ellington	Mount
Amedee	Fontenot	Murray
Bajoie	Gautreaux B	Nevers
Barham	Gautreaux N	Quinn
Boasso	Heitmeier	Romero
Broome	Hollis	Schedler
Chaisson	Jackson	Smith
Cheek	Lentini	Theunissen
Cravins	Malone	Ullo
Dardenne	Marionneaux	
Duplessis	McPherson	
Total - 34		

NAYS

Total - 0

ABSENT

Cain	Jones	Shepherd
Fields	Kostelka	
Total - 5		

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

HOUSE BILL NO. 94—
BY REPRESENTATIVE ALARIO AND SENATOR HEITMEIER
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.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Michot
Adley	Ellington	Mount
Amedee	Fontenot	Murray
Bajoie	Gautreaux B	Nevers
Barham	Gautreaux N	Quinn
Boasso	Heitmeier	Romero
Broome	Hollis	Schedler
Chaisson	Jackson	Shepherd
Cheek	Lentini	Smith
Cravins	Malone	Theunissen
Dardenne	Marionneaux	Ullo
Duplessis	McPherson	
Total - 35		

NAYS

Total - 0

ABSENT

Cain	Jones
Fields	Kostelka
Total - 4	

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

HOUSE BILL NO. 95—
BY REPRESENTATIVE ALARIO AND SENATOR HEITMEIER
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.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	McPherson
Adley	Ellington	Michot
Amedee	Fields	Mount

November 15, 2005

Bajoie	Fontenot	Murray
Barham	Gautreaux B	Nevers
Boasso	Gautreaux N	Quinn
Broome	Heitmeier	Romero
Chaisson	Hollis	Schedler
Cheek	Jackson	Shepherd
Cravins	Lentini	Smith
Dardenne	Malone	Theunissen
Duplessis	Marionneaux	Ullo

Total - 36

NAYS

Total - 0

ABSENT

Cain	Jones	Kostelka
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Total - 3

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

HOUSE BILL NO. 96—
BY REPRESENTATIVE ALARIO AND SENATOR HEITMEIER
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.

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

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	Romero
Broome	Heitmeier	Schedler
Chaisson	Hollis	Shepherd
Cheek	Jackson	Smith
Cravins	Lentini	Theunissen
Dardenne	Malone	Ullo
Duplessis	Marionneaux	

Total - 35

NAYS

Total - 0

ABSENT

Cain	Kostelka
Jones	Quinn

Total - 4

The Chair declared the bill was passed. The title was read and adopted. Senator Heitmeier 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.

Messages from the House

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

Message from the House

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

November 15, 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 concurred in the following Senate Concurrent Resolutions:

SENATE CONCURRENT RESOLUTION NO. 12—
BY SENATOR HEITMEIER AND REPRESENTATIVES ALARIO AND
SALTER

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 without amendments.

SENATE CONCURRENT RESOLUTION NO. 14—
BY SENATOR ADLEY AND REPRESENTATIVES BURRELL, R. CARTER,
DORSEY, FAUCHEUX, GALLOT, GREENE, HEBERT, M. POWELL AND
RICHMOND

A CONCURRENT RESOLUTION

To urge and request the Federal Emergency Management Agency (FEMA), American Red Cross, the Salvation Army, and other entities to realign their districts to conform to each other in order to provide easier access by the public, and a more rapid response to national disasters.

Reported without amendments.

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

**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. 105—
BY SENATOR HINES
AN ACT

To enact R.S. 39:94(C)(4), relative to the Budget Stabilization Fund; to provide for the balance in the Budget Stabilization Fund; to define total state revenue receipts for purposes of determining the balance in the fund; 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 Finance.

SENATE BILL NO. 106—
BY SENATOR FIELDS
AN ACT

To amend and reenact R.S. 13:992.1(B)(1)(a), (B)(2)(a), and (D), relative to the criminal justice system and the procedures for the continuation of that system in the face of a declared disaster or emergency; to provide for an increase of authorized cost per recordation during the efforts to continue operation of the criminal justice system and the increased workload during and after a declared disaster or emergency; and to provide for related matters.

