

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

SEVENTH 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

Monday, February 13, 2006

The Senate was called to order at 3:00 o'clock P.M., by Hon. Donald E. Hines, President of the Senate.

ROLL CALL

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

PRESENT

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

ABSENT

Shepherd
Total - 1

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

Prayer

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

Morning Hour

Messages from the House

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

Message from the House

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

February 13, 2006

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. 17—
BY SENATOR HOLLIS

A CONCURRENT RESOLUTION

To commend Shell Exploration and Production Company for their response and recovery actions in Louisiana following Hurricane Katrina.

Reported without amendments.

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

**Privilege Report of the
Legislative Bureau**

February 13, 2006

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. 6—

BY REPRESENTATIVES ST. GERMAIN, BURNS, ARNOLD, GALLOT, LAFONTA, MONTGOMERY, PITRE, SMILEY, ALARIO, ANSARDI, BADON, BALDONE, BARROW, BAUDOIN, BAYLOR, BRUCE, BURRELL, K. CARTER, CRANE, CROWE, CURTIS, DAMICO, DARTEZ, DEWITT, DORSEY, DOVE, DOWNS, DURAND, FANNIN, FAUCHEUX, FRITH, GLOVER, GRAY, E. GUILLORY, M. GUILLORY, HAMMETT, HARRIS, HEATON, HEBERT, HOPKINS, JEFFERSON, KENNARD, LAMBERT, MARTINY, MCVEA, MORRELL, ODINET, PIERRE, PINAC, T. POWELL, QUEZAIRE, RITCHIE, ROMERO, SALTER, SCALISE, SCHNEIDER, GARY SMITH, JANE SMITH, JOHN SMITH, STRAIN, TOOMY, TRAHAN, WADDELL, WALKER, WALSWORTH, WHITE, WINSTON, AND WOOTON

AN ACT

To enact R.S. 42:1123(36), relative to ethics; to allow a public employee who was affected by Hurricane Katrina or Rita to receive certain specified disaster aid and relief; to require certain disclosures of such aid and relief; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 12—

BY REPRESENTATIVES JEFFERSON, MARCHAND, AND RICHMOND

AN ACT

To enact R.S. 18:115(F)(2)(d), relative to the conduct of elections during or following a gubernatorially declared state of emergency; to provide for certain displaced persons who have registered to vote by mail by a certain date to vote absentee by mail; to require an affidavit attesting to the voter's eligibility; to provide for the effectiveness of such provisions; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 59—

BY REPRESENTATIVES ALARIO, DORSEY, MCDONALD, SALTER, ANSARDI, BADON, BALDONE, BAUDOIN, BAYLOR, BRUCE, BURRELL, K. CARTER, CURTIS, DAMICO, DARTEZ, DEWITT, DOVE, DOWNS, DURAND, FANNIN, FRITH, GLOVER, GRAY, E. GUILLORY, HARRIS, HILL, HUNTER, JACKSON, JEFFERSON, JOHNS, KENNEY, LAFLEUR, LAFONTA, LANCASTER, PIERRE, PINAC, PITRE, QUEZAIRE, RITCHIE, ST. GERMAIN, THOMPSON, AND WALKER AND SENATORS BAJOE, HINES, AND MOUNT

AN ACT

To enact R.S. 36:4(H) and Part V of Chapter 2 of Title 49 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 49:220.1 through 220.7, and to repeal R.S. 36:4(H) and Part V of Chapter 2 of Title 49 of the Louisiana Revised Statutes of 1950, comprised of R.S. 49:220.1 through 220.7, relative to the Louisiana Recovery Authority; to establish the Louisiana Recovery Authority in the office of the governor; to provide for

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the authority and its powers, functions, and duties; to provide for an executive director and the powers, functions, and duties of the executive director; to provide for the Louisiana Recovery Authority Board and its membership, powers, functions, and duties; to provide for the effectiveness of the provisions; to repeal all provisions relative to the Louisiana Recovery Authority; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 60—

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

AN ACT

To amend and reenact R.S. 47:305.1(B) and (C)(1), relative to exclusions and exemptions from state and local sales and use tax 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.

Reported without amendments.

Respectfully submitted,
ARTHUR J. "ART" LENTINI
Chairman

**Introduction of
Senate Concurrent Resolutions**

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

SENATE CONCURRENT RESOLUTION NO. 18—

BY SENATOR MOUNT

A CONCURRENT RESOLUTION

To urge and request the division of state police in the Department of Public Safety and Corrections to include Interstate I-10 and Louisiana State Highways 171 and 65 in their development of a contra-flow plan to meet the needs of citizens evacuating from Southwest Louisiana who are traveling north during an emergency catastrophic event.

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

SENATE CONCURRENT RESOLUTION NO. 19—

BY SENATOR BAJOIE AND REPRESENTATIVE RICHMOND AND SENATORS BROOME, CRAVINS, DUPLESSIS, FIELDS, JACKSON, JONES, MURRAY AND SHEPHERD AND REPRESENTATIVES BADON, BARROW, BAYLOR, BURRELL, K. CARTER, CRAVINS, CURTIS, DORSEY, GALLOT, GLOVER, GRAY, E. GUILLORY, HARRIS, HONEY, HUNTER, JACKSON, JEFFERSON, LAFONTA, MARCHAND, MORRELL, PIERRE AND QUEZAIRE

A CONCURRENT RESOLUTION

To commend the Bermuda Department of Tourism for their significant contribution to the Louisiana Legislative Black Caucus' Katrina Fund.

