

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

---

**TENTH DAY'S PROCEEDINGS**

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

Senate Chamber  
State Capitol  
Baton Rouge, Louisiana

Thursday, November 17, 2005

The Senate was called to order at 4:00 o'clock P.M., by Hon. Donald E. Hines, President of the Senate.

**ROLL CALL**

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

**PRESENT**

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

**ABSENT**

Schedler  
Total - 1

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

**Prayer**

The prayer was offered by Reverend Richie Edmonds, 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 Dardenne, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

**Morning Hour**

**Privilege Report of the  
Legislative Bureau**

November 17, 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. We advise and suggest the following amendments to the engrossed bills.

**HOUSE BILL NO. 4—**  
BY REPRESENTATIVE TOOMY  
AN ACT

To enact R.S. 13:5, relative to each of the clerks of court throughout the state and the recorder of mortgages and the register of conveyances for the parish of Orleans; to authorize the establishment of an ancillary office during times of declared state of emergency or disaster; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 5—**  
BY REPRESENTATIVES WALKER, KATZ, AND PINAC  
AN ACT

To enact R.S. 40:2009.4(A)(6), 2109(B)(1)(c), and 2180.2(10), relative to minimum standards for licensure for hospitals, nursing facilities, and intermediate care facilities for the mentally retarded; to provide the Department of Health and Hospitals the authority to promulgate rules for facilities located in areas subject to hurricanes, tidal surges, or flooding; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 6—**  
BY REPRESENTATIVE PINAC  
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 without amendments.

**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.

Reported without amendments.

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

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

Reported with amendments.

**LEGISLATIVE BUREAU AMENDMENTS**

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 88 by Representative Gallot

AMENDMENT NO. 1

In Senate Committee Amendment No. 6 proposed by the Senate Committee on Judiciary A and adopted by the Senate on November 16, 2005, on page 1, line 31 and on page 1, line 32, following "undamaged" and before "movable" delete the "1"

AMENDMENT NO. 2

In Senate Committee Amendment No. 9 proposed by the Senate Committee on Judiciary A and adopted by the Senate on November 16, 2005, on page 2, line 5, following "continues" and before "occupy" change "too" to "to"

**AMENDMENT NO. 3**

In Senate Committee Amendment No. 15 proposed by the Senate Committee on Judiciary A and adopted by the Senate on November 16, 2005, on page 2, line 32, following "such" and before "those" insert "as"

**AMENDMENT NO. 4**

In Senate Committee Amendment No. 19 proposed by the Senate Committee on Judiciary A and adopted by the Senate on November 16, 2005, on page 3, line 6, following "Title" and before "of" change "9" to "IX of Code Book III"

**HOUSE BILL NO. 135—**

BY REPRESENTATIVE PINAC  
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 during certain emergencies relating to certain nondepository institutions regulated by the commissioner; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 148— (Substitute for House Bill No. 64 by Representative Hammett)**

BY REPRESENTATIVE ARNOLD  
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; to provide for filing dates of tax rolls for certain tax years; to provide for deadlines for payment of ad valorem taxes for certain tax years; and to provide for related matters.

Reported with amendments.

**LEGISLATIVE BUREAU AMENDMENTS**

Amendments proposed by Legislative Bureau to Engrossed House Bill No. 148 by Representative Arnold

**AMENDMENT NO. 1**

In Senate Committee Amendment No. 7 proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on November 16, 2005, on page 2, line 43, at the end of the line, change "(3)" to "(4)"

Respectfully submitted,  
ARTHUR J. "ART" LENTINI  
Chairman

**Adoption of Legislative Bureau Report**

On motion of Senator Lentini, the Legislative Bureau amendments were adopted and 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 17, 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. 28—**  
BY SENATOR MURRAY AND REPRESENTATIVE BRUNEAU  
A CONCURRENT RESOLUTION

To strongly urge and request Entergy New Orleans and the city of New Orleans to take all actions necessary to restore working street lighting throughout the city of New Orleans at the earliest possible date.

Reported without amendments.

**SENATE CONCURRENT RESOLUTION NO. 31—**  
BY SENATOR MURRAY AND REPRESENTATIVE BRUNEAU  
A CONCURRENT RESOLUTION

To commend BellSouth, Cox Communications, and Entergy New Orleans for their efforts in restoring services to the New Orleans metropolitan area and to urge and request such companies to expedite the restoration and resumption of their respective services to the remainder of the New Orleans area that is still without such services.

Reported without amendments.

**SENATE CONCURRENT RESOLUTION NO. 8—**  
BY SENATORS ADLEY, AMEDEE, BAJOIE, BARHAM, BOASSO, BROOME, CHEEK, DARDENNE, DÜPLESSIS, DUPRE, ELLINGTON, FIELDS, FONTENOT, B. GAUTREUX, N. GAUTREUX, HEITMEIER, HINES, HOLLIS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, QUINN, ROMERO, SCHEDLER, SHEPHERD, SMITH, THEUNISSEN AND ULLO AND REPRESENTATIVE KATZ  
A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to extend Louisiana's seaward boundary in the Gulf of Mexico to twelve geographical miles.

Reported without amendments.

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

**Introduction of Senate Resolutions**

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

**SENATE RESOLUTION NO. 8—**  
BY SENATORS BARHAM AND MALONE  
A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana upon learning of the death of William Ardis Marbury.

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

**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 17, 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. 39—**  
BY REPRESENTATIVES SCALISE AND SCHNEIDER  
A CONCURRENT RESOLUTION

To urge and request that the governor include within the call of the 2006 First Extraordinary Session an item to authorize legislation to protect the inherent rights of citizens recognized under the constitutions of Louisiana and the United States and to rectify the denial of these rights in the wake of Hurricane Katrina.

**HOUSE CONCURRENT RESOLUTION NO. 52—**  
BY REPRESENTATIVES BOWLER, TOOMY, ALARIO, ANSARDI, DAMICO, LANCASTER, MARTINY, PITRE, SCALISE, TUCKER, AND WOOTON AND SENATORS HEITMEIER, HOLLIS, LENTINI, QUINN, SHEPHERD, AND ULLO  
A CONCURRENT RESOLUTION

To commend Dr. Diane M. Roussel, Superintendent of the Jefferson Parish Public School System, upon being named Superintendent of the Year by the Louisiana Association of School Executives.

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. 39—**  
BY REPRESENTATIVES SCALISE AND SCHNEIDER  
A CONCURRENT RESOLUTION

To urge and request that the governor include within the call of the 2006 First Extraordinary Session an item to authorize legislation to protect the inherent rights of citizens recognized under the constitutions of Louisiana and the United States and to rectify the denial of these rights in the wake of Hurricane Katrina.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dupre	Michot
Adley	Fields	Murray
Amedee	Fontenot	Nevers
Barham	Gautreaux B	Quinn
Boasso	Gautreaux N	Shepherd
Broome	Hollis	Smith
Cain	Kostelka	Theunissen
Chaisson	Malone	Ullo
Duplessis	Marionneaux	
Total - 26		

**NAYS**

Total - 0

**ABSENT**

Bajoie	Heitmeier	Mount
Cheek	Jackson	Romero
Cravins	Jones	Schedler
Dardenne	Lentini	
Ellington	McPherson	
Total - 13		

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

**HOUSE CONCURRENT RESOLUTION NO. 52—**  
BY REPRESENTATIVES BOWLER, TOOMY, ALARIO, ANSARDI, DAMICO, LANCASTER, MARTINY, PITRE, SCALISE, TUCKER, AND WOOTON AND SENATORS HEITMEIER, HOLLIS, LENTINI, QUINN, SHEPHERD, AND ULLO  
A CONCURRENT RESOLUTION

To commend Dr. Diane M. Roussel, Superintendent of the Jefferson Parish Public School System, upon being named Superintendent of the Year by the Louisiana Association of School Executives.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fields	Murray
Amedee	Fontenot	Nevers
Barham	Gautreaux B	Quinn
Boasso	Gautreaux N	Shepherd
Broome	Hollis	Smith
Cain	Kostelka	Theunissen
Chaisson	Malone	Ullo
Duplessis	Marionneaux	
Dupre	Michot	
Total - 25		

**NAYS**

Total - 0

**ABSENT**

Adley	Ellington	McPherson
Bajoie	Heitmeier	Mount
Cheek	Jackson	Romero
Cravins	Jones	Schedler
Dardenne	Lentini	
Total - 14		

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

**Rules Suspended**

Senator Ullo asked for and obtained a suspension of the rules for the purpose of allowing the Committee on Finance to continue meeting while the Senate is in session.

**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. 42—**  
BY REPRESENTATIVES MONTGOMERY, ARNOLD, ALARIO, BALDONE, DARTEZ, DEWITT, DORSEY, FARRAR, FAUCHEUX, HAMMETT, HEATON, HILL, KENNEY, LABRUZZO, ODINET, SALTER, SCALISE, JANE SMITH, TOWNSEND, ALEXANDER, ANSARDI, BADON, BARROW, BAYLOR, BEARD, BOWLER, BRUCE, BRUNEAU, BURRELL, K. CARTER, R. CARTER, CAZAYOUX, CRANE, CRAVINS, CROWE, CURTIS, DAMICO, DANIEL, DOERGE, DOVE, DOWNS, DURAND, ERDEY, FRITH, GALLOT, GEYMAN, GLOVER, GRAY, GREENE, E. GUILLORY, M. GUILLORY, HARRIS, HEBERT, HONEY, HOPKINS, HUNTER, HUTTER, JACKSON, JEFFERSON, JOHNS, KATZ, KENNARD,

KLECKLEY, LAFONTA, LANCASTER, MARCHAND, MARTINY, MCDONALD, MCVEA, MORRELL, MORRISH, PIERRE, PINAC, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROBIDEAUX, SCHNEIDER, SMILEY, GARY SMITH, JACK SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WOOTON, AND WRIGHT AND SENATORS HEITMEIER, HINES, AND MOUNT

**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 consumer purchases of tangible personal property on a certain date from certain selling dealers; 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.

