

**OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA**
SECOND DAY'S PROCEEDINGS

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

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Tuesday, February 7, 2006

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	Duplessis	Lentini
Adley	Dupre	Marionneaux
Amedee	Ellington	Mount
Bajoie	Fields	Murray
Barham	Fontenot	Nevers
Boasso	Gautreaux B	Quinn
Broome	Gautreaux N	Romero
Cain	Heitmeier	Schedler
Cheek	Jackson	Shepherd
Cravins	Jones	Theunissen
Dardenne	Kostelka	Ullo
Total - 33		

ABSENT

Chaisson	Malone	Michot
Hollis	McPherson	Smith
Total - 6		

The President of the Senate announced there were 33 Senators present and a quorum.

Prayer

The prayer was offered by Senator Barham, following which the Senate joined in pledging allegiance to the flag of the United States of America.

Reading of the Journal

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

Morning Hour

**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. 19—
BY SENATOR SHEPHERD

AN ACT

To amend and reenact R.S. 44:71(C), and Chapter 3 of Title 44 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 44:201 through 295, to enact R.S. 18:402(D)(4) and 514(B)(3), and to repeal Part III of Chapter 5 of Title 35 of the Louisiana Revised Statutes of 1950, comprised of R.S. 35:321 through 338, relative to the offices of register of conveyances, the recorder of mortgages and the custodian of notarial records for the parish of Orleans; to abolish those offices and provide for the merger and consolidation of their powers, duties and functions into the office of the recorder of real properties for the parish of Orleans; to provide for the election of the recorder of real properties for the parish of Orleans; to direct the Louisiana State Law Institute to make appropriate changes in current law; to provide for implementation; to provide for an effective date; and to provide for related matters.

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

SENATE BILL NO. 20—
BY SENATOR SHEPHERD

AN ACT

To amend and reenact R.S. 13:477(introductory paragraph), (25) and (34), 621.25 and 621.34, relative to judicial district judges and judicial districts; to provide for the reduction of district court judges and merger of the Twenty-fifth and Thirty-fourth judicial districts; to provide that the Twenty-fifth Judicial District shall consist of the parishes of St. Bernard and Plaquemines; to provide for the number of judges in the Twenty-fifth Judicial District; to provide for cessation of judicial offices and activities of the Thirty-fourth Judicial District; to provide for approval by referendum; to provide for Judicial Council recommendations on administration of justice and court operations; to provide effective dates; and to provide for related matters.

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

SENATE BILL NO. 21—
BY SENATOR SHEPHERD

AN ACT

To amend and reenact R.S. 13:1384 and to enact R.S. 13:1034, relative to courts in Orleans Parish; to merge and consolidate the office of judicial administrator for the Civil District Court for the parish of Orleans and the office of the judicial administrator for the Criminal District Court for the parish of Orleans; to provide relative to employees of the civil and criminal district courts of Orleans Parish; to create the office of the Judicial Administrator of the Civil and Criminal District Courts for the Parish of Orleans; and to provide for related matters.

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

SENATE BILL NO. 22—
BY SENATOR SHEPHERD

AN ACT

To enact R.S. 18:1319, relative to early voting in an election conducted pursuant to an emergency plan; to require providing for early voting in the office of any registrar of voters in the state under certain circumstances; to provide for the implementation of such requirement; to provide for reporting; to provide relative to the effectiveness of this provision; and to provide for related matters.

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

SENATE BILL NO. 23—
BY SENATOR MALONE

AN ACT

To enact R.S. 47:635(A)(3)(d) and 640(B)(4), relative to severance tax; to authorize credits against such tax for the one-time payment by severers pursuant to Act 446 of the 2005 Regular Session; and to provide for related matters.

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

SENATE BILL NO. 24—
BY SENATOR HINES

A JOINT RESOLUTION

Proposing to amend Article VII, Section 24 of the Constitution of Louisiana, relative to the tax assessors and Board of Assessors for Orleans Parish; to provide for one tax assessor for Orleans Parish beginning with the New Orleans municipal elections in 2010 and to eliminate the Board of Assessors for Orleans Parish at that time; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

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

SENATE BILL NO. 25—
BY SENATOR HINES

AN ACT

To amend and reenact R.S. 47:1901, 1907(A), 1925.8, 1931, 1960, 1987, and 1992(F)(1), and to repeal R.S. 47:1909, 1910, 1910.1, and 1910.2, relative to the assessors in the parish of Orleans; to provide for the merger and consolidation of the offices of the seven tax assessors in the parish of Orleans; to provide for one assessor in the parish of Orleans; to provide for implementation; to provide for an effective date; and to provide for related matters.