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	Fontenot	Murray
Adley	Hollis	Nevers
Bajoie	Jones	Quinn
Barham	Kostelka	Romero
Broome	Lentini	Schedler
Chaisson	Malone	Smith
Cheek	Marionneaux	Theunissen
Cravins	McPherson	Ullo
Dardenne	Michot	
Ellington	Mount	

Total - 28

NAYS

Total - 0

ABSENT

Amedee	Dupre	Heitmeier
Boasso	Fields	Jackson
Cain	Gautreaux B	Shepherd
Duplessis	Gautreaux N	

Total - 11

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

**Senate Concurrent Resolutions
on Second Reading**

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

SENATE CONCURRENT RESOLUTION NO. 16—

BY SENATOR ROMERO

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to authorize the prompt construction of hurricane and tidal water protection for southwest Louisiana.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 34

NAYS

Total - 0

ABSENT

Boasso	Heitmeier	Shepherd
Fields	Jackson	

Total - 5

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

Messages from the House

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

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

February 12, 2006

To the Honorable President and Members of the Senate:

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

HOUSE BILL NO. 85—

BY REPRESENTATIVE PITRE

AN ACT

To amend and reenact R.S. 38:291(F)(1) and (2)(introductory paragraph) and (f), (P)(1), and (T)(1), to enact R.S. 38:329.1 through 329.3, and to repeal R.S. 38:291(F)(2)(g), relative to the reorganization of certain levee districts in Lafourche Parish; to change the boundaries of the North Lafourche Conservation, Levee and Drainage District and the Lafourche Basin Levee District; to provide for exclusive jurisdiction of the South Lafourche Levee District and its powers and duties; to provide relative to boards of commissioners; to provide for the transfer of certain property and documents; to provide relative to certain payments; to provide for an effective date; and to provide for related matters.

Respectfully submitted, ALFRED W. SPEER

Clerk of the House of Representatives

House Bills and Joint Resolutions

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

HOUSE BILL NO. 85—

BY REPRESENTATIVE PITRE

AN ACT

To amend and reenact R.S. 38:291(F)(1) and (2)(introductory paragraph) and (f), (P)(1), and (T)(1), to enact R.S. 38:329.1 through 329.3, and to repeal R.S. 38:291(F)(2)(g), relative to the reorganization of certain levee districts in Lafourche Parish; to change the boundaries of the North Lafourche Conservation, Levee and Drainage District and the Lafourche Basin Levee District; to provide for exclusive jurisdiction of the South Lafourche Levee District and its powers and duties; to provide relative to boards of commissioners; to provide for the transfer of certain property and documents; to provide relative to certain payments; 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 Transportation, Highways and Public Works.

House Concurrent Resolutions on Second Reading

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

HOUSE CONCURRENT RESOLUTION NO. 30—

BY REPRESENTATIVE DORSEY

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to amend the No Child Left Behind Act to provide that paraprofessionals who were employed in Title I schools prior to the enactment of the No Child Left Behind Act shall be deemed to have met the definition of "highly qualified" for purposes of such legislation due to such employment and the experience gained as a result of such employment.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Yeas, Nays. Lists names like Mr. President, Duplessis, McPherson, etc.

NAYS

Total - 0

ABSENT

Table with 3 columns: Name, Yeas, Nays. Lists names like Dupre, Fields, Theunissen, etc.

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

HOUSE CONCURRENT RESOLUTION NO. 31—

BY REPRESENTATIVE LAFONTA

A CONCURRENT RESOLUTION

To commend the banks of Louisiana for their extremely effective and able assistance to the victims of Hurricane Katrina and Hurricane Rita.

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

Table with 3 columns: Name, Yeas, Nays. Lists names like Mr. President, Duplessis, McPherson, etc.

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NAYS

Total - 0

ABSENT

Dupre Gautreaux B
Fields Shepherd

Total - 4

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

HOUSE CONCURRENT RESOLUTION NO. 32— BY REPRESENTATIVES HUTTER, BADON, LAFONTA, AND MARCHAND

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to close the Mississippi River Gulf Outlet.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 35

NAYS

Total - 0

ABSENT

Dupre Gautreaux B
Fields Shepherd

Total - 4

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

REVENUE AND FISCAL AFFAIRS

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

February 13, 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. 18—

BY REPRESENTATIVE HAMMETT AN ACT

To amend and reenact Section 2 of Act No. 30 of the 2005 First Extraordinary Session of the Legislature, relative to the homestead exemption; to change the effective date for the provisions which provide for an extension of the homestead exemption when property is damaged or destroyed during a disaster or emergency declared by the governor; to provide for an effective date; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 21—

BY REPRESENTATIVES HAMMETT, DORSEY, SALTER, SCALISE, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BADON, BALDONE, BAUDOIN, BEARD, BOWLER, BRUCE, BRUNEAU, BURNS, R. CARTER, CAZAYOUX, CRANE, CROWE, DAMICO, DANIEL, DARTEZ, DEWITT, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FRITH, GALLOT, GEYMAN, GREENE, E. GUILLORY, M. GUILLORY, HARRIS, HEATON, HEBERT, HILL, HONEY, HUNTER, HUTTER, JACKSON, JOHNS, KATZ, KENNEY, KLECKLEY, LABRUZZO, LAFLEUR, LAFONTA, LANCASTER, MARCHAND, MARTINY, MCDONALD, MONTGOMERY, MORRELL, ODINET, PIERRE, PINAC, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROBIDEAUX, ROMERO, SCHNEIDER, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WINSTON, AND WOOTON AND SENATOR MOUNT

AN ACT

To amend and reenact R.S. 47:293(3)(b)(i) and to enact R.S. 47:293(6)(f), relative to the state income tax; to change the taxable periods for which the federal income tax deduction will not be reduced when an individual carries back a casualty loss for federal income tax purposes; to extend the state income tax exemption for certain military personnel; to provide for an effective date; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 27—

BY REPRESENTATIVE LANCASTER AN ACT

To amend and reenact Section 2 of Act No. 70 of the 2005 First Extraordinary Session of the Legislature, relative to the proposed constitutional amendment to provide for the continuation of the homestead exemption and special assessment level under certain specified circumstances; to change the date on which the proposed amendment shall be submitted to the electors; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 90—