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

**Reports of Committees**

The following reports of committees were received and read:

**REPORT OF COMMITTEE ON**

**SENATE AND GOVERNMENTAL AFFAIRS**

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

November 17, 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:

**HOUSE CONCURRENT RESOLUTION NO. 2—  
BY REPRESENTATIVES LANCASTER AND JEFFERSON  
A CONCURRENT RESOLUTION**

To suspend until sixty days after final adjournment of the 2006 Regular Session of the Legislature of Louisiana the provisions of R.S. 18:192, which provides for the annual canvass of registered voters.

Reported favorably.

**HOUSE BILL NO. 7—  
BY REPRESENTATIVE SALTER  
AN ACT**

To enact R.S. 24:31.4(D), relative to office expense allowances for members of the legislature; to provide for the payment of rent and other expenses for members of the legislature under certain circumstances; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 9—  
BY REPRESENTATIVES LAFLEUR, CAZAYOUX, ALARIO, DEWITT, DORSEY, HAMMETT, LANCASTER, AND SALTER AND SENATORS HEITMEIER, HINES, AND MOUNT  
AN ACT**

To enact R.S. 42:1114.3 and to repeal R.S. 42:1114.1(B)(2), relative to disclosure; to require certain officials to disclose information to the Board of Ethics regarding certain contracts or subcontracts; to provide for the content of such disclosure; to provide for penalties; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 160—  
BY REPRESENTATIVE MONTGOMERY  
AN ACT**

To amend and reenact R.S. 49:1053(A), (C)(15) through (18), (D), (E), and (F) and 1054 and to enact R.S. 49:1053(C)(19) through (21), 1054.1, and 1055(D), relative to the Louisiana Geographic

Information Systems Council; to provide for membership of the Louisiana Geographic Information Systems Council; to provide for the duties of the Louisiana Geographic Information Systems Council and its staff; to provide for the powers, functions, and duties of the Louisiana Geographic Information Center; to provide for the protection and confidentiality of certain information; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
**CHARLES D. JONES**  
Chairman

**SUPPLEMENTAL REPORT OF COMMITTEE ON  
LOCAL AND MUNICIPAL AFFAIRS**

Senator Fields, Chairman on behalf of the Committee on Local and Municipal Affairs, submitted the following report:

November 16, 2005

To the President and Members of the Senate:

I am directed by your Committee on Local and Municipal Affairs to submit the following report:

**HOUSE CONCURRENT RESOLUTION NO. 41—  
BY REPRESENTATIVE ODINET**

**A CONCURRENT RESOLUTION**

To memorialize the United States Congress to take such actions as are necessary to enjoin the Federal Emergency Management Agency from mandating that structures rebuilt in the New Orleans area after Hurricane Katrina be elevated.

Reported favorably.

Respectfully submitted,  
**CLEO FIELDS**  
Chairman

**REPORT OF COMMITTEE ON  
RETIREMENT**

Senator B. Gautreaux, Chairman on behalf of the Committee on Retirement, submitted the following report:

November 17, 2005

To the President and Members of the Senate:

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

**HOUSE BILL NO. 17—  
BY REPRESENTATIVE HUTTER  
AN ACT**

To amend and reenact R.S. 11:281(B), relative to delinquent contributions to certain public retirement systems; to waive interest on certain delinquent contributions during a gubernatorially declared disaster or emergency; to provide for applicability; to provide limitations and an effective date; and to provide for related matters.

Reported with amendments.

**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.

Reported with amendments.

**HOUSE BILL NO. 63—**

BY REPRESENTATIVES SCHNEIDER, 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, SCALISE, SMILEY, JANE SMITH, STRAIN, 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 enact Subpart O of Part II of Chapter 4 of Subtitle I of Title 11 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 11:321, relative to Deferred Retirement Option Plans of public retirement systems in the state; to allow certain plan participants who have not separated from service to withdraw the monies in their plan accounts; to provide relative to such monies for income tax purposes; to provide for an effective date; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 120—**

BY REPRESENTATIVE SCHNEIDER  
AN ACT

To enact Subpart O of Part II of Chapter 4 of Subtitle I of Title 11 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 11:321, relative to Deferred Retirement Option Plans of public retirement systems in the state; to allow certain plan participants who have not separated from service to withdraw the monies in their plan accounts; to provide relative to such monies for income tax purposes; to provide for an effective date; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
D.A. "BUTCH" GAUTREAUX  
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 17, 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 CONCURRENT RESOLUTION NO. 17—**

BY SENATOR SHEPHERD  
A CONCURRENT RESOLUTION

To urge and request the various financial institutions throughout the state, who are licensed by the state to provide residential mortgage loans, to delay the collection of the monthly mortgage installment due for payment in December, 2005, for those

individuals residing in an area of the state that has been designated as either a Hurricane Katrina FEMA Individual Assistance Area or a Hurricane Rita FEMA Individual Assistance Area.

Reported favorably.

**HOUSE CONCURRENT RESOLUTION NO. 42—**

BY REPRESENTATIVE LAFONTA  
A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to develop and provide innovative solutions for financing housing in parishes in Louisiana devastated by Hurricanes Katrina and Rita.

Reported favorably.

**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.

Reported with amendments.

Respectfully submitted,  
KEN HOLLIS  
Chairman

**REPORT OF COMMITTEE ON**

**NATURAL RESOURCES**

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

November 17, 2005

To the President and Members of the Senate:

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

**SENATE BILL NO. 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.

Reported with amendments.

**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.

Reported favorably.

**HOUSE BILL NO. 8—**

BY REPRESENTATIVES ODINET, BEARD, DANIEL, DARTEZ, FRITH, GEYMANN, ST. GERMAIN, AND WOOTON AND SENATOR N. GAUTREAUX

**AN ACT**

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

Reported favorably.

Respectfully submitted,  
MAX T. MALONE  
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 17, 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:

**HOUSE BILL NO. 24—**

BY REPRESENTATIVES HAMMETT, SALTER, ALARIO, DORSEY, PINAC, ARNOLD, BALDONE, BRUNEAU, DARTEZ, FARRAR, FAUCHEUX, HEATON, HILL, KENNEY, MONTGOMERY, ODINET, ROBIDEAUX, SCALISE, SCHNEIDER, JANE SMITH, TOWNSEND, WHITE, ALEXANDER, ANSARDI, BADON, BARROW, BAYLOR, BEARD, BOWLER, BRUCE, BURNS, BURRELL, K. CARTER, R. CARTER, CAZAYOUX, CRANE, CRAVINS, CROWE, CURTIS, DANIEL, DEWITT, DOERGE, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FRITH, GALLOT, GEYMANN, GLOVER, GRAY, GREENE, E. GUILLORY, M. GUILLORY, HARRIS, HEBERT, HONEY, HOPKINS, HUTTER, JACKSON, JEFFERSON, JOHNS, KATZ, KENNARD, KLECKLEY, LABRUZZO, LAFLEUR, LAFONTA, LAMBERT, LANCASTER, MARTINY, MCDONALD, MORRELL, MORRISH, PIERRE, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, SMILEY, GARY SMITH, JACK SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TRAHAN, TUCKER, WADDELL, WALKER, WALSWORTH, WINSTON, WOOTON, AND WRIGHT AND SENATORS HEITMEIER, HINES, AND MOUNT

**AN ACT**

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

Reported with amendments.

