

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

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**TWELFTH 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

Saturday, November 19, 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	Mount
Adley	Ellington	Murray
Amedee	Heitmeier	Nevers
Bajoie	Hollis	Quinn
Barham	Jackson	Romero
Broome	Jones	Smith
Chaisson	Lentini	Theunissen
Dardenne	Marionneaux	Uilo
Duplessis	Michot	
Total - 26		

**ABSENT**

Boasso	Fontenot	McPherson
Cain	Gautreaux B	Schedler
Cheek	Gautreaux N	Shepherd
Cravins	Kostelka	
Fields	Malone	
Total - 13		

The President of the Senate announced there were 26 Senators present and a quorum.

**Prayer**

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

**Morning Hour**

**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. 12—**  
BY SENATORS JONES AND BAJOIE

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana upon the death of Alphonse Maurice Haynes, an attorney, educator, and businessman.

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

**Reports of Committees**

The following reports of committees were received and read:

**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 19, 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. 25—**

BY SENATOR HOLLIS

**A CONCURRENT RESOLUTION**

To urge and request the governor and the secretary of the Department of Economic Development to continue to study and make recommendations relative to enhancing air service options to all markets within the state, as well as exploring the feasibility and benefits of the state providing financial assistance or incentives to an airline that chooses to locate its hub operations at Armstrong International Airport.

Reported favorably.

**HOUSE BILL NO. 75—**

BY REPRESENTATIVE JEFFERSON  
AN ACT

To enact R.S. 6:242(A)(18), relative to banking powers; to provide for investments to promote public welfare in low-income communities affected by Hurricanes Katrina and Rita; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 101—**

BY REPRESENTATIVE RICHMOND  
AN ACT

To amend and reenact R.S. 51:3084(11), relative to the Louisiana Community Development Financial Institution Act; to define low-income community to include areas affected by Hurricanes Katrina and Rita; to provide for an effective date; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
KEN HOLLIS  
Chairman

**REPORT OF COMMITTEE ON**

**FINANCE**

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

November 19, 2005

To the President and Members of the Senate:

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

**HOUSE BILL NO. 140—**  
BY REPRESENTATIVES ALARIO, SALTER, DEWITT, DORSEY, AND  
HAMMETT AND SENATORS HEITMEIER, HINES, AND MOUNT  
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.

**HOUSE BILL NO. 156—**  
BY REPRESENTATIVES ALARIO, DEWITT, DORSEY, HAMMETT, AND  
SALTER AND SENATORS HEITMEIER, HINES, AND MOUNT  
AN ACT

To appropriate funds and to make and otherwise provide for certain reductions in appropriations from certain sources to be allocated to designated agencies and purposes in specific amounts for the making of supplemental appropriations and reductions for said agencies and purposes for the 2005-2006 Fiscal Year; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
FRANCIS C. HEITMEIER  
Chairman

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

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

**HOUSE BILL NO. 75—**  
BY REPRESENTATIVE JEFFERSON  
AN ACT

To enact R.S. 6:242(A)(18), relative to banking powers; to provide for investments to promote public welfare in low-income communities affected by Hurricanes Katrina and Rita; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection, and International 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. 101—**  
BY REPRESENTATIVE RICHMOND  
AN ACT

To amend and reenact R.S. 51:3084(11), relative to the Louisiana Community Development Financial Institution Act; to define low-income community to include areas 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 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. 101 by Representative Richmond

AMENDMENT NO. 1  
On page 1, line 2 after "reenact" and before "R.S." insert "R. S. 47:6016(B)(4) and"

AMENDMENT NO. 2

On page 1, line 3 after "Act" and before the semicolon ";" insert "and new market tax credits"

AMENDMENT NO. 3  
On page 1, between lines 6 and 7 insert the following:  
"Section 1. R. S. 47:6016(B)(4) is hereby amended and reenacted as follows:  
§6016. New markets tax credit

B. As used in this Section, the following terms shall have the following meanings:

(4) "Qualified equity investment" and "qualified low-income community investments" shall have the same meaning given to them in Section 45D of the Internal Revenue Code. "Qualified low-income community investments" shall also mean investments made in low-income communities as defined in R. S. 51:3084(11)(b).