BY REPRESENTATIVES HAMMETT, DORSEY, AND SALTER AND SENATORS BAJOE, HINES, AND MOUNT AN ACT

To enact R.S. 39:1367(E)(2)(b)(iii), relative to state debt; to exclude from the definition of net state tax supported debt certain bonds or notes issued by the state to provide relief from the natural catastrophe caused by Hurricanes Katrina and Rita; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 93—

BY REPRESENTATIVES HAMMETT, DORSEY, AND SALTER AND SENATORS BAJOE, HINES, AND MOUNT AN ACT

To enact the Supplemental Omnibus Bond Authorization Act, relative to an omnibus bond authorization; to provide for the issuance of bonds of the state to provide relief from natural catastrophes; to provide for implementation of certain bond provisions of the Gulf Opportunity Zone Act of 2005; to provide a program to provide relief from natural catastrophes to certain affected political subdivisions of the state; to provide procedures for the issuance of the bonds; to provide for an effective date; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
WILLIE L. MOUNT
Chairperson

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:

February 13, 2006

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:

HOUSE BILL NO. 4—

BY REPRESENTATIVES LAFONTA, BRUNEAU, RICHMOND, ALARIO, BADON, BARROW, BAYLOR, BEARD, BRUCE, BURRELL, K. CARTER, CAZAYOUX, CRAVINS, CROWE, CURTIS, DAMICO, DORSEY, FARRAR, FAUCHEUX, GLOVER, GRAY, GREENE, E. GUILLORY, HARRIS, HEATON, HILL, HONEY, HUNTER, HUTTER, JACKSON, JEFFERSON, KATZ, KENNEY, KLECKLEY, LAFLEUR, MARCHAND, MARTINY, MCDONALD, MORRELL, ODINET, PIERRE, T. POWELL, QUEZAIRE, RITCHIE, ROMERO, SALTER, GARY SMITH, JANE SMITH, STRAIN, THOMPSON, TOOMY, WADDELL, AND WOOTON
AN ACT

To enact R.S. 6:337 and to repeal R.S. 10:9-211, relative to insurance; to provide for handling and distribution of insurance settlement payments on homeowners' insurance claims; to provide for distribution of insurance settlement payment in excess of unpaid portion of secured indebtedness; to provide for enforcement; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
KEN HOLLIS
Chairman

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:

February 13, 2006

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. 14—

BY REPRESENTATIVE FAUCHEUX
A CONCURRENT RESOLUTION

To urge and request the adjutant general, Military Department, state of Louisiana to bestow a medal of honor on each member of the Louisiana National Guard who served during Hurricane Katrina and Hurricane Rita for their courageous and valuable service during and in the aftermath of the states of emergency caused by these hurricanes in 2005.

Reported favorably.

HOUSE BILL NO. 28—

BY REPRESENTATIVE LANCASTER
AN ACT

To repeal Act No. 24 of the 2005 First Extraordinary Session of the Legislature, to remove provisions for the holding and conduct of 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.

Reported favorably.

Respectfully submitted,
CHARLES D. JONES
Chairman

REPORT OF COMMITTEE ON

INSURANCE

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

February 13, 2006

To the President and Members of the Senate:

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

HOUSE BILL NO. 2—

BY REPRESENTATIVES PINAC, BOWLER, ALEXANDER, ARNOLD, BAUDOIN, BAYLOR, BRUCE, BURRELL, CRANE, CRAVINS, CROWE, CURTIS, DAMICO, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FAUCHEUX, FRITH, E. GUILLORY, JOHNS, KATZ, KENNEY, KLECKLEY, LABRUZZO, LAFONTA, LANCASTER, MARTINY, MCDONALD, MCVEA, MORRISH, PIERRE, PITRE, T. POWELL, QUEZAIRE, RITCHIE, SCHNEIDER, SMILEY, GARY SMITH, JANE SMITH, STRAIN, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WINSTON, AND WOOTON
AN ACT

To enact R.S. 22:1430.6(E), relative to bonds issued by the Louisiana Citizens Property Insurance Corporation; to provide for the payment of bonds; to provide for authority of the board; to provide for federal funds; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 17—

BY REPRESENTATIVE LABRUZZO
AN ACT

To enact R.S. 22:682, relative to homeowners' insurance damage claims; to provide for presumption of coverage; to provide for disaster related claims; to prohibit automatic denial of coverage; to provide for proof of losses; to provide for repairs; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 97— (Substitute for House Bill No. 42 by Representative K. Carter)

BY REPRESENTATIVES K. CARTER, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BADON, BALDONE, BARROW, BAUDOIN, BAYLOR, BEARD, BRUCE, BURRELL, CAZAYOUX, CRAVINS, CURTIS, DAMICO, DANIEL, DORSEY, DURAND, FANNIN, FAUCHEUX, FRITH, GLOVER, GRAY, GREENE, E. GUILLORY, M. GUILLORY, HAMMETT, HARRIS, HEBERT, HONEY, HOPKINS, HUTTER, JACKSON, JEFFERSON, KATZ, KENNARD, KENNEY, LAFLEUR, LAFONTA, MARCHAND, MCDONALD, MCVEA, MONTGOMERY, ODINET, PIERRE, PINAC, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, SALTER, GARY SMITH, JACK SMITH, JANE SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, AND WOOTON
AN ACT

To amend and reenact R.S. 22:667.1 and 696 and to enact R.S. 22:1477, relative to homeowners' insurance policies; to provide for disclosure to policyholders of information regarding the terms and conditions of the policy; and to provide for related matters.

Reported favorably.