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

SENATE BILL NO. 107—
BY SENATOR MCPHERSON

AN ACT

To enact R.S. 40:2007.1 and 2116(J), and R.S. 46:437.11(F), relative to the licensure of healthcare providers; to provide relative to health care services in areas affected by declarations of emergency or disaster; to provide relative to the interruption of health care services; to provide relative to replacement and repair of health care facilities in certain areas; to provide relative to facility need review approvals for certain health care providers; to provide for licensure and facility need review; to provide relative to the termination of provider agreements; and to provide for related matters.

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

SENATE BILL NO. 108—

BY SENATORS HINES AND HEITMEIER
AN ACT

To enact R.S. 39:94(C)(4), 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 provide for related matters.

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

SENATE BILL NO. 109—

BY SENATORS N. GAUTREAUX, BOASSO AND DUPRE
AN ACT

To amend and reenact R.S. 49:213.2 and 213.4(A), and to enact R.S. 49:213.11, relative to coastal and hurricane protection; to authorize and provide for the development and implementation of an inspection program; 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.

SENATE BILL NO. 110—

BY SENATORS MICHOT AND N. GAUTREAUX AND
REPRESENTATIVES FRITH AND ROBIDEAUX
AN ACT

To enact R.S. 49:213.11, relative to hurricane protection, and coastal conservation, restoration and management; to authorize a hurricane protection feasibility study; to authorize and provide for the development and implementation of an intracoastal protection highway; to provide definitions, powers, and duties; and to provide for related matters.

The bill was read by title; lies over under the rules.

**Introduction of Resolutions,
Senate and Concurrent**

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

SENATE RESOLUTION NO. 6—

BY SENATOR JACKSON

A RESOLUTION

To commend The Shreveport Sun, its owner, editors and staff, on being the oldest black weekly newspaper in Louisiana and to acknowledge its significance as an effective agent of change.

On motion of Senator Jackson, the resolution was read by title and adopted.

SENATE CONCURRENT RESOLUTION NO. 26—
BY SENATOR ADLEY

A CONCURRENT RESOLUTION

To memorialize Congress to require that the Federal Emergency Management Agency include all parishes in Louisiana as a "disaster area" to allow the residents and businesses to qualify for federal disaster assistance, including assistance with certain insurance deductibles, for damages caused by hurricanes Katrina and Rita.

The resolution was read by title. Senator Adley 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	Fontenot	Mount
Bajoie	Gautreaux B	Murray
Barham	Gautreaux N	Nevers
Boasso	Heitmeier	Quinn
Broome	Hollis	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Shepherd
Cravins	Kostelka	Smith
Dardenne	Malone	Theunissen
Duplessis	Marionneau	Ullo
Total - 36		

NAYS

Total - 0

ABSENT

Cain	Fields	Lentini
Total - 3		

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 15, 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. 27—

BY REPRESENTATIVES SALTER, ALARIO, DEWITT, DORSEY, AND
HAMMETT AND SENATORS HEITMEIER, HINES, AND MOUNT

AN ACT

To provide for a special statewide election on the fifth Saturday in April of 2006 for the purpose of submitting constitutional amendments to the electors of the state; to provide for the conduct of such election; and to provide for related matters.

November 15, 2005

HOUSE BILL NO. 97—
BY REPRESENTATIVE ALARIO AND SENATOR HEITMEIER
AN ACT

To amend and reenact R.S. 42:851(E)(1)(introductory paragraph) and (M)(1) and to enact R.S. 42:851(D)(4) and (M)(4), relative to Office of Group Benefits programs; to prohibit any reduction in the minimum state contribution for premium payments for certain employees affected by Hurricanes Katrina and Rita under certain circumstances; 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 which were taken up, read a first and second time by their titles and acted upon as follows:

HOUSE BILL NO. 27—
BY REPRESENTATIVES SALTER, ALARIO, DEWITT, DORSEY, AND HAMMETT AND SENATORS HEITMEIER, HINES, AND MOUNT
AN ACT

To provide for a special statewide election on the fifth Saturday in April of 2006 for the purpose of submitting constitutional amendments to the electors of the state; to provide for the conduct of such election; and to provide for related matters.

On motion of Senator Bajoie, the bill, which is a duplicate of Senate Bill No. 64, was read by title and lies over under the rules.

HOUSE BILL NO. 97—
BY REPRESENTATIVE ALARIO AND SENATOR HEITMEIER
AN ACT

To amend and reenact R.S. 42:851(E)(1)(introductory paragraph) and (M)(1) and to enact R.S. 42:851(D)(4) and (M)(4), relative to Office of Group Benefits programs; to prohibit any reduction in the minimum state contribution for premium payments for certain employees affected by Hurricanes Katrina and Rita under certain circumstances; and to provide for related matters.