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

SENATE BILL NO. 26—
BY SENATOR HINES

AN ACT

To amend and reenact R.S. 33:1421(A)(1), 1424(9), 1433(A)(1), 1450(A), 1463, 1481(5), 1501, 1503, 1505, 1507, 1516, 1520, 1521, 1521.1, 1522, 1523.1, 1526, 1527, 1529, 1530, and 1531, to enact R.S. 33:1500, 1504, and 1507.1, and to repeal R.S. 33:1501.1, 1502, 1511, 1513, 1519, 1519.1, and 1525, relative to the consolidation of the civil and criminal sheriffs of the parish of Orleans; to provide for one sheriff for the parish of Orleans; to provide for the term of office of the sheriff; to provide for the election of the sheriff commencing with the next election of parochial and municipal officers in Orleans Parish; to provide, delineate, and otherwise designate the powers, authority, duties, function, fees of the sheriff; to provide for the abolition of the separate offices of the civil and criminal sheriff; to provide for submission of a plan requesting preclearance of the election of the sheriff pursuant to the Voting Rights Act; to provide for effective dates; to provide for delayed implementation in the event that notice of preclearance is not timely received; and to provide for related matters.

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

SENATE BILL NO. 27—
BY SENATOR HINES

AN ACT

To amend and reenact R.S. 13:1, 474, 477(introductory paragraph), 691(A), 759, 782(H), 842(A), 846(A)(introductory paragraph), and 901, R.S. 18:402(D), R.S. 33:1421(A)(1)(introductory paragraph) and (a) and (b), 1501, 1502, 1503, 1505, 1507, 1516, 1520, 1521, 1521.1, 1522, 1523.1, 1526, 1527, 1529, 1530, and 1531, and R.S. 44:71; to enact R.S. 13:474.1, 477(41), 621.41, 621.42, 714.1, 714.2, 751.1, 782(L), 841.3, 983, 996.62 through 996.64, R.S. 33:1504 and 1507.1, and Chapter 2-A of Title 44 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 44:181 through 185; and to repeal R.S. 9:2745, R.S. 13:471, 1001 through 1400, R.S. 18:514(B), R.S. 33:1501.1, 1511, 1513, 1519, 1519.1, and 1525, R.S. 35:321 through 337, Part III of Chapter 5 of Title 35 of the Louisiana Revised

Statutes of 1950, comprised of R.S. 35:321 through 338, and Chapter 3 of Title 44 of the Louisiana Revised Statutes of 1950, comprised of R.S. 44:201 through 268, relative to the reorganization and consolidation of the civil and criminal district courts, clerk of the civil and criminal district courts, and civil and criminal sheriffs in and for the parish of Orleans; to provide relative to the register of conveyances and recordation for the parish of Orleans; to provide, delineate, and otherwise designate the powers, authority, duties, functions, compensation, fees, and related matters concerning the civil and criminal district courts, clerks of the civil and criminal courts, the civil and criminal sheriffs, the office and custodian of notarial records, the office of the register of conveyances, the office of the recorder of mortgage, and other judicial officers and officials for the parish of Orleans, to create the Forty-first Judicial District, its subsequent courts, magistrate, and commissioners, to create the Consolidated Expense Fund for the Forty-first Judicial District and the Consolidated Expense Fund Board; to provide for the consolidation of certain offices and judicial expense funds, to provide for the election of a single sheriff and clerk of court for the parish of Orleans commencing with the next election for parochial and municipal officers in Orleans Parish, to abolish the office of the register of conveyances, the office of the recorder of mortgages, and the office and custodian of notarial records, to provide transitional provisions; to provide for the reduction by attrition of judges upon retirement pursuant to recommendations of the Judicial Council; to request the Judicial Council to review and make recommendations on the optimum number of district court judges in the parish of Orleans based on certain data; to request the Louisiana State Law Institute to change statutory references including the renumbering of provisions consistent with the provisions of this Act; and to provide for related matters.