February 13, 2006

Respectfully submitted,
JAMES DAVID CAIN
Chairman

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

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

HOUSE BILL NO. 2—

BY REPRESENTATIVES PINAC, BOWLER, ALEXANDER, ARNOLD, BAUDOIN, BAYLOR, BRUCE, BURRELL, CRANE, CRAVINS, CROWE, CURTIS, DAMICO, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FAUCHEUX, FRITH, E. GUILLORY, JOHNS, KATZ, KENNEY, KLECKLEY, LABRUZZO, LAFONTA, LANCASTER, MARTINY, MCDONALD, MCVEA, MORRISH, PIERRE, PITRE, T. POWELL, QUEZAIRE, RITCHIE, SCHNEIDER, SMILEY, GARY SMITH, JANE SMITH, STRAIN, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WINSTON, AND WOOTON

AN ACT

To enact R.S. 22:1430.6(E), relative to bonds issued by the Louisiana Citizens Property Insurance Corporation; to provide for the payment of bonds; to provide for authority of the board; to provide for federal funds; and to provide for related matters.

Reported favorably by the Committee on Insurance. 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. 4—

BY REPRESENTATIVES LAFONTA, BRUNEAU, RICHMOND, ALARIO, BADON, BARROW, BAYLOR, BEARD, BRUCE, BURRELL, K. CARTER, CAZAYOUX, CRAVINS, CROWE, CURTIS, DAMICO, DORSEY, FARRAR, FAUCHEUX, GLOVER, GRAY, GREENE, E. GUILLORY, HARRIS, HEATON, HILL, HONEY, HUNTER, HUTTER, JACKSON, JEFFERSON, KATZ, KENNEY, KLECKLEY, LAFLEUR, MARCHAND, MARTINY, MCDONALD, MORRELL, ODINET, PIERRE, T. POWELL, QUEZAIRE, RITCHIE, ROMERO, SALTER, GARY SMITH, JANE SMITH, STRAIN, THOMPSON, TOOMY, WADDELL, AND WOOTON

AN ACT

To enact R.S. 6:337 and to repeal R.S. 10:9-211, relative to insurance; to provide for handling and distribution of insurance settlement payments on homeowners' insurance claims; to provide for distribution of insurance settlement payment in excess of unpaid portion of secured indebtedness; to provide for enforcement; 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. 4 by Representative LaFonta

AMENDMENT NO. 1

On page 1, line 5 after "enforcement;" insert "to provide for penalties; to authorize the commissioner to promulgate rules and regulations;"

AMENDMENT NO. 2

On page 1, line 13 after "endorsement," insert the following: "and the mortgage holder receives a written request from the borrower to release excess funds then"

AMENDMENT NO. 3

On page 1, line 13 after "such" insert "request and such"

AMENDMENT NO. 4

On page 1, line 17 after "funds" delete the remainder of the line and insert the following: "considered to be excess funds. For purposes of this Section, the term "excess funds" shall mean insurance funds in excess of the following:"

AMENDMENT NO. 5

On page 2, line 2 after "thirtieth day" delete "of the deadline" and insert "following receipt of the request and check or draft as outlined in Subsection A"

AMENDMENT NO. 6

On page 2, line 4 between "loans" and the period "." insert "and calculated from the date of the payoff explained in Subsection (B)(1)"

AMENDMENT NO. 7

On page 2, delete lines 5 through 13 in their entirety and insert the following:

"C.(1) The commissioner may impose civil money penalties of up to one hundred and fifty dollars per day of each day a mortgage holder subject to his jurisdiction fails to comply with the requirements of Subsection B.

"(2) Penalties shall be due and payable upon notice of their assessment to the mortgage holder, unless set aside after administrative hearing pursuant to the provisions of the Louisiana Administrative Procedures Act. The assessment of civil money penalties shall be final and definitive and subject to enforcement by the commissioner through judicial proceedings."

AMENDMENT NO. 8

On page 2, between lines 16 and 17, insert the following:

"E. The commissioner shall have the power to enact and promulgate rules and regulations as may be necessary or appropriate to implement the provisions of this Section."

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 LABRUZZO
AN ACT

To enact R.S. 22:682, relative to homeowners' insurance damage claims; to provide for presumption of coverage; to provide for disaster related claims; to prohibit automatic denial of coverage; to provide for proof of losses; to provide for repairs; 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 Reengrossed House Bill No. 17 by Representative LaBruzzo

AMENDMENT NO. 1

On page 1, line 14 change "one hundred and fifty days" to "one hundred and eighty days." and delete the rest of the line

AMENDMENT NO. 2

On page 1, delete lines 15 through 23

AMENDMENT NO. 3

On page 2, after line 8, insert the following:

"C. The provisions of this Section shall be applicable to all new policies and renewal policies delivered in the state of Louisiana after the effective date of this act."

On motion of Senator Cain, 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 HAMMETT
AN ACT

To amend and reenact Section 2 of Act No. 30 of the 2005 First Extraordinary Session of the Legislature, relative to the homestead exemption; to change the effective date for the

provisions which provide for an extension of the homestead exemption when property is damaged or destroyed during a disaster or emergency declared by the governor; to provide for an effective date; and to provide for related matters.