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

JUDICIARY A

Senator Lentini, Chairman on behalf of the Committee on Judiciary A, submitted the following report:

November 15, 2005

To the President and Members of the Senate:

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

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.

Reported favorably.

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.

Reported favorably.

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.

Reported favorably.

HOUSE BILL NO. 90—
BY REPRESENTATIVES ANSARDI AND GALLOT AND SENATOR LENTINI
AN ACT

To enact Chapter 1 of Code Title III of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:2551 through 2565, relative to the effect of obligations during certain emergencies and disasters; to provide relative to suspension of prescription and preemptive periods and other legal deadlines; to provide relative to the extension of prescription and preemptive periods and other legal deadlines; to provide relative to the ratification of Executive Orders KBB 2005-32, 48, and 67; to provide for retroactive application; and to provide for related matters.

Reported with amendments.

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.

Reported favorably.

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.

Reported favorably.

Respectfully submitted,

ARTHUR J. "ART" LENTINI
Chairman

REPORT OF COMMITTEE ON
REVENUE AND FISCAL AFFAIRS

Senator Mount, Chairman on behalf of the Committee on Revenue and Fiscal Affairs, submitted the following report:

November 15, 2005

To the President and Members of the Senate:

I am directed by your Committee on Revenue and Fiscal Affairs to submit the following report:

SENATE BILL NO. 96—
BY SENATOR SHEPHERD

AN ACT

To enact R.S. 47:305.54, relative to the state sales and use tax; to enact the 2005 Louisiana Sales Tax Holiday Act; to provide that the state sales and use tax shall not apply to certain consumer purchases of tangible personal property for non-business use on a certain date; to provide restrictions on the types and cost of purchases that are eligible for exemption; to provide for an effective date; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 45—
BY REPRESENTATIVES HAMMETT AND PINAC

AN ACT

To amend and reenact R.S. 47:1508(B)(1), relative to the furnishing of tax information to the taxpayer or his duly authorized representative; to provide for an effective date; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 65—
BY REPRESENTATIVES HAMMETT, PINAC, BALDONE, CURTIS, GALLOT, E. GUILLORY, HEATON, KENNEY, ODINET, AND TOWNSEND AND SENATORS FIELDS, MCPHERSON, AND MURRAY

AN ACT

To amend and reenact R.S. 47:1992(F)(1) and (G), 2101(A)(2) and (3), 2171(A)(introductory paragraph), 2180(A)(1)(a), and 2180.1(A) and to enact R.S. 47:1997(C), relative to assessment of immovable and movable property for tax year 2005 and for tax year 2006 in Orleans Parish; to change time periods for public inspection of assessment rolls; to change assessment deadlines; to change ad valorem tax collection procedures and deadline; and to provide for related matters.

Reported favorably.

Respectfully submitted,
WILLIE MOUNT
Chairman

Senate Bills and Joint Resolutions
on Second Reading
Reported by Committees

Senator Mount 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. 96—
BY SENATOR SHEPHERD

AN ACT

To enact R.S. 47:305.54, relative to the state sales and use tax; to enact the 2005 Louisiana Sales Tax Holiday Act; to provide that the state sales and use tax shall not apply to certain consumer purchases of tangible personal property for non-business use on

a certain date; to provide restrictions on the types and cost of purchases that are eligible for exemption; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Revenue and Fiscal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Original Senate Bill No. 96 by Senator Shepherd

AMENDMENT NO. 1

On page 1, at the end of line 4, delete "a"

AMENDMENT NO. 2

On page 1, line 5, change "date" to "dates"

AMENDMENT NO. 3

On page 1, line 15, at the end of the line, delete "on" and delete line 16, and insert:

"between 3:00 P.M. Tuesday, December 6, 2005, and midnight Sunday, December 11, 2005."

AMENDMENT NO. 4

On page 2, line 1, after "**property**" delete the remainder of the line, and on line 2, delete "**license and title,**"

AMENDMENT NO. 5

On page 2, line 2, change "**fifty**" to "**twenty-five**"

AMENDMENT NO. 6

On page 2, line 5, change "**fifty**" to "**twenty-five**" and at the end of the line, insert:

"Consumer purchases" as used in this Paragraph shall not mean the purchase of a vehicle subject to license and title.