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

SENATE BILL NO. 28—
BY SENATOR HINES

AN ACT

To amend and reenact R.S. 13:1211, R.S. 18:402(D) and R.S. 44:71, to enact R.S. 13:1021 through 1024, Chapter 2-A of Title 44 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 44:181 through 185, and to repeal R.S. 9:2745, R.S. 13:1211.1, 1212.1, 1371, 1371.1, and 1371.2, R.S. 18:514(B), Part III of Chapter 5 of Title 35 of the Louisiana Revised Statutes of 1950, comprised of R.S. 35:321 through 338, and Chapter 3 of Title 44 of the Louisiana Revised Statutes of 1950, comprised of R.S. 44:201 through 268, relative to reorganization and consolidation of judicial officers and their powers, duties, functions, and responsibilities in Orleans Parish; to merge and consolidate the office of clerk of court for the Civil District Court for the parish of Orleans and the office of clerk of court for the Criminal District Court for the parish of Orleans; to provide for the office of clerk of court of the civil and criminal district courts for the parish of Orleans; to transfer, merge, and consolidate the offices of the custodian of notarial records, the register of conveyances, and the recorder of mortgages and their powers, duties, functions, and responsibilities within the clerk of court; to provide for the abolition of the offices of the custodian of notarial records, the register of conveyances, and the recorder of mortgages; to provide for the duties, authority, functions, and employees of the clerk of court; to provide for implementation; to provide for effective dates; and to provide for related matters.

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

SENATE BILL NO. 29—
BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 29:724(C), relative to the Office of Homeland Security and Emergency Preparedness as an agency in the office of the governor and to the authority and duties of the office; to provide with respect to declarations of an emergency or disaster by the governor; to provide for the imposition of martial law when a mandatory evacuation is ordered; to provide for an effective date; 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. 30—
BY SENATOR FONTENOT

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 306.8, 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 referred to the Committee on Transportation, Highways and Public Works.

SENATE BILL NO. 31—
BY SENATOR SCHEDLER

AN ACT

To enact R.S. 6:337 and to repeal R.S. 10:9-211, relative to insurance settlement monies paid for damages to residential property; to require placement of such monies in interest-bearing accounts to the benefit of the residential property owner; 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.

SENATE BILL NO. 32—
BY SENATOR MOUNT

AN ACT

To amend and reenact R.S. 33:1395(A), relative to the organization or reorganization of local governmental subdivisions; to provide for amending a home rule charter; 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 Local and Municipal Affairs.

SENATE BILL NO. 33—
BY SENATOR MURRAY

AN ACT

To enact R.S. 9:5633(A)(2)(c), relative to three year acquisitive prescription; to provide for acquisition of blighted property; to provide for the filing of certain affidavits and judgments; and to provide for related matters.

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

SENATE BILL NO. 34—

BY SENATORS LENTINI, ADLEY, BARHAM, CAIN, CHEEK, DUPLESSIS, DUPRE, ELLINGTON, B. GAUTREUX, HEITMEIER, HOLLIS, KOSTELKA, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, SCHEDLER AND SMITH AND REPRESENTATIVES ALARIO, ALEXANDER, BALDONE, BRUCE, BURNS, CAZAYOUX, CURTIS, DAMICO, DANIEL, DARTEZ, DOERGE, DOWNS, DURAND, FARRAR, FAUCHEUX, GREENE, E. GUILLORY, M. GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HONEY, JOHNS, KENNEY, LAFLEUR, LANCASTER, MONTGOMERY, MORRELL, ODINET, PIERRE, PITRE, T. POWELL, RICHMOND, RITCHIE, JANE SMITH, STRAIN, THOMPSON, TOOMY, TOWNSEND, TUCKER, WINSTON AND WOOTON

AN ACT

To amend and reenact R.S. 47:305.1(A), (B), the introductory paragraph of (C)(1), and (C)(1)(c), relative to exclusions and exemptions from the sales and use tax of the state and of local governmental subdivisions and school boards for ships and ships' supplies; to clarify that barges are included in the exemption for ships and ships' supplies as provided in R.S. 47:305.1(B); 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.