Reported 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. 21—

BY REPRESENTATIVES HAMMETT, DORSEY, SALTER, SCALISE, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BADON, BALDONE, BAUDOIN, BEARD, BOWLER, BRUCE, BRUNEAU, BURNS, R. CARTER, CAZAYOUX, CRANE, CROWE, DAMICO, DANIEL, DARTEZ, DEWITT, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FRITH, GALLOT, GEYMAN, GREENE, E. GUILLORY, M. GUILLORY, HARRIS, HEATON, HEBERT, HILL, HONEY, HUNTER, HUTTER, JACKSON, JOHNS, KATZ, KENNEY, KLECKLEY, LABRUZZO, LAFLEUR, LAFONTA, LANCASTER, MARCHAND, MARTINY, MCDONALD, MONTGOMERY, MORRELL, ODINET, PIERRE, PINAC, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROBIDEAUX, ROMERO, SCHNEIDER, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WINSTON, AND WOOTON AND SENATOR MOUNT

AN ACT

To amend and reenact R.S. 47:293(3)(b)(i) and to enact R.S. 47:293(6)(f), relative to the state income tax; to change the taxable periods for which the federal income tax deduction will not be reduced when an individual carries back a casualty loss for federal income tax purposes; to extend the state income tax exemption for certain military personnel; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 27—

BY REPRESENTATIVE LANCASTER
AN ACT

To amend and reenact Section 2 of Act No. 70 of the 2005 First Extraordinary Session of the Legislature, relative to the proposed constitutional amendment to provide for the continuation of the homestead exemption and special assessment level under certain specified circumstances; to change the date on which the proposed amendment shall be submitted to the electors; 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. 28—

BY REPRESENTATIVE LANCASTER
AN ACT

To repeal Act No. 24 of the 2005 First Extraordinary Session of the Legislature, to remove provisions for the holding and conduct of 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.

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. 90—

BY REPRESENTATIVES HAMMETT, DORSEY, AND SALTER AND SENATORS BAJOEI, HINES, AND MOUNT
AN ACT

To enact R.S. 39:1367(E)(2)(b)(iii), relative to state debt; to exclude from the definition of net state tax supported debt certain bonds or notes issued by the state to provide relief from the natural

catastrophe caused by Hurricanes Katrina and Rita; 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. 93—

BY REPRESENTATIVES HAMMETT, DORSEY, AND SALTER AND SENATORS BAJOEI, HINES, AND MOUNT

AN ACT

To enact the Supplemental Omnibus Bond Authorization Act, relative to an omnibus bond authorization; to provide for the issuance of bonds of the state to provide relief from natural catastrophes; to provide for implementation of certain bond provisions of the Gulf Opportunity Zone Act of 2005; to provide a program to provide relief from natural catastrophes to certain affected political subdivisions of the state; to provide procedures for the issuance of the bonds; 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. 93 by Representative Hammett

AMENDMENT NO. 1

On page 1, line 7, after "bonds;" insert: "to authorize the Department of Economic Development to formulate a program for certain businesses for small business recovery;"

AMENDMENT NO. 2

On page 3, line 20, after "municipality," insert: "board, commission, department, or public corporation of the state created by the Constitution of Louisiana or statute, or created pursuant thereto,"

AMENDMENT NO. 3

On page 8, between lines 5 and 6, insert:

"Section 11.A. The Department of Economic Development is hereby authorized to formulate a program for small businesses attempting to recover from damage or destruction caused by wind, water, fire, business interruption, or criminal acts as a result of hurricanes Katrina or Rita. Such program may provide loan guarantees or credit enhancements of up to fifty percent of each loan amount and may use proceeds from funds received or appropriated, not to exceed a total liability of seventy million dollars to the state.

B. The program shall be developed by the Secretary of the Department of Economic Development in consultation with the Commissioner of Administration for final approval by the State Bond Commission. However, prior to implementation of the program, the program shall be approved by the House Ways and Means and the Senate Revenue and Fiscal Affairs committees meeting jointly."

AMENDMENT NO. 4

On page 8, line 6, change "Section 11." to "Section 12."

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. 97— (Substitute for House Bill No. 42 by Representative K. Carter)

BY REPRESENTATIVES K. CARTER, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BADON, BALDONE, BARROW, BAUDOIN, BAYLOR, BEARD, BRUCE, BURRELL, CAZAYOUX, CRAVINS, CURTIS, DAMICO, DANIEL, DORSEY, DURAND, FANNIN, FAUCHEUX, FRITH, GLOVER, GRAY, GREENE, E. GUILLORY, M. GUILLORY, HAMMETT, HARRIS, HEBERT, HONEY, HOPKINS, HUTTER, JACKSON, JEFFERSON, KATZ, KENNEY, KENNEY, LAFLEUR, LAFONTA, MARCHAND, MCDONALD, MCVEA, MONTGOMERY, ODINET, PIERRE, PINAC, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, SALTER, GARY SMITH,

February 13, 2006

JACK SMITH, JANE SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, AND WOOTON

AN ACT

To amend and reenact R.S. 22:667.1 and 696 and to enact R.S. 22:1477, relative to homeowners' insurance policies; to provide for disclosure to policyholders of information regarding the terms and conditions of the policy; and to provide for related matters.

Reported favorably by the Committee on Insurance. 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.

Special Order of the Day

The following Senate Bill on Third Reading and Final Passage, which was made Special Order of the Day No. 2, was taken up and acted upon as follows:

SENATE BILL NO. 9—

BY SENATOR BOASSO AND REPRESENTATIVE K. CARTER AND SENATOR MOUNT AND REPRESENTATIVES DORSEY AND SALTER A JOINT RESOLUTION

Proposing to amend Section 38(A) and Section 39(A) and to add Section 38.1 of Article VI of the Constitution of Louisiana and to redesignate the title to Part III of said Article, relative to flood protection; to provide for the establishment of a regional flood protection authority and its governing authority, powers, duties, functions; to provide for the governing authority of levee districts within the territorial jurisdiction of the regional flood protection authority; to provide for the establishment of regions within the authority; to provide for taxing authority; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

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

Senate Concurrent Resolutions on Second Reading Reported by Committees

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

SENATE CONCURRENT RESOLUTION NO. 10—

BY SENATOR JONES

A CONCURRENT RESOLUTION

To create a task force to identify and locate displaced Louisiana citizens and to aid in their return to Louisiana.