**HOUSE BILL NO. 39—**

BY REPRESENTATIVES HAMMETT, PINAC, ARNOLD, BALDONE, DARTEZ, FARRAR, FAUCHEUX, HEATON, HILL, KENNEY, LAMBERT, MONTGOMERY, SCALISE, JANE SMITH, TOWNSEND, ALARIO, ALEXANDER, ANSARDI, BADON, BARROW, BEARD, BOWLER, BRUCE, BRUNEAU, BURNS, CAZAYOUX, CRAVINS, CROWE, CURTIS, DAMICO, DANIEL, DEWITT, DOERGE, DORSEY, DOVE, DOWNS, ERDEY, FANNIN, FRITH, GEYMANN, GLOVER, GREENE, E. GUILLORY, M. GUILLORY, HARRIS, HOPKINS, HUTTER, JACKSON, JOHNS, KATZ, KENNARD, KLECKLEY, LABRUZZO, LAFLEUR, LANCASTER, MARTINY, MCDONALD, MCVEA, MORRISH, ODINET, PIERRE, PITRE, M. POWELL, T. POWELL, RITCHIE, ROBIDEAUX,

SALTER, SCHNEIDER, GARY SMITH, JACK SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TRAHAN, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WINSTON, WOOTON, AND WRIGHT AND SENATORS HEITMEIER, HINES, AND MOUNT

**AN ACT**

To enact R.S. 47:305.54, relative to the state sales and use tax; to provide that the state sales or use tax shall not apply to manufacturing machinery and equipment purchased, leased, or rented or repaired by manufacturers for use in the replacement of hurricane-damaged equipment; to provide for the applicability of certain definitions; to provide for an effective date and expiration date for the Act; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 40—**

BY REPRESENTATIVES HAMMETT, MONTGOMERY, PINAC, ARNOLD, CURTIS, DARTEZ, FAUCHEUX, HILL, KENNEY, AND JANE SMITH

**AN ACT**

To amend and reenact R.S. 47:331(P)(2), relative to the state sales and use tax; to provide a reduction in the rate of the sales tax for sales of natural gas and electricity; to provide for an effective date; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 41—**

BY REPRESENTATIVES HAMMETT, PINAC, ARNOLD, BALDONE, DARTEZ, FARRAR, FAUCHEUX, HEATON, HILL, MONTGOMERY, ODINET, SCALISE, JANE SMITH, TOWNSEND, TUCKER, ALARIO, ALEXANDER, ANSARDI, BEARD, BOWLER, BRUCE, BURNS, CAZAYOUX, CRANE, CRAVINS, CROWE, CURTIS, DAMICO, DANIEL, DEWITT, DOERGE, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FRITH, GEYMANN, GLOVER, GREENE, E. GUILLORY, M. GUILLORY, HARRIS, HEBERT, HONEY, HOPKINS, HUTTER, JACKSON, JOHNS, KATZ, KENNARD, KENNEY, KLECKLEY, LABRUZZO, LAMBERT, LANCASTER, MARTINY, MCDONALD, MCVEA, MORRELL, PIERRE, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROBIDEAUX, SALTER, SMILEY, GARY SMITH, JACK SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TRAHAN, WADDELL, WALKER, WALSWORTH, WHITE, WINSTON, WOOTON, AND WRIGHT AND SENATORS HEITMEIER, HINES, AND MOUNT

**AN ACT**

To amend and reenact R.S. 47:609(A), relative to the corporation franchise tax; to provide for the computation of borrowed capital which includes extraordinary debt incurred by corporations directly affected by Hurricanes Katrina and Rita; to provide for an effective date; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
WILLIE MOUNT  
Chairman

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

Senator Uilo 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. 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.

Reported with amendments by the Committee on Natural Resources.

**SENATE COMMITTEE AMENDMENTS**

November 17, 2005

Amendments proposed by Senate Committee on Natural Resources to Original Senate Bill No. 109 by Senator N. Gautreaux

AMENDMENT NO. 1

On page 2, deletes line 18 through 25 and insert

**"hurricane protection inspection program. Such program shall include the following:**

**(1) Reviewing of hurricane protection diagrams, designs and plans.**

**(2) Monitoring of defects and problems.**

**(3) Conducting of an inspection of every hurricane protection barrier and associated elements at least every five years, or after a hurricane impacts a hurricane protection barrier and associated elements. If a defect or problem is identified, then the authority shall measure and test elevations, soil conditions, and structural integrity of the hurricane protection barrier and associated elements."**

AMENDMENT NO. 2

On page 2, line 26, change "(C)" to "(B)"

AMENDMENT NO. 3

On page 2, line 27, after "inspection" insert "results"

AMENDMENT NO. 4

On page 2, line 28, after "defect" insert a period and delete the remainder of the line

AMENDMENT NO. 5

On page 2, line 29, delete "the remedy to correct the defect."

AMENDMENT NO. 6

On page 3, at the end of line 1, insert "**The appropriate entity, or political subdivision, shall have fourteen days from receipt of the notice of defect to provide the authority with a plan to remedy the defect.**"

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

**SENATE BILL NO. 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.

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

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

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

**HOUSE BILL NO. 7—**

BY REPRESENTATIVE SALTER  
AN ACT

To enact R.S. 24:31.4(D), relative to office expense allowances for members of the legislature; to provide for the payment of rent and other expenses for members of the legislature under certain circumstances; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental 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. 8—**

BY REPRESENTATIVES ODINET, BEARD, DANIEL, DARTEZ, FRITH, GEYMANN, ST. GERMAIN, AND WOOTON AND SENATOR N. GAUTREAUX

## AN ACT

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

Reported favorably by the Committee on Natural Resources. 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. 9—**

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

## AN ACT

To enact R.S. 42:1114.3 and to repeal R.S. 42:1114.1(B)(2), relative to disclosure; to require certain officials to disclose information to the Board of Ethics regarding certain contracts or subcontracts; to provide for the content of such disclosure; to provide for penalties; and to provide for related matters.

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

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Reengrossed House Bill No. 9 by Representative LaFleur

AMENDMENT NO. 1

On page 1, line 2, delete "and to repeal R.S. 42:1114.1(B)(2)"

AMENDMENT NO. 2

On page 1, line 10, change "an immediate" to "his spouse"

AMENDMENT NO. 3

On page 1, line 11, delete "family member" and change "immediate" to "spouse"

AMENDMENT NO. 4

On page 1, line 12, delete "family member"

AMENDMENT NO. 5

On page 1, line 14, change "immediate family member" to "spouse"

AMENDMENT NO. 6

On page 2, line 1, change "immediate family" to "his spouse"

AMENDMENT NO. 7

On page 2, line 2, delete "member" and change "the immediate family member" to "his spouse"

AMENDMENT NO. 8

On page 2, line 3, change "immediate family" to "spouse"

AMENDMENT NO. 9

On page 2, line 5, change "immediate family member's" to "spouse's"

AMENDMENT NO. 10

On page 2, line 6, change "immediate" to "his spouse"

AMENDMENT NO. 11  
On page 2, line 7, delete "family member"

AMENDMENT NO. 12  
On page 2, line 23, change "immediate family member" to "his spouse"

AMENDMENT NO. 13  
On page 2, line 27, change "immediate family member" to "spouse"

AMENDMENT NO. 14  
On page 3, line 15, change "immediate family member" to "his spouse"

AMENDMENT NO. 15  
On page 4, delete lines 18 through 24

AMENDMENT NO. 16  
On page 4, line 25, change "Section 3." to "Section 2."

On motion of Senator Jones, 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. 11—**  
BY REPRESENTATIVES SMILEY, ALEXANDER, BEARD, BRUNEAU, BURNS, CROWE, DOVE, DOWNS, ERDEY, FRITH, GEYMANN, 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.

Reported with amendments by the Committee on Commerce, Consumer Protection, and International Affairs.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Reengrossed House Bill No. 11 by Representative Smiley

AMENDMENT NO. 1  
On page 1, one line 15 between "vehicle" and the comma "," insert "or a vehicle in excess of twenty thousand pounds gross vehicle weight (GVW)"

AMENDMENT NO. 2  
On page 2, line 5, after "Section." insert the following:  
"The certificate of destruction shall be reassignable a maximum of two times prior to dismantling or destruction of the vehicle."

AMENDMENT NO. 3  
On page 3, delete lines 3 through 9 in their entirety.

AMENDMENT NO. 4  
On page 3, at the beginning of line 10 change "B." to "A."

AMENDMENT NO. 5  
On page 3, line 13 after "certificate of title" delete the remainder of the line and at the beginning of line 14 delete "registration"

AMENDMENT NO. 6

On page 3, at the end of line 15, insert the following:  
"This period may be extended by rule or regulation promulgated by the Department of Public Safety and Corrections."

AMENDMENT NO. 7  
On page 3, at the beginning of line 16 change "C." to "B."

AMENDMENT NO. 8  
On page 3, at the beginning of line 22 change "D." to "C."

AMENDMENT NO. 9  
On page 3, line 28 after "usable parts." change "and" to "or"

AMENDMENT NO. 10  
On page 4, at the beginning of line 1 change "E." to "D."

AMENDMENT NO. 11  
On page 4, line 5 after "crushed." change "and" to "or"

AMENDMENT NO. 12  
On page 4, line 7 after "crushed" change "and" to "or"

AMENDMENT NO. 13  
On page 4, at the beginning of line 11 change "F." to "E."

AMENDMENT NO. 14  
On page 4, at the beginning of line 13 change "G." to "F."

On motion of Senator Hollis, 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. 17—**  
BY REPRESENTATIVE HUTTER  
AN ACT

To amend and reenact R.S. 11:281(B), relative to delinquent contributions to certain public retirement systems; to waive interest on certain delinquent contributions during a gubernatorially declared disaster or emergency; to provide for applicability; to provide limitations and an effective date; and to provide for related matters.

Reported with amendments by the Committee on Retirement.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Retirement to Reengrossed House Bill No. 17 by Representative Hutter

AMENDMENT NO. 1  
On page 1, line 15, after "any" delete the remainder of the line and insert "employer who is unable to make the required contributions on a timely basis"

On motion of Senator B. Gautreaux, 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. 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.

Reported with amendments by the Committee on Retirement.

**SENATE COMMITTEE AMENDMENTS**

November 17, 2005

Amendments proposed by Senate Committee on Retirement to Reengrossed House Bill No. 18 by Representative Hutter

**AMENDMENT NO. 1**

On page 2, line 1, after "(2)" and before "Any" insert "(a)"

**AMENDMENT NO. 2**

On page 2, line 6, after "account," and before "There" insert "(b)"

**AMENDMENT NO. 3**

On page 2, line 7, after "Section." and before "The" insert the following:

"(c) Any service and salary credit purchased pursuant to this Paragraph shall be subject to the following conditions and limitations:

(i) The purchased service and salary credit may not be used for the purpose of meeting the minimum service requirements for disability retirement.