SENATE BILL NO. 35—
BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 47:1901, 1907(A), 1925.8, 1931, 1960, 1987, and 1992(F)(1), and to repeal R.S. 47:1909, 1910, 1910.1, and 1910.2, relative to the assessors in the parish of Orleans; to provide for the merger and consolidation of the offices of the seven tax assessors in the parish of Orleans; to provide for one assessor in the parish of Orleans; to provide for implementation; to provide for an effective date; and to provide for related matters.

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

SENATE BILL NO. 36—
BY SENATOR MOUNT

AN ACT

To amend and reenact the introductory paragraph of R.S. 47:293(3)(b)(i), relative to individual income tax; to provide for the taxable periods covered by the tax benefits granted in Act 23 of the First Extraordinary Session of 2005; 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.

**Senate Bills and Joint Resolutions
on Second Reading to be Referred,
Subject to Call**

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

Called from the Calendar

Senator N. Gautreaux asked that Senate Bill No. 6 be called from the Calendar at this time.

February 7, 2006

SENATE BILL NO. 6—

BY SENATOR N. GAUTREAUX
AN ACT

To amend and reenact R.S. 40:1730.24(B) and 1730.27(D), relative to state building codes; to provide for certain inspections and inspectors; to provide for an effective date of the emergency provisions; 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. 4—

BY SENATORS FIELDS, ADLEY, AMEDEE, BAJOIE, BARHAM, BOASSO, BROOME, CAIN, CHAISSON, CHEEK, CRAVINS, DARDENNE, DUPLESSIS, DUPRE, ELLINGTON, FONTENOT, B. GAUTREAUX, N. GAUTREAUX, HEITMEIER, HINES, HOLLIS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, QUINN, ROMERO, SCHEDLER, SHEPHERD, SMITH, THEUNISSEN AND ULLO

A RESOLUTION

To express the sincere condolences of the Senate of the Louisiana Legislature upon the death of the first lady of the civil rights movement, Coretta Scott King, and to celebrate her life and legacy.

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

SENATE CONCURRENT RESOLUTION NO. 2—

BY SENATOR SHEPHERD
A CONCURRENT RESOLUTION

To direct the attorney general and the secretary of state to study and make recommendations with respect to the creation of one municipality combining the parishes of Jefferson, Orleans, Plaquemines and St. Bernard.

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

SENATE CONCURRENT RESOLUTION NO. 3—

BY SENATOR JACKSON
A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of the first lady of the civil rights movement, Coretta Scott King, and to celebrate her life and legacy.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 33

NAYS

Total - 0

ABSENT

Chaisson	Malone	Michot
Hollis	McPherson	Smith
Total - 6		

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

SENATE CONCURRENT RESOLUTION NO. 4—

BY SENATOR HINES
A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of a true legend in Louisiana politics, Edwin L. Reed.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Lentini
Adley	Dupre	Marionneaux
Amedee	Ellington	Mount
Bajoie	Fields	Murray
Barham	Fontenot	Nevers
Boasso	Gautreaux B	Quinn
Broome	Gautreaux N	Romero
Cain	Heitmeier	Schedler
Cheek	Jackson	Shepherd
Cravins	Jones	Theunissen
Dardenne	Kostelka	Ullo
Total - 33		

NAYS

Total - 0

ABSENT

Chaisson	Malone	Michot
Hollis	McPherson	Smith
Total - 6		

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

SENATE CONCURRENT RESOLUTION NO. 5—

BY SENATOR JONES
A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of the first lady of the civil rights movement, Coretta Scott King, and to celebrate her life and legacy.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Lentini
Adley	Dupre	Marionneaux
Amedee	Ellington	Mount
Bajoie	Fields	Murray
Barham	Fontenot	Nevers

Boasso	Gautreaux B	Quinn
Broome	Gautreaux N	Romero
Cain	Heitmeier	Schedler
Cheek	Jackson	Shepherd
Cravins	Jones	Theunissen
Dardenne	Kostelka	Ullo