Reported favorably by the Committee on Senate and Governmental Affairs.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Mr. President, Dardenne, McPherson, Adley, Duplessis, Mount, Amedee, Dupre, Murray, Bajoie, Ellington, Nevers, Boasso, Heitmeier, Romero, Broome, Hollis, Schedler, Cain, Jones, Smith, Chaisson, Lentini, Theunissen, Cravins, Marionneaux, Ullo

Total - 27

NAYS

Kostelka Total - 2

Malone

ABSENT

Barham Cheek Fields Fontenot Total - 10

Gautreaux B Gautreaux N Jackson Michot

Quinn Shepherd

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

Senate Bills and Joint Resolutions on Third Reading and Final Passage

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

SENATE BILL NO. 34—

BY SENATORS LENTINI, ADLEY, BARHAM, CAIN, CHEEK, DUPLESSIS, DUPRE, ELLINGTON, B. GAUTREAUX, HEITMEIER, HOLLIS, KOSTELKA, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, SCHEDLER AND SMITH AND REPRESENTATIVES ALARIO, ALEXANDER, BALDONE, BRUCE, BURNS, CAZAYOUX, CURTIS, DAMICO, DANIEL, DOERGE, DOWNS, DURAND, FARRAR, FAUCHEUX, GREENE, E. GUILLORY, M. GUILLORY, 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(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 Lentini, the bill was read by title and returned to the Calendar, subject to call.

SENATE BILL NO. 36—

BY SENATORS MOUNT AND NEVERS AN ACT

To amend and reenact the introductory paragraph of R.S. 47:293(3)(b)(i) and to enact R.S. 47:293(6)(f), 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 other Acts of the legislature; and to provide for related matters.

Floor Amendments Sent Up

Senator Mount sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Mount to Engrossed Senate Bill No. 36 by Senator Mount

AMENDMENT NO. 1

On page 2, delete lines 8 and 9

AMENDMENT NO. 2

On page 2, line 10, change "Section 3." to "Section 2."

On motion of Senator Mount, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Gautreaux B	Shepherd
Total - 2	

The Chair declared the amended 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.

Senator Bajoie in the Chair

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 Mount, the bill was read by title and returned to the Calendar, subject to call.

SENATE BILL NO. 48—
BY SENATOR SHEPHERD
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 public elementary and secondary 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 reemployment by a city, parish, or other public elementary or secondary school system within one year of such termination; 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. 50—
BY SENATOR JONES
AN ACT

To enact R.S. 18:1308.3, relative to absentee voting by mail by temporarily displaced persons; to provide for the application to such persons of certain provisions relative to absentee voting by mail by United States service members and persons residing outside the United States; to require an affidavit attesting to the voter's eligibility; to provide for the effectiveness of the provisions; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Gautreaux B	Michot	Theunissen
Kostelka	Quinn	
Malone	Shepherd	
Total - 7		

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

SENATE BILL NO. 58—
BY SENATOR MARIONNEAUX
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 for prior legislative review and approval of spending proposals; to provide for quarterly reports; to provide for audits; 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. 58 by Senator Marionneaux

AMENDMENT NO. 1
On page 7, line 16, change "R.S. 39:" to "R.S. 36:"

AMENDMENT NO. 2
On page 8, line 8, change "and no" to "and of no"

On motion of Senator Lentini, the amendments were adopted.

Floor Amendments Sent Up

Senator Marionneaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

February 13, 2006

Amendments proposed by Senator Marionneaux to Engrossed Senate Bill No. 58 by Senator Marionneaux

AMENDMENT NO. 1

On page 1, delete line 2 and insert "To enact R.S. 36:4(H) and Part V of Chapter 2 of Title 49"

AMENDMENT NO. 2

On page 1, line 3, after "comprised of R.S.:" delete the remainder of the line and on line 4, delete "739.9" and insert "49: 220.1 through 220.10"

AMENDMENT NO. 3

On page 1, between lines 9 and 10, insert the following:
"Section 1. R.S. 36:4(H) is hereby enacted to read as follows:
§4. Structure of executive branch of state government

H. The Louisianan Recovery Authority (originally established by Executive Order No. 63 of 2005), as more specifically provided in R.S. 49: 220.1 through 220.7, shall be placed within the office of the governor as provided in R.S. 36:801.

AMENDMENT NO. 4

On page 1, delete lines 10 and 11 and insert the following:
"Section 2. Part V of Chapter 2 of Title 49 of the Louisiana Revised Statutes, comprised of R.S. 49:220.1 through 220.10, is hereby enacted to read as follows:"

AMENDMENT NO. 5

On page 1, line 12, change "CHAPTER 6-A" to "PART V"

AMENDMENT NO. 6

On page 1, line 13, change "739.1" to "220.2"

AMENDMENT NO. 7

On page 1, line 14, change "Chapter" to "Part"

AMENDMENT NO. 8

On page 1, line 15, after "within" delete the remainder of the line and delete line 16 and insert "the office of the governor."

AMENDMENT NO. 9

On page 1, line 17, change "739.2" to "220.2"

AMENDMENT NO. 10

On page 2, line 14, after "(4)" insert "(a)"

AMENDMENT NO. 11

On page 2, line 26, after "or both." begin a paragraph and insert "(b)"

AMENDMENT NO. 12

On page 2, line 29, change "(a)" to "(i)"

AMENDMENT NO. 13

On page 3, delete lines 3 through 5 and insert the following:
"shall not be implemented by the authority until it has been approved by the both committees unless thirty calendar days have elapsed from the day on which the proposal was received by the last chairman to receive it without a meeting of the committee having been held. In such case, only the approval of the committee which held a hearing on the matter within thirty days is required."

