

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

FOURTH DAY'S PROCEEDINGS

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

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Wednesday, November 9, 2005

The Senate was called to order at 5:00 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	Shepherd
Cravins	Kostelka	Smith
Dardenne	Lentini	Theunissen
Duplessis	Malone	Ullo
Total - 39		

ABSENT

Total - 0

The President of the Senate announced there were 39 Senators present and a quorum.

Prayer

The prayer was offered by Senator Broome, 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 Broome, 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**

November 8, 2005

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally concurred in the following Senate Concurrent Resolutions:

SENATE CONCURRENT RESOLUTION NO. 4—

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

A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of civil rights pioneer Rosa Parks.

Reported without amendments.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

**Introduction of Senate Bills
and Joint Resolutions**

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

SENATE BILL NO. 79—

BY SENATOR ELLINGTON

AN ACT

To enact R.S. 17:497(G), (H), (I) and (J), relative to the expenditure of funds in the Minimum Foundation Formula for transportation; to provide for compensation for mileage for school bus drivers, to provide for the calculation of the rate of compensation for the operation of school buses in the public school system of the state; to provide for a beginning 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. 80—

BY SENATOR HOLLIS

AN ACT

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

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. 81—

BY SENATOR HINES

AN ACT

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

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

November 9, 2005

SENATE CONCURRENT RESOLUTION NO. 11—

BY SENATOR SMITH

A CONCURRENT RESOLUTION

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

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

SENATE CONCURRENT RESOLUTION NO. 12—

BY SENATOR HEITMEIER

A CONCURRENT RESOLUTION

To authorize the Revenue Estimating Conference to incorporate certain monies available for appropriation from the Budget Stabilization Fund into the official forecast for Fiscal Year 2005-2006 and to authorize the appropriation of such amounts.

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

Messages from the House

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

Message from the House

ASKING CONCURRENCE IN HOUSE CONCURRENT RESOLUTIONS

November 8, 2005

To the Honorable President and Members of the Senate:

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

HOUSE CONCURRENT RESOLUTION NO. 30—

BY REPRESENTATIVE MARTINY

A CONCURRENT RESOLUTION

To commend James M. "Jim" Hudson upon being named a Community Banker of the Year.

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

House Concurrent Resolutions

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

HOUSE CONCURRENT RESOLUTION NO. 30—

BY REPRESENTATIVE MARTINY

A CONCURRENT RESOLUTION

To commend James M. "Jim" Hudson upon being named a Community Banker of the Year.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Dupre Marionneaux Amedee Ellington Michot

Bajoie Fields Mount Barham Fontenot Murray Boasso Gautreaux B Nevers Broome Gautreaux N Quinn Cain Heitmeier Romero Chaisson Hollis Schedler Cheek Jackson Shepherd Cravins Jones Smith Dardenne Kostelka Theunissen Duplessis Malone Ullo

Total - 36

NAYS

Total - 0

ABSENT

Adley Lentini McPherson Total - 3

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

REPORT OF COMMITTEE ON

COMMERCE, CONSUMER PROTECTION AND INTERNATIONAL AFFAIRS

Senator Hollis, Chairman on behalf of the Committee on Commerce, Consumer Protection, and International Affairs, submitted the following report:

November 9, 2005

To the President and Members of the Senate:

I am directed by your Committee on Commerce, Consumer Protection, and International Affairs to submit the following report:

SENATE BILL NO. 8—

BY SENATOR MURRAY

AN ACT

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

Reported favorably.

Respectfully submitted, KEN HOLLIS Chairman

Senate Bills and Joint Resolutions on Second Reading Reported by Committees

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

SENATE BILL NO. 8—

BY SENATOR MURRAY

AN ACT

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

Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs. On motion of Senator Hollis, the bill was read by title, ordered engrossed, and passed to a third reading.

**Senate 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. 1—
BY SENATORS AMEDEE, CHAISSON, FONTENOT, N. GAUTREAUX
AND SCHEDLER AND REPRESENTATIVE LAMBERT
AN ACT

To amend and reenact R.S. 15:542(A) and (F), relative to registration of sex offenders; to provide for enhanced penalties for failure to register as a sex offender; to provide for registration of offenders housed in emergency housing; 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. 10—
BY SENATORS NEVERS AND MURRAY
AN ACT

To enact R.S. 23:1474(J), relative to unemployment compensation; to provide with respect to the maximum amount of wages on which contribution rates are assessed; to suspend the application of reductions in weekly benefit amounts payable to claimants; to provide for the state unemployment trust fund; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

McPherson
Total - 1

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

SENATE BILL NO. 38—
BY SENATORS MOUNT, CAIN, MURRAY AND NEVERS
AN ACT

To amend and reenact R.S. 47:331(P)(2), relative to the sales and use tax of the state and political subdivisions whose boundaries are coterminous with those of the state; to limit the sales tax paid on sales of natural gas and electricity; to provide for an effective date; and to provide for related matters.