Total - 33

NAYS

Total - 0

ABSENT

Chaisson	Malone	Michot
Hollis	McPherson	Smith

Total - 6

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

SENATE CONCURRENT RESOLUTION NO. 6—
 BY SENATORS ELLINGTON AND BARHAM AND REPRESENTATIVES HAMMETT AND KENNEY

A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of political columnist Sam Hanna and to offer the enduring gratitude of the members of the legislature for his outstanding contributions to the state of Louisiana.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Lentini
Adley	Dupre	Marionneau
Amedee	Ellington	Mount
Bajoie	Fields	Murray
Barham	Fontenot	Nevers
Boasso	Gautreaux B	Quinn
Broome	Gautreaux N	Romero
Cain	Heitmeier	Schedler
Cheek	Jackson	Shepherd
Cravins	Jones	Theunissen
Dardenne	Kostelka	Ullo

Total - 33

NAYS

Total - 0

ABSENT

Chaisson	Malone	Michot
Hollis	McPherson	Smith

Total - 6

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

SENATE CONCURRENT RESOLUTION NO. 7—
 BY SENATOR BROOME

A CONCURRENT RESOLUTION

To urge and request the Congress of the United States and the governor to consider using funds from the Federal Emergency Management Agency and the U.S. Department of Housing and Urban Development for modular homes as alternative housing for those affected by hurricanes Katrina and Rita.

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

SENATE CONCURRENT RESOLUTION NO. 8—
 BY SENATOR BAJOIE

A CONCURRENT RESOLUTION

To commend the "Women of the Storm" for their non-partisan activism in encouraging members of Congress to visit post-Katrina New Orleans to view the devastation firsthand in hopes of receiving increased federal funds.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Lentini
Adley	Dupre	Marionneau
Amedee	Ellington	Mount
Bajoie	Fields	Murray
Barham	Fontenot	Nevers
Boasso	Gautreaux B	Quinn
Broome	Gautreaux N	Romero
Cain	Heitmeier	Schedler
Cheek	Jackson	Shepherd
Cravins	Jones	Theunissen
Dardenne	Kostelka	Ullo

Total - 33

NAYS

Total - 0

ABSENT

Chaisson	Malone	Michot
Hollis	McPherson	Smith

Total - 6

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

House Concurrent Resolutions on Second Reading

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

HOUSE CONCURRENT RESOLUTION NO. 5—
 BY REPRESENTATIVE HEBERT

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to require the Federal Emergency Management Agency to honor the preferences of local governing authorities in determining the location of temporary housing sites.

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	Duplessis	Lentini
Adley	Dupre	Marionneau
Amedee	Ellington	Mount
Bajoie	Fields	Murray
Barham	Fontenot	Nevers
Boasso	Gautreaux B	Quinn
Broome	Gautreaux N	Romero
Cain	Heitmeier	Schedler
Cheek	Jackson	Shepherd
Cravins	Jones	Theunissen

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Dardenne Total - 33	Kostelka	Ullo
NAYS		
Total - 0		
ABSENT		
Chaisson Hollis Total - 6	Malone McPherson	Michot Smith

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

HOUSE CONCURRENT RESOLUTION NO. 8—
BY REPRESENTATIVE CROWE
A CONCURRENT RESOLUTION

To urge and request the governor, commissioner of administration, Board of Regents, and Board of Supervisors of Community and Technical Colleges to cooperate fully with each other and take all actions necessary to facilitate and expedite the reopening of the Slidell campus of Louisiana Technical College in the immediate future to provide educational services to students that meet the needs of the students as well as those of the community and the state.

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

ROLL CALL

The roll was called with the following result:

YEAS		
Mr. President	Duplessis	Lentini
Adley	Dupre	Marionneau
Amedee	Ellington	Mout
Bajoie	Fields	Murray
Barham	Fontenot	Nevers
Boasso	Gautreaux B	Quinn
Broome	Gautreaux N	Romero
Cain	Heitmeier	Schedler
Cheek	Jackson	Shepherd
Cravins	Jones	Theunissen
Dardenne	Kostelka	Ullo
Total - 33		
NAYS		
Total - 0		
ABSENT		
Chaisson Hollis Total - 6	Malone McPherson	Michot Smith

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

HOUSE CONCURRENT RESOLUTION NO. 13—
BY REPRESENTATIVE LAFONTA
A CONCURRENT RESOLUTION

To urge and request the banking industry and the Louisiana Bankers Association to study the issue of mortgage holders retaining amounts of insurance settlement payments in excess of the unpaid portion of the secured indebtedness.