(ii) Compensation on which the required contributions for purchase of service and salary credit are based shall be the rate of compensation in effect for the last full pay period ending on or before August 29, 2005.

(iii) The right to purchase service and salary credit pursuant to this Paragraph shall not apply to routine personnel actions or separations which are not the direct result of a gubernatorially declared disaster or emergency.

(iv) Any dispute arising under the limitations of this Paragraph shall be resolved in the sole and exclusive discretion of the board of trustees of the retirement system.

(d)"

**AMENDMENT NO. 4**

On page 2, at the end of line 9, insert the following:

"(e) All payment for service purchased pursuant to this Paragraph shall be remitted to the system on or before December 31, 2006."

**AMENDMENT NO. 5**

On page 2, line 17, after "system" and before "the" insert "or to his employer"

**AMENDMENT NO. 6**

On page 2, line 19, after "contributions" and before "shall" insert a comma "," and "if paid to the employer." and after "the" delete the remainder of the line

**AMENDMENT NO. 7**

On page 2, line 20, after "employer" and before "to" delete "who shall remit them"

**AMENDMENT NO. 8**

On page 3, line 1, after "payment" and before "the" delete "upon" and insert in lieu thereof "within thirty days of"

**AMENDMENT NO. 9**

On page 3, line 1, delete "work," and insert in lieu thereof "work; however, any payment made pursuant to the provisions of this Subparagraph shall be remitted to the system on or before December 31, 2006."

On motion of Senator B. Gautreaux, 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. 24—**

BY REPRESENTATIVES HAMMETT, SALTER, ALARIO, DORSEY, PINAC, ARNOLD, BALDONE, BRUNEAU, DARTEZ, FARRAR, FAUCHEUX, HEATON, HILL, KENNEY, MONTGOMERY, ODINET, ROBIDEAUX, SCALISE, SCHNEIDER, JANE SMITH, TOWNSEND, WHITE, ALEXANDER, ANSARDI, BADON, BARROW, BAYLOR, BEARD, BOWLER, BRUCE, BURNS, BURRELL, K. CARTER, R. CARTER, CAZAYOUX, CRANE, CRAVINS, CROWE, CURTIS, DANIEL, DEWITT, DOERGE, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FRITH, GALLOT, GEYMAN, GLOVER, GRAY, GREENE, E. GULLORY, M. GULLORY, HARRIS, HEBERT, HONEY, HOPKINS, HUTTER, JACKSON, JEFFERSON, JOHNS, KATZ, KENNARD, KLECKLEY, LABRUZZO,

LAFLEUR, LAFONTA, LAMBERT, LANCASTER, MARTINY, MCDONALD, MORRELL, MORRISH, PIERRE, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, SMILEY, GARY SMITH, JACK SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TRAHAN, TUCKER, WADDELL, WALKER, WALSWORTH, WINSTON, WOOTON, AND WRIGHT AND SENATORS HEITMEIER, HINES, AND MOUNT

**AN ACT**

To amend and reenact R.S. 47:287.85(C)(2) and 293(3), relative to income tax of estates and trusts, corporations, and individuals; to provide that the deduction from state income taxes for federal income tax shall not be reduced by the amount of certain federal disaster relief tax credits and deductions; 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 Reengrossed House Bill No. 24 by Representative Hammett

**AMENDMENT NO. 1**

On page 2, line 26, after "Subparagraph" insert "and in R.S. 47:287.85(C)(2)"

On motion of Senator Mount, 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. 39—**

BY REPRESENTATIVES HAMMETT, PINAC, ARNOLD, BALDONE, DARTEZ, FARRAR, FAUCHEUX, HEATON, HILL, KENNEY, LAMBERT, MONTGOMERY, SCALISE, JANE SMITH, TOWNSEND, ALARIO, ALEXANDER, ANSARDI, BADON, BARROW, BEARD, BOWLER, BRUCE, BRUNEAU, BURNS, CAZAYOUX, CRAVINS, CROWE, CURTIS, DAMICO, DANIEL, DEWITT, DOERGE, DORSEY, DOVE, DOWNS, ERDEY, FANNIN, FRITH, GEYMAN, GLOVER, GREENE, E. GULLORY, M. GULLORY, HARRIS, HOPKINS, HUTTER, JACKSON, JOHNS, KATZ, KENNARD, KLECKLEY, LABRUZZO, LAFLEUR, LANCASTER, MARTINY, MCDONALD, MCVEA, MORRISH, ODINET, PIERRE, PITRE, M. POWELL, T. POWELL, RITCHIE, ROBIDEAUX, SALTER, SCHNEIDER, GARY SMITH, JACK SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TRAHAN, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WINSTON, WOOTON, AND WRIGHT AND SENATORS HEITMEIER, HINES, AND MOUNT

**AN ACT**

To enact R.S. 47:305.54, relative to the state sales and use tax; to provide that the state sales or use tax shall not apply to manufacturing machinery and equipment purchased, leased, or rented or repaired by manufacturers for use in the replacement of hurricane-damaged equipment; to provide for the applicability of certain definitions; to provide for an effective date and expiration date for the Act; 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. 40—**

BY REPRESENTATIVES HAMMETT, MONTGOMERY, PINAC, ARNOLD, CURTIS, DARTEZ, FAUCHEUX, HILL, KENNEY, AND JANE SMITH

**AN ACT**

To amend and reenact R.S. 47:331(P)(2), relative to the state sales and use tax; to provide a reduction in the rate of the sales tax for sales of natural gas and electricity; 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 Engrossed House Bill No. 40 by Representative Hammett

AMENDMENT NO. 1

On page 1, line 6, change "enacted" to "amended and reenacted"

On motion of Senator Mount, 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. 41—

BY REPRESENTATIVES HAMMETT, PINAC, ARNOLD, BALDONE, DARTEZ, FARRAR, FAUCHEUX, HEATON, HILL, MONTGOMERY, ODINET, SCALISE, JANE SMITH, TOWNSEND, TUCKER, ALARIO, ALEXANDER, ANSARDI, BEARD, BOWLER, BRUCE, BURNS, CAZAYOUX, CRANE, CRAVINS, CROWE, CURTIS, DAMICO, DANIEL, DEWITT, DOERGE, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FRITH, GEYMAN, GLOVER, GREENE, E. GUILLORY, M. GUILLORY, HARRIS, HEBERT, HONEY, HOPKINS, HUTTER, JACKSON, JOHNS, KATZ, KENNARD, KENNEY, KLECKLEY, LABRUZZO, LAMBERT, LANCASTER, MARTINY, MCDONALD, MCVEA, MORRELL, PIERRE, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROBIDEAUX, SALTER, SMILEY, GARY SMITH, JACK SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TRAHAN, WADDELL, WALKER, WALSWORTH, WHITE, WINSTON, WOOTON, AND WRIGHT AND SENATORS HEITMEIER, HINES, AND MOUNT

AN ACT

To amend and reenact R.S. 47:609(A), relative to the corporation franchise tax; to provide for the computation of borrowed capital which includes extraordinary debt incurred by corporations directly affected by Hurricanes Katrina and Rita; 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 Reengrossed House Bill No. 41 by Representative Hammett

AMENDMENT NO. 1

On page 2, at the end of line 14, after "if" insert "it meets either of the following conditions"

AMENDMENT NO. 2

On page 2, at the end of line 24, delete "Subparagraph" and insert "Items (2)(a)(i) and (ii) of this Paragraph"

AMENDMENT NO. 3

On page 2, at the beginning of line 25, delete "(2)(a) or (b) of this Subsection"

On motion of Senator Mount, 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. 63—

BY REPRESENTATIVES SCHNEIDER, 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, SCALISE, SMILEY, JANE SMITH, STRAIN, 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 enact Subpart O of Part II of Chapter 4 of Subtitle I of Title 11 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 11:321, relative to Deferred Retirement Option Plans of public retirement systems in the state; to allow certain plan participants who have not separated from service to withdraw the monies in their plan accounts; to provide relative to such monies for income tax purposes; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Retirement. 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. 120—

BY REPRESENTATIVE SCHNEIDER  
AN ACT

To enact Subpart O of Part II of Chapter 4 of Subtitle I of Title 11 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 11:321, relative to Deferred Retirement Option Plans of public retirement systems in the state; to allow certain plan participants who have not separated from service to withdraw the monies in their plan accounts; to provide relative to such monies for income tax purposes; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Retirement. 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. 160—

BY REPRESENTATIVE MONTGOMERY  
AN ACT

To amend and reenact R.S. 49:1053(A), (C)(15) through (18), (D), (E), and (F) and 1054 and to enact R.S. 49:1053(C)(19) through (21), 1054.1, and 1055(D), relative to the Louisiana Geographic Information Systems Council; to provide for membership of the Louisiana Geographic Information Systems Council; to provide for the duties of the Louisiana Geographic Information Systems Council and its staff; to provide for the powers, functions, and duties of the Louisiana Geographic Information Center; to provide for the protection and confidentiality of certain information; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental 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 Concurrent Resolutions  
on Second Reading  
Reported by Committees

Senator Bajoie 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. 2—

BY REPRESENTATIVES LANCASTER AND JEFFERSON  
A CONCURRENT RESOLUTION

To suspend until sixty days after final adjournment of the 2006 Regular Session of the Legislature of Louisiana the provisions of R.S. 18:192, which provides for the annual canvass of registered voters.