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

SENATE BILL NO. 39—
BY SENATORS MOUNT, MURRAY AND NEVERS
AN ACT

To enact R.S. 47:305.54, relative to the sales and use tax of the state and political subdivisions whose boundaries are coterminous with those of the state; to provide that the state sales or use tax shall not apply to manufacturing machinery and equipment purchased, leased, or rented by manufacturers, or repair services or parts, for use in the repair or replacement of hurricane-damaged equipment; to provide for the applicability of certain definitions; to provide an effective date and termination date; and to provide for related matters.

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

SENATE BILL NO. 40—
BY SENATORS MOUNT, MURRAY AND NEVERS
AN ACT

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

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

SENATE BILL NO. 41—
BY SENATORS MOUNT, MURRAY AND NEVERS
AN ACT

To amend and reenact R.S. 47:609(A), relative to corporate franchise tax; to provide an exemption from the corporation franchise tax for extraordinary debt by corporations directly affected by hurricanes Katrina and Rita; to provide for an effective date; and to provide for related matters.

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

SENATE BILL NO. 66—
BY SENATORS CHAISSON AND AMEDEE
AN ACT

To enact Title XXXIII of the Louisiana Code of Criminal Procedure, to be comprised of Louisiana Code of Criminal Procedure Articles 941 through 956, relative to criminal procedure; to provide for emergency sessions of criminal court; to provide for definitions; to provide for applicability; to provide for criminal jurisdiction and venue in emergency sessions of court; to provide for venue for habeas corpus proceedings in certain circumstances; to provide for criteria for emergency sessions of court; to provide for the power and authority of the court conducting emergency sessions; to provide for legislative findings; to provide for powers, duties, and authority of the sheriff operating in emergency sessions of court; to provide for the powers, duties, and authority of the clerk of court of an affected court conducting emergency sessions; to provide for the authority of the indigent defender board of the affected court conducting emergency sessions of court; to provide with respect to the summoning of a criminal jury pool; to provide for the suspension of certain time periods, limitations, and delays in the affected court; to provide for exceptions; to provide for appeals and the application of supervisory writs from a judgment or ruling of an affected court conducting emergency sessions of court; to provide for preemption of conflicting provisions of law; to provide for the court costs, fees, and fines assessed or taxed and collected by the affected court conducting emergency sessions of court; and to provide for related matters.

November 9, 2005

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

SENATE BILL NO. 68— BY SENATORS CHAISSON AND AMEDEE AN ACT

To enact R.S. 29:732.1, relative to the crime of conducting business without required licenses and permits; to provide for exceptions; to provide for penalties; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, YEAS, NAYS. Lists names like Mr. President, Adley, Amedee, Bajoie, Barham, Boasso, Broome, Cain, Chaisson, Cheek, Cravins, Dardenne, Duplessis, Dupre, Ellington, Fields, Fontenot, Gautreaux B, Gautreaux N, Heitmeier, Hollis, Jackson, Jones, Kostelka, Lentini, Malone, Marionneaux, McPherson, Michot, Mount, Murray, Nevers, Quinn, Romero, Schedler, Shepherd, Smith, Theunissen, Ullo.

NAYS

Total - 0

ABSENT

Total - 0

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

Rules Suspended

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

INSURANCE

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

November 9, 2005

To the President and Members of the Senate:

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

SENATE BILL NO. 16— BY SENATORS SCHEDLER, BARHAM, BOASSO, CAIN, DARDENNE, HOLLIS, KOSTELKA, LENTINI, MALONE, MICHOT, QUINN, ROMERO AND THEUNISSEN AND REPRESENTATIVES ALEXANDER, BEARD, BOWLER, BRUNEAU, BURNS, CROWE, DOVE, DOWNS, ERDEY, GEYMAN, GREENE, HUTTER, JOHNS, KATZ, KENNARD, KLECKLEY, LABRUZZO, LAMBERT, LANCASTER, MARTINY, MCVEA, MORRISH, PITRE, T. POWELL, M. POWELL, SCALISE, SCHNEIDER, SMILEY, JANE

SMITH, STRAIN, TOOMY, TRAHAN, TUCKER, WADDELL, WALSWORTH, WHITE AND WINSTON AN ACT

To enact R.S. 22:658(E), relative to settlement monies on claims arising under homeowners insurance policies; to require placement of monies into interesting-bearing accounts with the interest payable to the homeowner; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 48— BY SENATOR MURRAY AN ACT

To enact R.S. 22:696, relative to insurance coverage for property damage due to flooding; to require insurers to include coverage for damage to property due to flooding unless specifically rejected by the insured; to require that itemized coverage limits be disclosed to the insured; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 55— BY SENATOR ADLEY AN ACT

To enact R.S. 22:667.1, relative to requiring property insurers to offer property insurance throughout the state; to require property insurers to offer statewide coverage; to prohibit application of specific deductibles on damage claims except under certain circumstances; to provide for retroactive application; and to provide for related matters.