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

ROLL CALL

The roll was called with the following result:

YEAS		
Mr. President	Duplessis	Lentini
Adley	Dupre	Marionneau
Amedee	Ellington	Mout
Bajoie	Fields	Murray
Barham	Fontenot	Nevers
Boasso	Gautreaux B	Quinn
Broome	Gautreaux N	Romero
Cain	Heitmeier	Schedler
Cheek	Jackson	Shepherd
Cravins	Jones	Theunissen
Dardenne	Kostelka	Ullo
Total - 33		
NAYS		
Total - 0		
ABSENT		
Chaisson Hollis Total - 6	Malone McPherson	Michot Smith

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

February 7, 2006

To the President and Members of the Senate:

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

SENATE BILL NO. 2—
BY SENATOR THEUNISSEN
AN ACT

To enact R.S. 17:65, relative to the election of and terms of service of school board members governing certain public school systems; to provide for the election of members in 2007 instead of 2006; to provide for the term of members effected by the change in election schedules; and to provide for related matters.

Reported favorably.

Respectfully submitted,
CHRIS ULLO
Chairman

**REPORT OF COMMITTEE ON
LABOR AND INDUSTRIAL RELATIONS**

Senator Nevers, Chairman on behalf of the Committee on Labor and Industrial Relations, submitted the following report:

February 7, 2006

To the President and Members of the Senate:

I am directed by your Committee on Labor and Industrial Relations to submit the following report:

SENATE BILL NO. 1—
BY SENATOR NEVERS

AN ACT

To enact R.S. 23:1552 (B)(6) and (7), relative to unemployment compensation; to provide with respect to contributions; to provide for reimbursement of unemployment compensation benefits charged to state and local governments and eligible nonprofit organizations during a gubernatorially declared disaster or emergency; to provide for deferment of payments; to provide for the waiver of penalty and interest; to provide for extended payment terms; and to provide for related matters.

Reported favorably.

Respectfully submitted,
BEN W. NEVERS
Chairman

REPORT OF COMMITTEE ON

INSURANCE

Senator Cain, Chairman on behalf of the Committee on Insurance, submitted the following report:

February 7, 2006

To the President and Members of the Senate:

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

SENATE BILL NO. 7—
BY SENATOR QUINN

AN ACT

To enact R.S. 22:658.2, relative to the public policy in determining insurance coverage for damage to immovable property; to prohibit the automatic denial of coverage under certain circumstances; to provide that the insurer has the burden to establish that portion of a claim to be excluded from coverage; to prohibit an insurer from using certain floodwater marks or the fact that a structure has been moved from its foundation as exclusive proof on which to deny coverage; to provide that policy provisions altering the burden of an insurer are null and void; to provide for policy provisions attempting to shift the burden on an insurer or which automatically deny coverage; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 14—
BY SENATOR CAIN

AN ACT

To amend and reenact R.S. 22:1430.6(D)(5), 1430.16(G), and 1430.17 and to enact R.S. 1430.6(E), 1430.19, 1430.20 and 1430.21, relative to the Louisiana Citizens Property Insurance Corporation, to prohibit the rehabilitation, liquidation or dissolution of the corporation; to authorize the corporation to assign and grant a security interest in assessment, insurance and reinsurance recoverable; to clarify that any future statutory amendment or amendments to the plan of operation may not impair the obligation to any bond holders; to prohibit the corporation from filing bankruptcy; to reaffirm severability; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
JAMES DAVID CAIN
Chairman

Senate Bills and Joint Resolutions
on Second Reading
Reported by Committees

Senator Cain 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. 1—
BY SENATOR NEVERS

AN ACT

To enact R.S. 23:1552 (B)(6) and (7), relative to unemployment compensation; to provide with respect to contributions; to provide for reimbursement of unemployment compensation benefits charged to state and local governments and eligible nonprofit organizations during a gubernatorially declared disaster or emergency; to provide for deferment of payments; to provide for the waiver of penalty and interest; to provide for extended payment terms; and to provide for related matters.