AMENDMENT NO. 7

On page 2, line 6, change "**on the one-day**" to "**during the**"

AMENDMENT NO. 8

On page 2, line 14, delete "**one-day**"

AMENDMENT NO. 9

On page 2, line 18, delete "**one-day**"

AMENDMENT NO. 10

On page 2, line 20, change "**on the one-day**" to "**during the**"

AMENDMENT NO. 11

On page 2, line 26, delete "**one-day**"

AMENDMENT NO. 12

On page 3, line 1, delete "**one-day**"

AMENDMENT NO. 13

On page 3, line 7, change "**fifty**" to "**twenty-five**"

AMENDMENT NO. 14

On page 3, line 9, change "**fifty**" to "**twenty-five**"

AMENDMENT NO. 15

On page 3, line 11, delete "**one-day**"

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

House Bills and Joint Resolutions
on Second Reading
Reported by Committees

November 15, 2005

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

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.

Reported favorably by the Committee on Judiciary A. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

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.

Reported favorably by the Committee on Judiciary A. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

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.

Reported favorably by the Committee on Judiciary A. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 45—

BY REPRESENTATIVES HAMMETT AND PINAC
AN ACT

To amend and reenact R.S. 47:1508(B)(1), relative to the furnishing of tax information to the taxpayer or his duly authorized representative; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 65—

BY REPRESENTATIVES HAMMETT, PINAC, BALDONE, CURTIS, GALLOT, E. GUILLORY, HEATON, KENNEY, ODINET, AND TOWNSEND AND SENATORS FIELDS, MCPHERSON, AND MURRAY
AN ACT

To amend and reenact R.S. 47:1992(F)(1) and (G), 2101(A)(2) and (3), 2171(A)(introductory paragraph), 2180(A)(1)(a), and 2180.1(A) and to enact R.S. 47:1997(C), relative to assessment of immovable and movable property for tax year 2005 and for

tax year 2006 in Orleans Parish; to change time periods for public inspection of assessment rolls; to change assessment deadlines; to change ad valorem tax collection procedures and deadline; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 90—

BY REPRESENTATIVES ANSARDI AND GALLOT AND SENATOR LENTINI
AN ACT

To enact Chapter 1 of Code Title III of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:2551 through 2565, relative to the effect of obligations during certain emergencies and disasters; to provide relative to suspension of prescription and peremptive periods and other legal deadlines; to provide relative to the extension of prescription and peremptive periods and other legal deadlines; to provide relative to the ratification of Executive Orders KBB 2005-32, 48, and 67; to provide for retroactive application; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Reengrossed House Bill No. 90 by Representative Ansardi

AMENDMENT NO. 1

On page at the end of line 9, change "2554" to "2555"

AMENDMENT NO. 2

On page 2, at the beginning of line 11, change "A.(1)" to "A."

AMENDMENT NO. 3

On page 2, line 15, after "have" and before "lapsed" delete "accrued or"

AMENDMENT NO. 4

On page 2, line 19, after "shall" and before "lapse" delete "accrue or"

AMENDMENT NO. 5

On page 2, delete lines 20 through 29 in their entirety

AMENDMENT NO. 6

On page 3, delete lines 1 through 5 in their entirety

AMENDMENT NO. 7

On page 3, line 16, after "otherwise" and before "lapsed" delete "accrued or"

AMENDMENT NO. 8

On page 3, line 20, after "shall" and before "lapse" delete "accrue or"

AMENDMENT NO. 9

On page 3, line 23, after "proceeding" and before "lapsed" delete "accrued or"

AMENDMENT NO. 10

On page 4, between lines 2 and 3, insert the following:
"§2554. Purpose; certain courts; suspension and extension of prescription and peremption and other legal deadlines

A. The legislature finds that Hurricanes Katrina and Rita created a statewide emergency which affected the entire judicial system in this state, all legal communities, and prohibited the court system from functioning as required by law. The legislature acknowledges that the proper functioning of this state's judicial system is essential to the administration of justice for all citizens. The legislature also recognizes that the courts in Cameron, Orleans, Plaquemines, St. Bernard, and Vermillion, the legal communities, and the citizens were so severely devastated and although the courts

may be open on a limited basis, the massive destruction of these areas continues to endanger and infringe upon the normal functioning of the judicial system, the ability of persons to avail themselves of the judicial system and the ability of litigants or others to have access to the courts or to meet schedules or time deadlines imposed by court order or rule or statute. The majority of residents and attorneys domiciled in these areas have been displaced and numerous client files, witnesses, evidence, records and documents have been lost, damaged or destroyed. The legislature hereby declares that there is a compelling governmental interest in protecting the rights, claims, or actions of parties and the attorneys who represent them by granting additional time and access to these courts provided in this Section.