AMENDMENT NO. 4  
On page 1, line 7 change "Section 1." to "Section 2."

AMENDMENT NO. 5  
On page 2, line 1 change "Section 2." to "Section 3."

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. 140—**  
BY REPRESENTATIVES ALARIO, SALTER, DEWITT, DORSEY, AND  
HAMMETT AND SENATORS HEITMEIER, HINES, AND MOUNT  
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.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Finance to Reengrossed House Bill No. 140 by Representative Alario

AMENDMENT NO. 1  
On page 1, delete lines 16 through 20, and on page 2, delete lines 1 through 3, and insert the following:

"Section, total state revenue receipts shall be state general fund and dedicated funds as defined in Article VII, Section 10(J) of the Constitution of Louisiana.

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. 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. 156—**  
BY REPRESENTATIVES ALARIO, DEWITT, DORSEY, HAMMETT, AND  
SALTER AND SENATORS HEITMEIER, HINES, AND MOUNT  
AN ACT

To appropriate funds and to make and otherwise provide for certain reductions in appropriations from certain sources to be allocated to designated agencies and purposes in specific amounts for the making of supplemental appropriations and reductions for said agencies and purposes for the 2005-2006 Fiscal Year; 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 Reengrossed House Bill No. 156 by Representative Alario

AMENDMENT NO. 1

On page 1, delete lines 12 and 13 in their entirety

AMENDMENT NO. 2

On page 1, line 16, delete "\$500,000" and insert "\$393,000"

AMENDMENT NO. 3

On page 2, line 32, delete "\$350,000" and insert "\$5,464,000"

AMENDMENT NO. 4

On page 2, line 33, delete "\$1,384,000" and insert "\$500,000"

AMENDMENT NO. 5

On page 3, line 3, delete "\$40,000,000" and insert "\$36,000,000"

AMENDMENT NO. 6

On page 3, line 13, after "Insurance" and before "by \$1,902,005" delete "- Marketing Program"

AMENDMENT NO. 7

On page 3, line 24, delete "\$2,163,830" and insert "\$882,102"

AMENDMENT NO. 8

On page 3, line 26, delete "\$126,304" and insert "\$69,007"

AMENDMENT NO. 9

On page 4, line 14, delete "\$6,798,660" and insert "\$7,325,634"

AMENDMENT NO. 10

On page 4, between lines 14 and 15, insert the following:

"Provided, however, that the table of organization shall be reduced in the Office of Urban Affairs by seven (7) positions and the table of organization shall be reduced in the Office of Rural Development by seven (7) positions."

AMENDMENT NO. 11

On page 4, line 21, delete "\$392,560" and insert "\$42,560"

AMENDMENT NO. 12

On page 4, line 26, delete "\$4,063,716" and insert "\$4,606,670"

AMENDMENT NO. 13

On page 6, line 26, delete "\$550,000" and insert "\$327,000"

AMENDMENT NO. 14

On page 6, line 29, delete "thirty (30)" and insert "forty-five (45)"

AMENDMENT NO. 15

On page 7, between lines 9 and 10 insert the following:

"Section 3.D. The commissioner of administration is hereby authorized and directed to adjust the means of finance for Schedule 12-440 Department of Revenue contained in Act 16 of the 2005 Regular Session of the Legislature by transferring \$125,000 from the State General Fund (Direct) to the Department of Revenue for the Tax Collection Program.

Section 3.E. The sum of Five Hundred Thousand and No/100 (\$500,000.00) Dollars is hereby appropriated to Schedule 19-600 Louisiana State University Board of Supervisors for Pennington Biomedical Research Center for Fiscal Year 2005-2006 from the State General Fund (Direct) for research and education programs on the prevention of diabetes and for magnetic resonance technologies."

AMENDMENT NO. 16

On page 7, delete lines 19 and 20, and insert the following:

"Section 4.B. The sum of Seven Million Two Hundred Sixty-seven Thousand Four Hundred Forty-six and No/100 (\$7,267,446.00) Dollars is hereby appropriated from the State General Fund by Fees and"

AMENDMENT NO. 17

On page 7, delete lines 24 through 30 and on page 8, delete lines 1 through 16, and insert the following:

"Section 4.D. The sum of Fifty-six Thousand and No/100 (\$56,000.00) Dollars is hereby appropriated for Fiscal Year 2005-2006 from State General Fund (Direct) to 19-651 Special Schools and Commissions - Louisiana School for the Visually Impaired to be used for operations.