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

SENATE BILL NO. 2—
BY SENATOR THEUNISSEN

AN ACT

To enact R.S. 17:65, relative to the election of and terms of service of school board members governing certain public school systems; to provide for the election of members in 2007 instead of 2006; to provide for the term of members effected by the change in election schedules; and to provide for related matters.

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

SENATE BILL NO. 7—
BY SENATOR QUINN

AN ACT

To enact R.S. 22:658.2, relative to the public policy in determining insurance coverage for damage to immovable property; to prohibit the automatic denial of coverage under certain circumstances; to provide that the insurer has the burden to establish that portion of a claim to be excluded from coverage; to prohibit an insurer from using certain floodwater marks or the fact that a structure has been moved from its foundation as exclusive proof on which to deny coverage; to provide that policy provisions altering the burden of an insurer are null and void; to provide for policy provisions attempting to shift the burden on an insurer or which automatically deny coverage; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 7 by Senator Quinn

AMENDMENT NO. 1

On page 1, line 3, delete "automatic"

AMENDMENT NO. 2

On page 1, line 13, delete "**automatic**"

AMENDMENT NO. 3

On page 1, line 15, delete "**automatic**"

AMENDMENT NO. 4

On page 2, line 11, immediately after "**establish**" add the following: "**by clear and convincing evidence**"

February 7, 2006

AMENDMENT NO. 5

On page 2, between lines 20 and 21, insert the following:

"E. Any insurer determined to be in violation of the provisions of Section shall be liable for all attorney fees and costs incurred by the insured and shall pay a penalty to the insured equal to three times the amount of the loss or damages covered by the policy of insurance.

F. The provisions of this Section are remedial in nature and shall be applied retrospectively as well a prospectively in application."

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

SENATE BILL NO. 14— BY SENATOR CAIN

AN ACT

To amend and reenact R.S. 22:1430.6(D)(5), 1430.16(G), and 1430.17 and to enact R.S. 1430.6(E), 1430.19, 1430.20 and 1430.21, relative to the Louisiana Citizens Property Insurance Corporation, to prohibit the rehabilitation, liquidation or dissolution of the corporation; to authorize the corporation to assign and grant a security interest in assessment, insurance and reinsurance recoverable; to clarify that any future statutory amendment or amendments to the plan of operation may not impair the obligation to any bond holders; to prohibit the corporation from filing bankruptcy; to reaffirm severability; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 14 by Senator Cain

AMENDMENT NO. 1

On page 1, line 2 after "R.S." delete "1430.6(D)(5)" and insert "22:1382(B)(7)(c), 1430.2(C), 1430.6(D)(5)"

AMENDMENT NO. 2

On page 1, line 6 after "recoverable" insert "as security for loans or bonds"

AMENDMENT NO. 3

On page 1, line 8 after "bankruptcy;" insert "to authorize the corporation to borrow money from the Louisiana Insurance Guaranty Association"

AMENDMENT NO. 4

On page 1, line 11, after "R.S." delete "1430.6(D)(5)" and insert "22:1382(B)(7)(c), 1430.2(C), 1430.6(D)(5)"

AMENDMENT NO. 5

On page 1, between lines 13 and 14 insert the following:

"§1382. Powers and duties of the association

B. The association may:

(7) As to any member insurer under rehabilitation or liquidation, and pursuant to a written plan of full or partial rehabilitation or liquidation jointly submitted by the commissioner through his counsel of record, which counsel is approved by the attorney general pursuant to the provisions of this Code, and the Louisiana Insurance Guaranty Association through its counsel of record, and subject to approval of the court in which such rehabilitation or liquidation proceeding is pending, which court must be satisfied that such plan is the most cost-effective method of dealing with the conditions creating the member insurer's impairment or insolvency, and improving the condition and is in the best interest of the member insurer's policyholders; and is in the best interests of the association, then the association may:

(c) Loan money to such member insurer or the Louisiana Citizens Property Insurance Corporation, the Coastal Plan or the FAIR Plan.