Reported favorably by the Committee on Senate and Governmental Affairs. 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.

Rules Suspended

Senator Duplessis asked for and obtained a suspension of the rules for the purpose of recalling House Bill No. 115 from the Committee on Local and Municipal Affairs.

HOUSE BILL NO. 115—

BY REPRESENTATIVE BAYLOR AND SENATOR FIELDS  
AN ACT

To amend and reenact Section 3(A) of Act No. 38 of the 1974 Regular Session of the Legislature, as amended by Act No. 673 of the 1977 Regular Session of the Legislature, Act No. 940 of the 1981 Regular Session of the Legislature, Act No. 939 of the

1986 Regular Session of the Legislature, Act No. 40 of the 1989 Regular Session of the Legislature, and Act No. 864 of the 2003 Regular Session of the Legislature and R.S. 33:2711.9(B)(3) and to repeal R.S. 33:4574.1(A)(1)(d), 4574.1.1(E), 4574.9(C)(1)(d), 4574.12(D)(1)(d), 4574.13(C)(1)(d), and 4575.3(20)(d), relative to hotel occupancy taxes; to delete the exemption of certain rooms from hotel occupancy tax in certain parishes; and to provide for related matters.

Under the provisions of Joint Rule No. 5, the bill, which is a duplicate of Senate Bill No. 102, was read by title and referred to the Legislative Bureau.

**Rules Suspended**

Senator Ullo asked for and obtained a suspension of the rules for the purpose of advancing to the order of

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

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

**HOUSE CONCURRENT RESOLUTION NO. 43—**  
BY REPRESENTATIVE BOWLER  
A CONCURRENT RESOLUTION

To memorialize the United States Congress to enact comprehensive natural disaster insurance legislation affecting financial capacity and loss prevention that will address, encourage, and support insurance company reserving for future catastrophes by making such reserves deductible for federal income tax purposes.

Reported with amendments by the Committee on Insurance.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Insurance to Original House Concurrent Resolution No. 43 by Representative Bowler

AMENDMENT NO. 1  
On page 1, line 3, after "capacity" delete "and loss prevention"

AMENDMENT NO. 2  
On page 2, delete lines 1 through 4 in their entirety

AMENDMENT NO. 3  
On page 3, line 5, after "capacity" delete "and loss prevention"

On motion of Senator Cain, the committee amendment was adopted.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Ellington	McPherson
Adley	Fields	Michot
Amedee	Fontenot	Mount
Bajoie	Gautreaux B	Murray
Barham	Gautreaux N	Nevers
Boasso	Hollis	Quinn
Broome	Jackson	Shepherd
Cain	Kostelka	Smith
Chaisson	Lentini	Theunissen

Cheek	Malone	Ullo
Dupre	Marionneaux	
Total - 32		
	NAYS	
Total - 0		
	ABSENT	

Cravins	Heitmeier	Schedler
Dardenne	Jones	
Duplessis	Romero	
Total - 7		

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

**HOUSE CONCURRENT RESOLUTION NO. 44—**  
BY REPRESENTATIVE K. CARTER  
A CONCURRENT RESOLUTION

To memorialize the United States Congress to enact a health insurance premium reimbursement program and a federal income tax credit for the health insurance premiums for affected victims of Hurricanes Katrina and Rita.

Reported favorably by the Committee on Insurance.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Dupre	Marionneaux
Adley	Ellington	McPherson
Amedee	Fields	Michot
Bajoie	Fontenot	Mount
Barham	Gautreaux B	Murray
Boasso	Gautreaux N	Nevers
Broome	Hollis	Shepherd
Cain	Jackson	Smith
Chaisson	Kostelka	Theunissen
Cheek	Lentini	Ullo
Duplessis	Malone	
Total - 32		

NAYS

Total - 0

ABSENT

Cravins	Jones	Schedler
Dardenne	Quinn	
Heitmeier	Romero	
Total - 7		

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

**Rules Suspended**

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

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

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

November 17, 2005

SENATE BILL NO. 30—
BY SENATOR HEITMEIER AND REPRESENTATIVE ALARIO
AN ACT

To amend and reenact the introductory paragraph of R.S. 42:851(E)(1) 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 returned to the Calendar, subject to call.

SENATE BILL NO. 95—
BY SENATORS BOASSO, ADLEY, AMEDEE, BARHAM, CAIN, CHAISSON, CRAVINS, DARDENNE, DUPLESSIS, ELLINGTON, FONTENOT, B. GAUTREAU, N. GAUTREAU, HOLLIS, KOSTELKA, LENTINI, MALONE, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, QUINN, ROMERO, SCHEDLER, SMITH AND THEUNISSEN AND REPRESENTATIVES ALEXANDER, BEARD, BOWLER, BRUNEAU, BURNS, K. CARTER, CROWE, DOVE, DOWNS, ERDEY, GEYMAN, GREENE, JOHNS, KATZ, KENNARD, KLECKLEY, LABRUZZO, LAMBERT, LANCASTER, MARTINY, MCVEA, MORRISH, PITRE, M. POWELL, T. POWELL, SCALISE, SCHNEIDER, SMILEY, JANE SMITH, STRAIN, TRAHAN, TUCKER, WADDELL, WALSWORTH, WHITE AND WINSTON

AN ACT

To amend and reenact R.S. 38:291 (D)(2) and (3), (G)(2), and 304(A) and (B), to enact R.S. 38:291(G)(3) and (V), and 306.1 through 306.7, and to repeal R.S. 38:304.3, relative to levees; to establish the Southeast Louisiana Levee Authority; to provide for its powers, duties, jurisdiction, and members; to provide for appointments to the board of commissioners of the authority; to provide for qualifications of commissioners; to provide for meetings of the board; to provide for the management of certain levee districts in areas of southeast Louisiana; to terminate the terms of commissioners on certain levee boards; to reorganize the governance of such levee districts by providing for representation of such district on the board of commissioners to the authority; to retain the territorial limits of such levee districts; to transfer authority, duties, powers, functions, and responsibilities from such levee boards to the authority; to provide for obligations, tax proceeds, and property of the district; to provide for qualifications of an executive director; to create a levee district for St. Tammany Parish and provide for the authority, powers, duties, functions, and responsibilities of the district to be exercised by the authority; to provide for funding; to provide for applicability; and to provide for related matters.

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

SENATE BILL NO. 102—
BY SENATOR FIELDS AND REPRESENTATIVE BAYLOR
AN ACT

To amend and reenact Section 3(A) of Act No. 38 of the 1974 Regular Session of the Legislature, as amended by Act No. 673 of the 1977 Regular Session of the Legislature, Act No. 940 of the 1981 Regular Session of the Legislature, Act 939 of the 1986 Regular Session of the Legislature, Act No. 40 of the 1989 Regular Session of the Legislature, and Act 864 of the 2003 Regular Session of the Legislature and R.S. 33:2711.9(B)(3) and to repeal R.S. 33:4574.1(A)(1)(d), 4574.1.1(E), 4574.9(C)(1)(d), 4574.12(D)(1)(d), 4574.13(C)(1)(d), and 4575.3(20)(d), relative to hotel occupancy taxes; to delete the exemption of certain rooms from hotel occupancy tax in certain parishes; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Position, and Name. Lists members present for the yeas vote, including Mr. President, Adley, Amedee, Bajoie, Barham, Broome, Chaisson, Cheek, Dupre, Ellington, Fields, Gautreaux B, Gautreaux N, Heitmeier, Hollis, Jackson, Jones, Kostelka, Lentini, Marionneaux, McPherson, Michot, Mount, Murray, Nevers, Shepherd, Smith, and Ullo.

Total - 28

NAYS

Total - 0

ABSENT

Table with 3 columns: Name, Position, and Name. Lists members absent for the roll call: Boasso, Cain, Cravins, Dardenne, Duplessis, Fontenot, Malone, Quinn, Romero, Schedler, and Theunissen.

Total - 11

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

Senator Fields in the Chair

SENATE BILL NO. 107—
BY SENATOR MCPHERSON
AN ACT

To amend and reenact R.S. 40:2109(B)(7) and 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.

Floor Amendments Sent Up

Senator McPherson sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator McPherson to Engrossed Senate Bill No. 107 by Senator McPherson

AMENDMENT NO. 1

On page 1, line 2, after "(J)," delete the remainder of the line.

AMENDMENT NO. 2

On page 1, line 3 delete "46:437.11(F),"

AMENDMENT NO. 3

On page 1, delete lines 8 and 9 and insert the following: "licensure and facility need review; and to provide for related matters."

AMENDMENT NO. 4

On page 5, line 10 after "shall" insert "not"

AMENDMENT NO. 5

On page 5, delete lines 22 through 29

AMENDMENT NO. 6

On page 6, delete lines 1 through 3

On motion of Senator McPherson, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total - 0

**ABSENT**

Cravins	Romero
Duplessis	Schedler
Total - 4	

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

**Mr. President in the Chair**

**Rules Suspended**

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

**House Concurrent Resolutions on Third Reading and Final Passage**

The following House Concurrent Resolutions on Third Reading and Final Passage were taken up and acted upon as follows:

**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.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total - 0

**ABSENT**

Heitmeier	Schedler
Total - 2	

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

**Rules Suspended**

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

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

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

**Called from the Calendar**

Senator Boasso asked that Senate Bill No. 95 be called from the Calendar at this time for its final passage.