AMENDMENT NO. 14

On page 3, line 6, change "(b)" to "(ii)"

AMENDMENT NO. 15

On page 3, delete lines 9 through 11 and insert the following:
"without the approval of a majority of the members of each house of the legislature, unless thirty calendar days have elapsed from the day on which the proposal was received by the last presiding officer to receive it without a vote having been

completed as provided in this Subparagraph. If the proposal is received by the presiding officers during a legislative session or at a time which would permit consideration of the matter during a legislative session within a twenty-five calendar day period from the day on which the proposal was received by the last presiding officer, approval shall be provided by resolution. If the proposal is received at another time, approval shall be provided by a favorable vote of a majority of the elected members of each house on a mail ballot using the same procedure as is used for mail ballot approval of interim emergency board proposals."

AMENDMENT NO. 16

On page 3, line 24, change "739.3" to "220.3"

AMENDMENT NO. 17

On page 3, line 28, change "739.4" to "220.4"

AMENDMENT NO. 18

On page 4, line 6, after "legislature" insert a comma

AMENDMENT NO. 19

On page 4, line 10, change "three" to "eight"

AMENDMENT NO. 20

On page 4, line 11, after "2008;" change "two" to "nine" and after "and" change "two" to "nine"

AMENDMENT NO. 21

On page 4, line 13, delete "staggered"

AMENDMENT NO. 22

On page 4, line 18, after "shall be" insert "not less than"

AMENDMENT NO. 23

On page 4, lines 23, 24, and 28, change "Chapter" to "Part"

AMENDMENT NO. 24

On page 5, line 1, change "Chapter" to "Part"

AMENDMENT NO. 25

On page 5, line 17, change "739.5" to "220.5"

AMENDMENT NO. 26

On page 5, line 25 and 26, change "Chapter" to "Part"

AMENDMENT NO. 27

On page 6, line 12, change "739.6" to "220.6"

AMENDMENT NO. 28

On page 6, line 24, change "739.7" to "220.7"

AMENDMENT NO. 29

On page 6, line 27, after "respectively" insert "until such time as an appropriation is made to provide for the operation of the authority"

AMENDMENT NO. 30

On page 6, line 28, change "739.8" to "220.8"

AMENDMENT NO. 31

On page 7, line 4, change "739.9" to "220.9"

AMENDMENT NO. 32

On page 7, lines 8 and 14, change "Chapter" to "Part"

AMENDMENT NO. 33

On page 7, delete lines 16 through 29 and on page 8, delete lines 1 through 9 and insert the following:
"§220.10. Termination
On and after June 30, 2012, the provision of this Part shall be void and have no effect."

AMENDMENT NO. 34

On page 8, line 10, change "Section 4." to "Section 3."

On motion of Senator Marionneaux, the amendments were adopted.

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

Mr. President in the Chair

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 Bajoie asked that Senate Bill No. 45 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 45—
BY SENATORS BAJOIE AND MURRAY AND REPRESENTATIVE DORSEY

AN ACT

To enact Chapter 3-C of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:600.71 through 600.75, relative to housing recovery centers; to provide for definitions; to provide for the creation, powers, duties, functions and responsibilities of such centers; to provide for a termination date; to provide for an effective date, 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. 45 by Senator Bajoie

AMENDMENT NO. 1
On page 2, line 22, following "or" and before "for" delete "1"

On motion of Senator Lentini, the amendments were adopted.

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

Called from the Calendar

Senator Mount asked that Senate Bill No. 37 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 37—
BY SENATORS MOUNT AND NEVERS 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.

Floor Amendments Sent Up

Senator Mount sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Mount to Engrossed Senate Bill No. 37 by Senator Mount

AMENDMENT NO. 1
On page 1, line 4, after "taxes;" insert:
"to authorize taxpayers to elect the treatment of certain ad valorem property taxes for certain tax purposes;"

AMENDMENT NO. 2
On page 3, between lines 2 and 3, insert:
"Section 2. For purposes of R.S. 47:6006, 6006.1, and 6014, a taxpayer may elect to treat payments of ad valorem taxes described in R.S. 47:6006(A), 6006.1(A), and 6014(A) that are paid after December 31, 2005, but before April 16, 2006, as being paid on December 31, 2005. This provision shall be effective for all taxable periods beginning after December 31, 2004."

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

On motion of Senator Mount, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 38

NAYS

Total - 0

ABSENT

Shepherd
Total - 1

The Chair declared the amended 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 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. 22—
BY REPRESENTATIVE MONTGOMERY
AN ACT

To amend and reenact R.S. 47:635(A)(3) and 640(B), relative to the severance tax on oil and gas; to provide that the one-time severance tax payment required by R.S. 47:635(A)(3) or 640(B) due on or before November 25, 2005, may be credited to the taxpayer's future liabilities; to provide for an effective date; and to provide for related matters.

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

February 13, 2006

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
Cravins	Jones	Schedler
Dardenne	Kostelka	Smith
Duplessis	Lentini	Theunissen
Dupre	Malone	Uilo
Total - 36		

NAYS

Total - 0

ABSENT

Boasso	Cheek	Shepherd
Total - 3		

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

HOUSE BILL NO. 46—

BY REPRESENTATIVE ARNOLD

AN ACT

To amend and reenact R.S. 47:1978.1(A)(1)(b) and (3)(b), (B)(1) and (2), and (C)(1)(a), to enact R.S. 47:1978.1(C)(4), and to repeal R.S. 47:1978.1(D), 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 limit the application of certain assessment procedures; and to provide for related matters.