§1430.2. Creation of the Louisiana Citizens Property Insurance Corporation

C. Neither the corporation nor the plans shall be required to obtain a certificate of authority from the commissioner of insurance, nor shall they participate in the Louisiana Insurance Guaranty Association, except that the corporation or its plans may borrow money from the Insurance Guaranty Association Fund as is provided in R.S. 22:1382(B)(7)(c).

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

Rules Suspended

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

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. 37—

BY SENATOR MOUNT AND REPRESENTATIVE ARNOLD AN ACT

To amend and reenact R.S. 47:1978.1(A)(1)(b) and (3)(b), (B)(1) and (2), (C)(1)(a), and (D), relative to ad valorem property tax; to provide for a limitation on the authority of certain parishes to prorate certain taxes; 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.

SENATE BILL NO. 38—

BY SENATORS BAJOIE AND MURRAY AN ACT

To enact Chapter 3-C of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:600.31 through 600.36, relative to Louisiana housing recovery efforts; to provide for the creation of housing recovery centers; to provide for the purpose of such centers; to provide for the definition of a "housing recovery center"; to provide for the establishment of criteria for the centers and for funding; and to provide for related matters.

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

SENATE BILL NO. 39—

BY SENATOR BAJOIE AN ACT

To enact Chapter 3-C of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:600.51 through 600.74, relative to the Louisiana Housing Preservation and Receivership Act; to provide for legislative findings; to provide definitions; to provide for housing recovery centers and provide for publication of their location; to provide for the creation of an abandoned housing property list and for its maintenance; to provide for prescribing risk guidelines; to provide for rehabilitation plans and receivership; to provide procedures and requirements for taking possession and control of abandoned property; to provide for intervention by parties in interest and for the filing of oppositions to proceedings; to provide with respect to secured parties; to provide with respect to permits, taxes, liens and other secured debts; to provide for reinstatement

of owners in possession; to provide for sales and for distribution of proceeds from such sales of abandoned property; and to provide for related matters.

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

SENATE BILL NO. 40—
BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 36:4(B)(1)(n) and 801.1(A) and to enact Chapter 6-A of Title 29 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 29:739.1 through 739.9, relative to the Louisiana Recovery Authority; to establish the authority as a statutory entity; to provide for a board and its membership, powers and duties; to provide for an executive director and his duties and responsibilities; to provide that employees of the authority shall be in the unclassified service of the state; to provide for prior review and approval of spending proposals by the Joint Legislative Committee on the Budget; to provide for quarterly reports; to provide for audits; and to provide for related matters.

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

SENATE BILL NO. 41—
BY SENATOR DUPLESSIS

AN ACT

To enact R.S. 11:323, relative to provisions affecting more than one retirement system; to provide with respect to participation in Deferred Retirement Option Plans by certain employees of city, parish, and other local public school systems; to allow such employees furloughed or terminated to adjust the periods applicable to their participation in the plan under certain circumstances; to provide for participation in the plan upon full-time reemployment by a city, parish, or other local public school system or by certain charter schools; to provide for an effective date; and to provide for related matters.

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

Personal Privilege

Senator Amedee asked for and obtained the floor of the Senate on a point of personal privilege and asked that the following letter be printed in the Senate Journal.

SENATE
State of Louisiana

February 6, 2006

The Honorable Donald E. Hines
President of the Senate
Post Office Box 94183
Baton Rouge, Louisiana 70804

Dear Senator Hines,

Please be advised that I will be absent from the session on Wednesday, February 8, through Friday, February 10, 2006. I have to take my daughter to Cincinnati, Ohio for medical testing.

Please give me an excuse for three days and put this letter in the Official Journal of the Senate.

Thanks for your consideration.

Sincerely,
JODY AMEDEE

Leaves of Absence

The following leaves of absence were asked for and granted:

Chaisson	1 Day	Hollis	1 Day
Malone	1 Day	McPherson	1 Day
Michot	1 Day	Smith	1 Day

Adjournment

Senator Bajoie moved that the Senate adjourn until Wednesday, February 8, 2006, at 4:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 4:00 o'clock P.M. on Wednesday, February 8, 2006.

GLENN A. KOEPP
Secretary of the Senate

GAYE F. HAMILTON
Journal Clerk