**SENATE BILL NO. 95—**

BY SENATORS BOASSO, ADLEY, AMEDEE, BARHAM, CAIN, CHAISSON, CRAVINS, DARDENNE, DUPLESSIS, ELLINGTON, FONTENOT, B. GAUTREAU, N. GAUTREAU, HOLLIS, KOSTELKA, LENTINI, MALONE, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, QUINN, ROMERO, SCHEDLER, SMITH AND THEUNISSEN AND REPRESENTATIVES ALEXANDER, BEARD, BOWLER, BRUNEAU, BURNS, K. CARTER, CROWE, DOVE, DOWNS, ERDEY, GEYMANN, GREENE, JOHNS, KATZ, KENNARD, KLECKLEY, LABRUZZO, LAMBERT, LANCASTER, MARTINY, MCVEA, MORRISH, PITRE, M. POWELL, T. POWELL, SCALISE, SCHNEIDER, SMILEY, JANE SMITH, STRAIN, TRAHAN, TUCKER, WADDELL, WALSWORTH, WHITE AND WINSTON

**AN ACT**

To amend and reenact R.S. 38:291 (D)(2) and (3), (G)(2), and 304(A) and (B), to enact R.S. 38:291(G)(3) and (V), and 306.1 through 306.7, and to repeal R.S. 38:304.3, relative to levees; to establish the Southeast Louisiana Levee Authority; to provide for its powers, duties, jurisdiction, and members; to provide for appointments to the board of commissioners of the authority; to provide for qualifications of commissioners; to provide for meetings of the board; to provide for the management of certain levee districts in areas of southeast Louisiana; to terminate the terms of commissioners on certain levee boards; to reorganize the governance of such levee districts by providing for representation of such district on the board of commissioners to

the authority; to retain the territorial limits of such levee districts; to transfer authority, duties, powers, functions, and responsibilities from such levee boards to the authority; to provide for obligations, tax proceeds, and property of the district; to provide for qualifications of an executive director; to create a levee district for St. Tammany Parish and provide for the authority, powers, duties, functions, and responsibilities of the district to be exercised by the authority; to provide for funding; to provide for applicability; 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. 95 by Senator Boasso

AMENDMENT NO. 1

On page 2, line 27, change "(2)(a)" to "(2)"

AMENDMENT NO. 2

On page 6, line 18, change "(B)(5)" to "(B)(4)"

On motion of Senator Lentini, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Heitmeier sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Murray and Heitmeier to Engrossed Senate Bill No. 95 by Senator Boasso

AMENDMENT NO. 1

On page 1, line 3, change "306.7" to "306.8"

AMENDMENT NO. 2

On page 2, line 3, change "306.7" to "306.8"

AMENDMENT NO. 3

On page 4, line 27, between "District" and "as" insert **and all authority over and have management, oversight, and control of the functions of the Orleans Levee District relating to the levees and flood control as provided in R.S. 38:307(A).**

AMENDMENT NO. 4

On page 5, between lines 16 and 17, insert the following::

**"(4) Two members representing Orleans Parish: one person shall be appointed by the governing authority of Orleans Parish, and one person shall be appointed by the legislative delegation representing Orleans Parish."**

AMENDMENT NO. 5

On page 5, line 17, change "(4)" to "(5)" and on line 23, change "(5)" to "(6)"

AMENDMENT NO. 6

On page 5, line 27, between "Board" and "and" insert **, Orleans Levee Board,**

AMENDMENT NO. 7

On page 5, line 29, change "three" to "four"

AMENDMENT NO. 8

On page 6, line 1, between "Jefferson," and "St." insert "Orleans,"

AMENDMENT NO. 9

On page 6, line 10, change "one" to "three"

AMENDMENT NO. 10

On page 7, line 25, change "St. Bernard" to "Orleans"

AMENDMENT NO. 11

On page 8, line 9, between "District" and "shall" insert **and the management and control of the functions of the Orleans Levee District relating to levee and flood control as provided in R.S. 38:307(A),**

AMENDMENT NO. 12

On page 8, line 24, between "Chapter" and "with" insert **, being limited to contracts or agreements on behalf of the Orleans Levee District for levee or flood control purposes as provided in R.S. 38:307(A),**

AMENDMENT NO. 13

On page 9, line 3, between "authority" and "with" insert **, being limited to contracts or agreements on behalf of the Orleans Levee District for levee or flood control purposes as provided in R.S. 38:307(A),**

AMENDMENT NO. 14

On page 13, between lines 23 and 24, insert the following:

**"§306.8. Orleans Levee District; board, powers, duties and functions retained**

**Except as specifically provided in R.S. 38:306.1 through 306.7, the board and the powers, duties, and functions of the Orleans Levee District are retained."**

On motion of Senator Heitmeier, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Boasso sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Boasso to Engrossed Senate Bill No. 95 by Senator Boasso

AMENDMENT NO. 1

On page 6, lines 13 and 14, change "for staggered terms of four years as provided in Subsection B of this Section" to "as provided in Subsection B of this Section for staggered terms of four years"

On motion of Senator Boasso, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Quinn sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Quinn to Engrossed Senate Bill No. 95 by Senator Boasso

AMENDMENT NO. 1

On page 6, delete lines 25 through 28 and insert the following:

**"(3) Have a minimum of a Bachelor's Degree in engineering or hydrology or have a Bachelor's Degree and ten years of experience in the performance of public works functions, related to flood and drainage control, flood plain management, water resources, soil conservation, land surveying and mapping, disaster relief, and related functions."**

Senator Quinn moved adoption of the amendments.

Senator Hollis objected.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Amedee	Gautreaux N	Michot
Bajoie	Kostelka	Murray
Barham	Lentini	Quinn
Boasso	Malone	Theunissen
Chaisson	Marionneaux	
Total - 14		

**NAYS**

Mr. President	Ellington	McPherson
Adley	Fields	Mount
Broome	Fontenot	Nevers
Cain	Gautreaux B	Romero
Cheek	Heitmeier	Shepherd
Dardenne	Hollis	Smith
Duplessis	Jackson	Ullo
Dupre	Jones	
Total - 23		

**ABSENT**

Cravins	Schedler
Total - 2	

The Chair declared the amendments were rejected.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total - 0

**ABSENT**

Cravins	Schedler
Total - 2	

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

**Called from the Calendar**

Senator Marionneaux asked that Senate Bill No. 98 be called from the Calendar at this time.

**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.

On motion of Senator Marionneaux, the bill was read by title and withdrawn from the files of the Senate.

**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. 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.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total - 0

**ABSENT**

Cravins	Schedler
Total - 2	

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

November 17, 2005

**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.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total - 0

**ABSENT**

Cravins Schedler  
 Total - 2

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

**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.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Ellington	McPherson
Adley	Fields	Michot
Amedee	Fontenot	Mount
Bajoie	Gautreaux B	Murray
Barham	Gautreaux N	Nevers
Boasso	Heitmeier	Quinn
Broome	Hollis	Romero
Cain	Jackson	Shepherd

Chaisson	Jones	Smith
Cheek	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Duplessis	Malone	
Dupre	Marionneaux	
Total - 37		

**NAYS**

Total - 0

**ABSENT**

Cravins Schedler  
 Total - 2

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

**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.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total - 0

**ABSENT**

Cravins Schedler  
 Total - 2

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

**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 affected court; to provide for exceptions; to provide for appeals and the application of supervisory writs from a judgment or ruling of an affected court conducting emergency sessions of court; to provide for preemption of conflicting provisions of law; to provide for the court costs, fees, and fines assessed or taxed and collected by the affected court conducting emergency sessions of court; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Chaisson sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Chaisson to Reengrossed House Bill No. 73 by Representative Martiny

AMENDMENT NO. 1

Delete Conforming Senate Floor Amendments proposed by Senator Chaisson and adopted by the Senate on November 14, 2005.

AMENDMENT NO. 2

On page 1, line 12, after "of the" and before "indigent" insert "district attorney and the"

AMENDMENT NO. 3

On page 2, line 27, after "any" and before "district," insert "appellate."

AMENDMENT NO. 4

On page 2, line 28, after "juvenile," and before "or" insert "justice of the peace."

AMENDMENT NO. 5

On page 3, line 13, after "that" and before "district" delete "a" and insert "an appellate."

AMENDMENT NO. 6

On page 3, line 14, after "juvenile," and before "or" insert "traffic, justice of the peace."