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

Messages from the House

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

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

February 13, 2006

To the Honorable President and Members of the Senate:

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

HOUSE BILL NO. 11—

BY REPRESENTATIVES SCHNEIDER AND BEARD

A JOINT RESOLUTION

Proposing to amend Article VI, Section 38(A)(1) of the Constitution of Louisiana, to remove requirement that the board of commissioners of a levee district be appointed or elected from among residents of such district; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

HOUSE BILL NO. 25—

BY REPRESENTATIVES TUCKER, ARNOLD, ALARIO, BEARD, DAMICO, ERDEY, GREENE, HARRIS, KATZ, KENNARD, TOOMY, AND WOOTON

AN ACT

To amend and reenact R.S. 38:291(K)(1) and (R) and 304.2 and to enact Part IV-A of Chapter 4 of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:350.1 through 350.24, relative to certain levee districts; to redefine the territorial limits of the Orleans Levee District; to consolidate the West Jefferson Levee District and a portion of the Orleans Levee District into the Barataria Basin Flood Authority; to provide for the purpose and jurisdictional boundaries of the authority; to provide for a board of commissioners to manage the authority; to provide for powers and duties of the authority and board; to provide for cooperative endeavor agreements with other entities including but not limited to Plaquemines and St. Charles parishes; to provide relative to the authority's relationship with the Department of Transportation and Development; to provide for penalties; to provide for emergency procedures; to provide for transfer of certain property belonging to the Orleans Levee District to the authority; to provide for the completion, operation, and maintenance of the West Bank and Vicinity, New Orleans, Louisiana – Hurricane Protection Project and other such hurricane protection projects and related matters; to provide for oversight by the Coastal Protection and Restoration Authority; to provide for reporting requirements; to provide for an inspection program; to provide for compliance with the Coastal Protection and Restoration Authority master and annual plans; to provide for funding of certain flood protection projects; to provide for local activities within the jurisdictional boundaries of the authority; and to provide for related matters.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

House Bills and Joint Resolutions

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

HOUSE BILL NO. 11—

BY REPRESENTATIVES SCHNEIDER AND BEARD

A JOINT RESOLUTION

Proposing to amend Article VI, Section 38(A)(1) of the Constitution of Louisiana, to remove requirement that the board of commissioners of a levee district be appointed or elected from among residents of such district; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Transportation, Highways and Public Works.

HOUSE BILL NO. 25—

BY REPRESENTATIVES TUCKER, ARNOLD, ALARIO, BEARD, DAMICO, ERDEY, GREENE, HARRIS, KATZ, KENNARD, TOOMY, AND WOOTON

AN ACT

To amend and reenact R.S. 38:291(K)(1) and (R) and 304.2 and to enact Part IV-A of Chapter 4 of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:350.1 through 350.24, relative to certain levee districts; to redefine the territorial limits of the Orleans Levee District; to consolidate the West Jefferson Levee District and a portion of the Orleans Levee District into the Barataria Basin Flood Authority; to provide for the purpose and jurisdictional boundaries of the authority; to provide for a board of commissioners to manage the authority; to provide for powers and duties of the authority and board; to provide for cooperative endeavor agreements with other entities including but not limited to Plaquemines and St.

Charles parishes; to provide relative to the authority's relationship with the Department of Transportation and Development; to provide for penalties; to provide for emergency procedures; to provide for transfer of certain property belonging to the Orleans Levee District to the authority; to provide for the completion, operation, and maintenance of the West Bank and Vicinity, New Orleans, Louisiana – Hurricane Protection Project and other such hurricane protection projects and related matters; to provide for oversight by the Coastal Protection and Restoration Authority; to provide for reporting requirements; to provide for an inspection program; to provide for compliance with the Coastal Protection and Restoration Authority master and annual plans; to provide for funding of certain flood protection projects; to provide for local activities within the jurisdictional boundaries of the authority; 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.

Rules Suspended

Senator Shepherd 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 Shepherd asked that Senate Bill No. 48 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 48—
BY SENATOR SHEPHERD

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 public elementary and secondary 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 reemployment by a city, parish, or other public elementary or secondary school system within one year of such termination; to provide for an effective date; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Michot
Adley	Ellington	Mount
Amedee	Fields	Murray
Barham	Fontenot	Nevers
Boasso	Gautreaux N	Quinn
Broome	Heitmeier	Romero
Cain	Hollis	Shepherd
Chaisson	Jackson	Smith
Cheek	Kostelka	Theunissen
Cravins	Lentini	Ullo

Dardenne	Malone
Duplessis	Marionneau
Total - 34	
	NAYS
Total - 0	
	ABSENT

Bajoie	Jones	Schedler
Gautreaux B	McPherson	
Total - 5		

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

Motion to Make Special Order

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of making Senate Bill No. 45, which is on Third Reading and Final Passage, Subject to Call, Special Order of the Day No. 1 on Tuesday, February 14, 2006, immediately following the Morning Hour.

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:

February 13, 2006

To the President and Members of the Senate:

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

The following Senate Concurrent Resolutions have been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 9—
BY SENATORS HOLLIS AND MURRAY

A CONCURRENT RESOLUTION

To urge and request Churchill Downs, Inc. to repair and reopen the Fair Grounds Racing Facility in New Orleans on or before the start of the 2006 racing season.

SENATE CONCURRENT RESOLUTION NO. 14—
BY SENATOR MURRAY

A CONCURRENT RESOLUTION

To memorialize the President of the United States and the Congress of the United States to amend the Stafford Act to permit funds to be used for permanent housing in the hurricane impacted areas of Louisiana.

SENATE CONCURRENT RESOLUTION NO. 15—
BY SENATOR MURRAY AND REPRESENTATIVE LAFONTA

A CONCURRENT RESOLUTION

To urge and request the office of community development in the division of administration to provide to the board through any loan program which may be enacted, the maximum assistance in the repayment of its debt that is required by the Sewerage and Water Board of the City of New Orleans in order to avoid default.

Respectfully submitted,
CHARLES D. JONES
Chairman

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

February 13, 2006

Leaves of Absence

The following leaves of absence were asked for and granted:

Shepherd ½ Day

Adjournment

Senator Bajoie moved that the Senate adjourn until Tuesday, February 14, 2006, at 3:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 3:00 o'clock P.M. on Tuesday, February 14, 2006.

GLENN A. KOEPP
Secretary of the Senate

GAYE F. HAMILTON
Journal Clerk