Section 4.E. The sum of Two Hundred Thirty-one Thousand and No/100 (\$231,000.00) Dollars is hereby appropriated for Fiscal Year 2005-2006 from State General Fund (Direct) to 19-653 Special Schools and Commissions - Louisiana School for the Deaf to be used for operations.

Section 4.F. The sum of One Hundred Thousand and No/100 (\$100,000.00) Dollars is hereby appropriated for Fiscal Year 2005-2006 from State General Fund (Direct) to 19-681 Department of Education - Subgrantee Assistance - School and Community Support Program for St. Mary's Residential Training School."

AMENDMENT NO. 18

On page 9, line 1, after "Section 6." and before "The" insert "(A)"

AMENDMENT NO. 19

On page 9, between lines 6 and 7, insert the following:

"(B) Provided, however, that in the reduction of expenditures contained in Executive Order No. KBB 2005-82, Section I, Schedule 01 - Executive Department, 01-100 Executive Office, the reduction shall be changed from (\$1,990,658) to (\$1,648,672) and provided, further, that the reduction allocated to the Louisiana Indigent Defender Assistance Board Program within the Executive Office shall be changed from (\$524,729) to (\$182,743).

(C) Provided, however, that with regard to the "spending freeze" and the reduction of expenditures, as well as the technical division of the Louisiana Community and Technical College System established by Act No. 506 of the 2005 Regular Session of the Legislature, the Board of Supervisors of the Community and Technical College System shall submit its proposed plan for the technical division to the Joint Legislative Committee on the Budget no later than February 15, 2006. Provided, further, that on a quarterly basis, the Louisiana Community and Technical College Board of Supervisors shall submit to the Joint Legislative Committee on the Budget a quarterly expense report for the technical division, indicating both quarterly and year-to-date budgeted and actual educational and general expenditures, beginning March 15, 2006. Provided, further, that any monies appropriated to Louisiana Technical College in Fiscal Year 2005-2006 as Fees and Self-generated Revenues pursuant to Act No. 461 of the 2005 Regular Session shall henceforth be used to offset any expenditure reductions in the Louisiana Technical College that were made pursuant to either Executive Order No. KBB 2005-38 or Executive Order No. KBB 2005-82. Provided, further, that such monies shall be shared among all campuses of the Louisiana Technical College in order to offset such reductions, regardless of the campus where such monies originated."

AMENDMENT NO. 20

On page 9, delete lines 12 through 22 in their entirety

AMENDMENT NO. 21

On page 9, line 23, delete "Section 9." and insert "Section 8."

AMENDMENT NO. 22

On page 9, line 27, delete "Section 10." and insert "Section 9."

AMENDMENT NO. 23

On page 10, delete lines 1 through 9 and insert the following:

"Section 10. It is the intent of the legislature to express its support of the state's efforts to provide health care services to the medically indigent and uninsured, especially those individuals personally impacted by Hurricanes Katrina and Rita. Therefore, the legislature hereby directs the Louisiana State University Health Care Services Division, Louisiana State University Health Sciences Center - Shreveport and E.A. Conway Medical Center, working in conjunction with the Department of Health and Hospitals, to review options available to the state to maximize financing for the provision

of health care services to these individuals and long-term stability of the state's public hospital system. Specifically, the agencies are to consider the possibility of the certification of allowable uncompensated care costs that are eligible for federal financial participation under Title XIX of the Social Security Act and access to the federal uncompensated care pool that may be used to reimburse providers for the costs of delivering health care services to uninsured hurricane evacuees.

Section 11. In the event the federal government increases some component of the federal financial participation in Louisiana's Medicaid program to one-hundred (100) percent for at least some part of Fiscal Year 2005-2006, the Department of Health and Hospitals is hereby directed to restore reductions in Medicaid reimbursement methodologies implemented in response to decreases in the budget for 09-306 Medical Vendor Payments made pursuant to this Act or Executive Order No. KBB 2005-82. To the extent feasible and allowable by the federal Centers for Medicare and Medicaid Services, these restorations shall be retroactive to day of implementation.