On motion of Senator Chaisson, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Ellington	McPherson
Adley	Fontenot	Michot
Amedee	Gautreaux B	Mount
Bajoie	Gautreaux N	Murray
Barham	Heitmeier	Nevers
Cain	Hollis	Quinn
Chaisson	Jackson	Romero
Cheek	Kostelka	Smith
Dardenne	Lentini	Theunissen

Duplessis	Malone	Ullo
Dupre	Marionneaux	
Total - 32		

NAYS

Total - 0

ABSENT

Boasso	Fields	Shepherd
Broome	Jones	
Cravins	Schedler	
Total - 7		

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

**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.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Ellington	Marionneaux
Adley	Fields	McPherson
Amedee	Fontenot	Michot
Bajoie	Gautreaux B	Mount
Barham	Gautreaux N	Murray
Boasso	Heitmeier	Nevers
Cain	Hollis	Quinn
Chaisson	Jackson	Romero
Cheek	Jones	Shepherd
Dardenne	Kostelka	Smith
Duplessis	Lentini	Theunissen
Dupre	Malone	Ullo
Total - 36		

NAYS

Total - 0

ABSENT

Broome	Cravins	Schedler
Total - 3		

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

**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.

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

November 17, 2005

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fields	McPherson
Adley	Fontenot	Michot
Amedee	Gautreaux B	Mount
Bajoie	Gautreaux N	Murray
Barham	Heitmeier	Nevers
Chaisson	Hollis	Quinn
Cheek	Jackson	Romero
Dardenne	Kostelka	Smith
Duplessis	Lentini	Theunissen
Dupre	Malone	Ullo
Ellington	Marionneaux	
Total - 32		

**NAYS**

Cain  
Total - 1

**ABSENT**

Boasso	Cravins	Schedler
Broome	Jones	Shepherd
Total - 6		

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

**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.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Ellington	Marionneaux
Adley	Fields	McPherson
Amedee	Fontenot	Michot
Bajoie	Gautreaux B	Mount
Barham	Gautreaux N	Murray
Broome	Heitmeier	Nevers
Cain	Hollis	Quinn
Chaisson	Jackson	Romero
Cheek	Jones	Shepherd
Dardenne	Kostelka	Smith
Duplessis	Lentini	Theunissen
Dupre	Malone	Ullo
Total - 36		

**NAYS**

Total - 0

**ABSENT**

Boasso	Cravins	Schedler
Total - 3		

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

**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.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total - 0

**ABSENT**

Cravins	Schedler
Total - 2	

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

**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.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

NAYS

Total - 0

ABSENT

Cravins	Schedler
Total - 2	

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

**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.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Cravins	Schedler
Total - 2	

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

**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.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

NAYS

Fields	Shepherd
Total - 2	

ABSENT

Cravins	Schedler
Total - 2	

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

**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.

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

November 17, 2005

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Cravins Schedler
Total - 2

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

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.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Cravins Schedler
Total - 2

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

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.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Kostelka
Total - 1

ABSENT

Barham Cravins
Broome Schedler
Total - 4

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

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.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total - 0

**ABSENT**

Cravins	Schedler
Total - 2	

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

**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.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fields	McPherson
Adley	Gautreaux B	Michot
Bajoie	Gautreaux N	Murray
Boasso	Heitmeier	Nevers
Cain	Hollis	Quinn
Chaisson	Jackson	Romero
Cheek	Jones	Shepherd
Dardenne	Kostelka	Smith
Duplessis	Lentini	Theunissen
Dupre	Malone	Ullo
Ellington	Marionneaux	
Total - 32		

**NAYS**

Amedee	Fontenot
Total - 2	

**ABSENT**

Barham	Cravins	Schedler
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Broome  
Total - 5

Mount

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

**Personal Privilege**

Senator Kostelka asked for and obtained the floor of the Senate on a point of personal privilege, and stated he had voted in error on House Bill No. 78. He voted yea on the bill and had intended to vote nay. He asked that the Official Journal so state.

**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.

**Floor Amendments Sent Up**

Senator Lentini sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Lentini to Reengrossed House Bill No. 90 by Representative Ansardi

AMENDMENT NO. 1

On page Delete Legislature Bureau Amendments Nos. 7 and 8 proposed by the Legislative Bureau and adopted by the Senate on November 16, 2005.

AMENDMENT NO. 2

In Senate Committee Amendment No. 10 proposed by the Senate Committee on Judiciary A and adopted by the Senate on November 15, 2005, on page 2, line 9, change "Vermillion" to "Vermilion"

AMENDMENT NO. 3

In Senate Committee Amendment No. 10 proposed by the Senate Committee on Judiciary A and adopted by the Senate on November 15, 2005, on page 2, at the end of line 10, after "court" insert "of competent jurisdiction"

AMENDMENT NO. 4

In Senate Committee Amendment No. 10 proposed by the Senate Committee on Judiciary A and adopted by the Senate on November 15, 2005, on page 2, line 11, after "in" and before "state" change "the" to "this"

AMENDMENT NO. 5

In Senate Committee Amendment No. 10 proposed by the Senate Committee on Judiciary A and adopted by the Senate on November 15, 2005, on page 2, line 24, change "above" to "of this Subsection"

On motion of Senator Lentini, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Lentini sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

November 17, 2005

Amendments proposed by Senator Lentini to Reengrossed House Bill No. 90 by Representative Ansardi

AMENDMENT NO. 1

In Senate Committee Amendment No. 10 proposed by the Senate Committee on Judiciary A and adopted by the Senate on November 15, 2005, on page 2, line 24, change "above" to "of this Subsection"

AMENDMENT NO. 2

On page 4, between lines 27 and 28, insert the following: "Section 6. The provisions of R.S. 9:2554 as amended by this Act shall specifically apply in all administrative hearing and proceedings."

AMENDMENT NO. 3

On page 4, at the beginning of line 28, change "Section 6." to "Section 7."

On motion of Senator Lentini, the amendments were adopted.

Floor Amendments Sent Up

Senator Shepherd sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Shepherd to Reengrossed House Bill No. 90 by Representative Ansardi

AMENDMENT NO. 1

In Senate Committee Amendment No. 10, proposed by the Senate Committee on Judiciary A and adopted by the Senate on November 16, 2005, on page 1, line 28, after "St. Bernard," insert "Jefferson"

AMENDMENT NO. 2

In Senate Committee Amendment No. 10, proposed by the Senate Committee on Judiciary A and adopted by the Senate on November 16, 2005, on page 2, line 8, after "St. Bernard," insert "Jefferson"

On motion of Senator Shepherd, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table listing names of senators and representatives who voted 'YEAS', including Mr. President, Adley, Amedee, Bajoie, Barham, Boasso, Broome, Cain, Chaisson, Cheek, Dardenne, Duplessis, Dupre, Ellington, Fields, Fontenot, Gautreaux B, Gautreaux N, Heitmeier, Hollis, Jackson, Jones, Kostelka, Lentini, Malone, Marionneaux, McPherson, Michot, Mount, Murray, Nevers, Quinn, Romero, Shepherd, Smith, Theunissen, and Ullo.

NAYS

Total - 0

ABSENT

Table listing names of senators and representatives who were absent: Cravins, Schedler. Total - 2

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

Rules Suspended

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

Introduction of Senate Bills and Joint Resolutions

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

SENATE BILL NO. 113— BY SENATOR MURRAY

AN ACT

To enact R.S. 51:1425, relative to unfair trade practices; to provide that an unfair residential rent in declared disaster areas is an unfair trade practice; to provide for the attorney general to promulgate rules; to provide for remedies; 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 Commerce, Consumer Protection, and International Affairs.

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. 9—

BY SENATORS HINES, KOSTELKA, MALONE AND THEUNISSEN

A RESOLUTION

To honor and commend firefighters from Roanoke, Virginia, for their contributions to hurricane relief efforts in Johnson Bayou, Louisiana.

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

SENATE RESOLUTION NO. 10—

BY SENATORS MICHOT AND N. GAUTREUX

A RESOLUTION

To urge and request the Department of Natural Resources and the Department of Transportation and Development in conjunction with other public and private entities to conduct a feasibility study on the construction of a coastal barrier and intracoastal highway.

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

SENATE CONCURRENT RESOLUTION NO. 32—

BY SENATORS MICHOT AND N. GAUTREUX

A CONCURRENT RESOLUTION

To urge and request the Department of Natural Resources and the Department of Transportation and Development in conjunction with other public and private entities to conduct a feasibility study on the construction of a coastal barrier and intracoastal highway.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Ellington	Marionneau
Adley	Fields	Michot
Amedee	Fontenot	Mount
Bajoie	Gautreaux B	Murray
Barham	Gautreaux N	Nevers
Boasso	Heitmeier	Quinn
Cain	Hollis	Romero
Chaisson	Jackson	Shepherd
Cheek	Jones	Smith
Dardenne	Kostelka	Theunissen
Duplessis	Lentini	Ullo
Dupre	Malone	
Total - 35		

**NAYS**

Total - 0

**ABSENT**

Broome	McPherson
Cravins	Schedler
Total - 4	

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

**SENATE CONCURRENT RESOLUTION NO. 33—**

BY SENATOR MCPHERSON

**A CONCURRENT RESOLUTION**

To memorialize the Congress of the United States to mandate that federal contracts awarded for reconstruction of the Gulf Coast region give a preference to local contractors and workers.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Ellington	Marionneau
Adley	Fields	McPherson
Amedee	Fontenot	Michot
Bajoie	Gautreaux B	Mount
Barham	Gautreaux N	Murray
Boasso	Heitmeier	Nevers
Cain	Hollis	Quinn
Chaisson	Jackson	Romero
Cheek	Jones	Shepherd
Dardenne	Kostelka	Smith
Duplessis	Lentini	Theunissen
Dupre	Malone	Ullo
Total - 36		

**NAYS**

Total - 0

**ABSENT**

Broome	Cravins	Schedler
Total - 3		

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

**SENATE CONCURRENT RESOLUTION NO. 34—**

BY SENATOR B. GAUTREAU

**A CONCURRENT RESOLUTION**

To commend Louisiana National Guard Brigadier General Hunt Downer for his outstanding efforts in performance of his duties and the accomplishment of his mission during and after Hurricane Katrina.