B.(1) Notwithstanding the provisions of R.S. 9:2552 or 2553, a party who is domiciled within the parishes of Cameron, Orleans, Plaquemines, St. Bernard, or Vermillion, or whose cause of action arose within such parishes or whose attorney is domiciled within or has a law office within such parishes, may seek in any court in the state a limited suspension and/or extension of prescription or peremption periods or other legal deadlines, beyond the termination dates provided in R.S. 9:2552 and 2553, by contradictory motion or declaratory judgment. The party seeking an additional suspension and/or extension, in accordance with the provisions of this Section, shall bear the burden of proving by a preponderance of the evidence that the motion was filed at the earliest time practicable and but for the catastrophic effects of Hurricane Katrina or Rita, the legal deadline would have been timely met. If the court grants the motion, the prescription or peremptive period or other legal deadline shall be suspended or extended for a period not to exceed thirty days from the date of the granting of the motion. This limited suspension or extension shall terminate on June 1, 2006 and any right, claim, or action which would have expired during the time period of January 4, 2006 through May 31, 2006, shall lapse on June 1, 2006.

(2) The failure to file the motion authorized in Paragraph (1) above shall not preclude a party from using the basis of the motion as a defense to an exception of prescription."

AMENDMENT NO. 11

On page 4, at the beginning of line 3, change "§2554." to "§2555."

AMENDMENT NO. 12

On page 4, line 4, after "R.S. 9:2552" and before the comma ",", change "and 2553" to "through 2554"

AMENDMENT NO. 13

On page 4, at the beginning of line 8, change "§§2555" to "§§2556"

AMENDMENT NO. 14

On page 4, line 24, change "remedial" to "interpretative"

On motion of Senator Lentini, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

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.

Reported favorably by the Committee on Judiciary A. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

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.

Reported favorably by the Committee on Judiciary A. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

Rules Suspended

Senator B. Gautreaux asked for and obtained a suspension of the rules for the purpose of taking up at this time.

Senate Concurrent Resolutions on Second Reading to be Referred

The following Senate Concurrent Resolutions were read and referred to committees as follows:

Called from the Calendar

Senator B. Gautreaux asked that Senate Concurrent Resolution No. 23 be called from the Calendar at this time.

SENATE CONCURRENT RESOLUTION NO. 23—

BY SENATOR B. GAUTREAUX

A CONCURRENT RESOLUTION

To commend Hornets' owner George Shinn for his resolve that the team will remain in New Orleans and his pledge to aid revitalization efforts.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 37

NAYS

Total - 0

ABSENT

Cain	Fields
Total - 2	

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent 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 15, 2005

November 15, 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 Resolutions have been properly enrolled:

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.

SENATE CONCURRENT RESOLUTION NO. 11—

BY SENATOR SMITH

A CONCURRENT RESOLUTION

To urge and request the Honorable Kathleen Babineaux Blanco, Governor, to appoint members to fill expired terms which exist on the Board of Supervisors of Community and Technical Colleges.

SENATE CONCURRENT RESOLUTION NO. 19—

BY SENATORS THEUNISSEN AND MOUNT AND REPRESENTATIVES FRITH AND MORRISH

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.

Respectfully submitted,
CHARLES D. JONES
Chairman

The foregoing Senate Concurrent Resolutions were signed by the President of the Senate.

Leaves of Absence

The following leaves of absence were asked for and granted:

Cain 1 Day

Adjournment

Senator Bajoie moved that the Senate adjourn until Wednesday, November 16, 2005, at 9:30 o'clock A.M.

The President of the Senate declared the Senate adjourned until 9:30 o'clock A.M. on Wednesday, November 16, 2005.

GLENN A. KOEPP
Secretary of the Senate

GAYE F. HAMILTON
Journal Clerk