Section 12. The commissioner of administration is hereby authorized and directed to reduce the State General Fund (Direct) appropriations contained in Act 16 of the 2005 Regular Session of the Legislature, Section 18, SCHEDULE 20 OTHER REQUIREMENTS, 20-906 DISTRICT ATTORNEYS AND ASSISTANT DISTRICT ATTORNEYS by the amount of Seven Hundred Ninety-one Thousand Eight Hundred Twenty-one and No/100 (\$791,821.00) Dollars.

Section 13. Section 10.A. of Act 16 of the 2005 Regular Session of the Legislature is hereby amended and reenacted to read as follows:

"Section 10.A. Pursuant to Article IV, Section 5(G)(2) and Article VII, Section 10(F) of the constitution, if at any time during Fiscal Year 2005-2006 the official budget status report indicates that appropriations will exceed the official revenue forecast, the governor shall have full power to reduce appropriations in accordance with R.S. 39:75."

**AMENDMENT NO. 24**

On page 10, line 10, change "Section 12." to "Section 14."

On motion of Senator Heitmeier, 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 Legislative Bureau**

November 19, 2005

To the President and Members of the Senate:

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

The following bills are approved as to construction and duplication.

**HOUSE BILL NO. 75—**

BY REPRESENTATIVE JEFFERSON  
AN ACT

To enact R.S. 6:242(A)(18), relative to banking powers; to provide for investments to promote public welfare in low-income communities affected by Hurricanes Katrina and Rita; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 101—**

BY REPRESENTATIVE RICHMOND  
AN ACT

To amend and reenact R.S. 51:3084(11), relative to the Louisiana Community Development Financial Institution Act; to define low-income community to include areas affected by Hurricanes Katrina and Rita; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 140—**

BY REPRESENTATIVES ALARIO, SALTER, DEWITT, DORSEY, AND HAMMETT AND SENATORS HEITMEIER, HINES, AND MOUNT  
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 without amendments.

**HOUSE BILL NO. 156—**

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

To appropriate funds and to make and otherwise provide for certain reductions in appropriations from certain sources to be allocated to designated agencies and purposes in specific amounts for the making of supplemental appropriations and reductions for said agencies and purposes for the 2005-2006 Fiscal Year; and to provide for related matters.

Reported without amendments.

Respectfully submitted,  
ARTHUR J. "ART" LENTINI  
Chairman

**Adoption of Legislative Bureau Report**

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

**Privilege Report of the Legislative Bureau**

November 19, 2005

To the President and Members of the Senate:

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

The following bills are approved as to construction and duplication.

**HOUSE BILL NO. 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, GEYMANN, 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.

Reported without amendments.

**HOUSE BILL NO. 81—**  
BY REPRESENTATIVES ARNOLD, BALDONE, HEATON, ODINET,  
TOWNSEND, AND TUCKER

AN ACT

To enact R.S. 39:1034.1, relative to the Board of Liquidation, City Debt, for the city of New Orleans; to prohibit increases in millage rates for the year 2006, under certain circumstances and the collection of taxes based upon such millage rates; and to provide for related matters.

Reported without amendments.

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

AN ACT

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

Reported without amendments.

Respectfully submitted,  
ARTHUR J. "ART" LENTINI  
Chairman

**Adoption of Legislative Bureau Report**

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

**Leaves of Absence**

The following leaves of absence were asked for and granted:

Boasso	1 Day	Cain	1 Day
Cheek	1 Day	Cravins	1 Day
Fields	1 Day	Fontenot	1 Day
B. Gautreaux	1 Day	N. Gautreaux	1 Day
Kostelka	1 Day	Malone	1 Day
McPherson	1 Day	Schedler	1 Day
Shepherd	1 Day		

**Adjournment**

Senator Bajoie moved that the Senate adjourn until Sunday, November 20, 2005, at 5:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 5:00 o'clock P.M. on Sunday, November 20, 2005.

GLENN A. KOEPP  
Secretary of the Senate

GAYE F. HAMILTON  
Journal Clerk