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	Marionneau
Adley	Fields	McPherson
Amedee	Fontenot	Michot
Bajoie	Gautreaux B	Mount
Barham	Gautreaux N	Murray
Boasso	Heitmeier	Nevers
Cain	Hollis	Quinn
Chaisson	Jackson	Romero
Cheek	Jones	Shepherd
Dardenne	Kostelka	Smith
Duplessis	Lentini	Theunissen
Dupre	Malone	Ullo
Total - 36		

**NAYS**

Total - 0

**ABSENT**

Broome	Cravins	Schedler
Total - 3		

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**

**EDUCATION**

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

November 17, 2005

To the President and Members of the Senate:

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

**SENATE CONCURRENT RESOLUTION NO. 29—**

BY SENATOR ULLO AND REPRESENTATIVE CRANE

**A CONCURRENT RESOLUTION**

To provide for legislative approval of adjustments adopted by the state Board of Elementary and Secondary Education on November 15, 2005 to the Minimum Foundation Program formula for FY 2005-06 previously developed and adopted by BESE on June 16, 2005 and approved by the Legislature as Senate Concurrent Resolution No. 125 of the 2005 Regular Session.

Reported favorably.

**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.

Reported with amendments.

Respectfully submitted,  
CHRIS ULLO  
Chairman

**REPORT OF COMMITTEE ON**

**FINANCE**

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

November 16, 2005

To the President and Members of the Senate:

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

**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.

Reported with amendments.

Respectfully submitted,  
FRANCIS C. HEITMEIER  
Chairman

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

Senator Hines 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. 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.

Reported with amendments by the Committee on Finance.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Finance to Original Senate Bill No. 105 by Senator Hines

**AMENDMENT NO. 1**

On page 2, delete lines 2 through 6 and insert the following:

"Section 2. This Act shall become effective on January 1, 2006; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on January 1, 2006, or on the day following such approval by the legislature, whichever is later."

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

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

Senator Heitmeier 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. 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.

Reported with amendments by the Committee on Education.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Education to Reengrossed House Bill No. 121 by Representative Crane

AMENDMENT NO. 1

On page 1, line 4, after "3973(2)(b)(v)(cc)," delete "and" and after "3983(A)(1)(g)", insert "and 3997(A)(1)(c),"

AMENDMENT NO. 2

On page 2, line 6, after "district;" delete the remainder of the line and delete line 7, and at the beginning of line 8, delete "5" and insert in lieu thereof the following:

"to provide for the review of Type 5 charter proposals in compliance with certain standards; to provide prohibitions relative to the membership of the governing or management boards of certain recovery district charter schools;"

AMENDMENT NO. 3

On page 2, line 9, after "circumstances;" insert" to provide with regard to the authority of the governing authority of a Type 5 charter school to bargain and enter into a collectively bargained contract;"

AMENDMENT NO. 4

On page 2, line 16, after "3973(2)(b)(v)(cc)," delete "and" and after "3983(A)(1)(g)" insert ", and 3997(A)(1)(c),"

AMENDMENT NO. 5

On page 2, at the beginning of line 20, after "A." and before "Each" insert "(1)"

AMENDMENT NO. 6

On page 2, line 28, after "system" delete the remainder of the line and delete line 29 and on page 3, at the beginning of line 1, delete "census"

AMENDMENT NO. 7

On page 3, between lines 11 and 12, insert the following:  
 "(2) On and after November 15, 2008, no additional schools shall be transferred to the jurisdiction of the recovery district pursuant to this Section."

AMENDMENT NO. 8

On page 3, at the beginning of line 17, after "(2)(a)" and before "The" insert "(i)"

AMENDMENT NO. 9

On page 3, between lines 24 and 25, insert the following:

"(ii) However, the recovery district shall provide for and insure that schools of appropriate grade that have open enrollment policies are operating and available for the enrollment of students in reasonable proximity to the neighborhoods where concentrations of students reside. The recovery district shall use the best information available to make the determinations of the location of such neighborhoods. The requirements of this Item shall be reflected in all planning, presenting, reviewing, and approving required by Subparagraph (b) of this Paragraph."

AMENDMENT NO. 10

On page 4, between lines 12 and 13, insert the following:

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

AMENDMENT NO. 11

On page 11, at the end of line 7, add the following:

"The chartering authority shall review each Type 5 charter proposal in compliance with the Principles and Standards for Quality Charter School Authorizing as promulgated by the National Association of Charter School Authorizers."

AMENDMENT NO. 12

On page 11, at the beginning of line 16, after "(cc)" and before "No" insert "(aaa)"

AMENDMENT NO. 13

On page 11, between lines 20 and 21, insert the following:

"(bbb) No member of a governing or management board of any Type 5 charter school shall be an elected official as defined by R.S. 42:1102(9). No member of such a board shall have been an elected official for a period of at least one year prior to appointment to such board."

AMENDMENT NO. 14

On page 13, between lines 3 and 4, insert the following:

"§3997. Charter school employees  
 A. (1) \* \* \* \* \*  
 (c) The governing authority of any Type 5 charter school may bargain and enter into a collectively bargained contract on behalf of all or any group of its employees. The provisions of this Subparagraph supercede the provisions of R.S. 17:3996(D) as it relates Type 5 charter schools."

\* \* \*

On motion of Senator Ullo, 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.

**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 17, 2005

To the President and Members of the Senate:

November 17, 2005

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. 24—**  
BY SENATOR SHEPHERD

A CONCURRENT RESOLUTION

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

**SENATE CONCURRENT RESOLUTION NO. 23—**  
BY SENATOR B. GAUTREAU

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.

Respectfully submitted,  
CHARLES D. JONES  
Chairman

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

**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 17, 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 Bill has been properly enrolled:

**SENATE BILL NO. 8— (Duplicate of House Bill No. 2)**

BY SENATOR MURRAY AND REPRESENTATIVE BRUNEAU AND COAUTHORED BY SENATORS BARHAM, BOASSO, CAIN, DARDENNE, HOLLIS, KOSTELKA, LENTINI, MALONE, MICHOT, QUINN, ROMERO, SCHEDLER AND THEUNISSEN AND REPRESENTATIVES PINAC, ALEXANDER, ARNOLD, BALDONE, BEARD, BOWLER, BURNS, CROWE, CURTIS, DARTEZ, DOVE, DOWNS, ERDEY, FAUCHEUX, GEYMANN, GREENE, HILL, HONEY, HUTTER, JOHNS, KATZ, KENNARD, KENNEY, KLECKLEY, LABRUZZO, LAMBERT, LANCASTER, MARTINY, MCVEA, MONTGOMERY, MORRISH, PITRE, M. POWELL, T. POWELL, SCALISE, SCHNEIDER, SMILEY, JANE SMITH, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TUCKER, WADDELL, WALSWORTH, WHITE AND WINSTON  
AN ACT

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

Respectfully submitted,  
CHARLES D. JONES  
Chairman

The foregoing Senate Bill was signed by the President of the Senate.

**Message from the House**

**SIGNED HOUSE CONCURRENT RESOLUTIONS**

November 17, 2005

To the Honorable President and Members of the Senate:

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

**HOUSE CONCURRENT RESOLUTION NO. 34—**

BY REPRESENTATIVES ODINET, DORSEY, FANNIN, M. GUILLORY, HUTTER, KATZ, QUEZAIRE, SALTER, SMILEY, AND ST. GERMAIN AND SENATOR BOASSO

A CONCURRENT RESOLUTION

To memorialize the United States Congress and the Louisiana congressional delegation to direct the United States Army Corps of Engineers not to engage in dredging activities on the Mississippi River Gulf Outlet and to begin the necessary process to return the waterway to wetlands marsh status.

**HOUSE CONCURRENT RESOLUTION NO. 36—**

BY REPRESENTATIVES JEFFERSON, DORSEY, FANNIN, M. GUILLORY, HUTTER, KATZ, QUEZAIRE, AND ST. GERMAIN

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to waive the nonfederal or local portion of any cost-sharing agreement for the funding of a levee reconstruction and improvement project.

**HOUSE CONCURRENT RESOLUTION NO. 47—**

BY REPRESENTATIVE LAFONTA

A CONCURRENT RESOLUTION

To urge and request congress to encourage the banking industry to assist senior citizens and disabled persons without identification due to Hurricanes Katrina and Rita with negotiating their Social Security Supplemental Security Income checks.

**HOUSE CONCURRENT RESOLUTION NO. 48—**

BY REPRESENTATIVE WALKER

A CONCURRENT RESOLUTION

To commend and express support for Louisiana: Vision 2020.

**HOUSE CONCURRENT RESOLUTION NO. 49—**

BY REPRESENTATIVE BALDONE

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to forgive the 3.7 billion dollars that the Federal Emergency Management Agency (FEMA) estimates that Louisiana owes FEMA for hurricane relief.

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

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

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

**Leaves of Absence**

The following leaves of absence were asked for and granted:

Schedler 1 Day

**Adjournment**

Senator Bajoie moved that the Senate adjourn until Friday, November 18, 2005, at 2:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 2:00 o'clock P.M. on Friday, November 18, 2005.

GLENN A. KOEPP  
Secretary of the Senate

GAYE F. HAMILTON  
Journal Clerk