Reported with amendments.

Respectfully submitted, JAMES DAVID CAIN Chairman

REPORT OF COMMITTEE ON

JUDICIARY B

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

November 9, 2005

To the President and Members of the Senate:

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

SENATE BILL NO. 52— BY SENATORS MURRAY AND CHAISSON AN ACT

To enact R.S. 29:725.1, relative to the issuance of cease and desist orders by the attorney general during an emergency or disaster; to provide for the power of the attorney general to issue cease and desist orders during a state of emergency or disaster in the absence of the regular administration of justice; to provide for proper venue to request a hearing; and to provide for related matters.

Reported with amendments.

Respectfully submitted, ROBERT MARIONNEAUX, JR. 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:

November 9, 2005

To the President and Members of the Senate:

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

SENATE RESOLUTION NO. 3— BY SENATOR JONES

A RESOLUTION

To urge and request the Department of Military Affairs' office of homeland security and emergency preparedness and the division of administration's office of facility planning and control to use Louisiana businesses and to establish a goal for awarding contracts to women and minorities in the rebuilding of the city of New Orleans and surrounding areas and for the other disaster stricken areas following Hurricanes Katrina and Rita.

Reported favorably.

SENATE CONCURRENT RESOLUTION NO. 5— BY SENATOR JONES

A CONCURRENT RESOLUTION

To urge and request the governor of the state of Louisiana to add East Carroll Parish to the areas that are part of the Northern Louisiana Renewal Community which is part of the Renewal Louisiana program.

Reported favorably.

Respectfully submitted, CHARLES D. JONES Chairman

REPORT OF COMMITTEE ON

TRANSPORTATION, HIGHWAYS AND PUBLIC WORKS

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

November 9, 2005

To the President and Members of the Senate:

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

SENATE BILL NO. 56— BY SENATOR ELLINGTON

AN ACT

To amend and reenact amend and reenact R.S. 48:250.2(A) and (C), relative to contracts let by the Department of Transportation and Development; to authorize the Department of Transportation and Development to utilize the design-build method to construct transportation projects in certain areas; to remove certain limitations of the design-build program; and to provide for related matters.

Reported with amendments.

Respectfully submitted, NOBLE E. ELLINGTON 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. 16—

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

AN ACT

To enact R.S. 22:658(E), relative to settlement monies on claims arising under homeowners insurance policies; to require placement of monies into interest-bearing accounts with the interest payable to the homeowner; 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. 16 by Senator Schedler

AMENDMENT NO. 1

On page 1, delete lines 11 through 15 in their entirety and insert in lieu thereof the following:

"E. (1) Every payment made under this Section in settlement of a property damage claim in which another person holds a security interest in the damaged property shall be paid by check or draft of the insurer and made payable jointly to the"

AMENDMENT NO. 2

On page 1, line 16, after "property" insert "that is listed in the policy"

AMENDMENT NO. 3

On page 1, line 16, change "then" to "and"

AMENDMENT NO. 4

On page 2, line 2, after "claimant," insert "The individual holding a security interest listed in the policy shall deposit the funds in an interest bearing account."

AMENDMENT NO. 5

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

AMENDMENT NO. 6

On page 2, line 4, after "property" insert "and the claimant"

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. 48—

BY SENATOR MURRAY

AN ACT

To enact R.S. 22:696, relative to insurance coverage for property damage due to flooding; to require insurers to include coverage for damage to property due to flooding unless specifically rejected by the insured; to require that itemized coverage limits be disclosed to the insured; 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. 48 by Senator Murray

AMENDMENT NO. 1

On page 1, delete line 3 and on line 4 delete "specifically requested by the insured"

AMENDMENT NO. 2

November 9, 2005

On page 1, line 17 delete "on the face of the policy or" and insert ", prominently displayed on a form promulgated by the commissioner of insurance,"

AMENDMENT NO. 3

On page 2, line 4 after "damage." insert the following: "The typed print of the disclosure shall be in bold and not less than a 14 point font. The disclosure shall also state that flood insurance is available through the National Flood Insurance Program and that excess flood insurance may be available by a separate policy."

AMENDMENT NO. 4

On page 2, delete lines 5 through 29

AMENDMENT NO. 5

On page 3, delete lines 1 through 22

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. 52—

BY SENATORS MURRAY AND CHAISSON
AN ACT

To enact R.S. 29:725.1, relative to the issuance of cease and desist orders by the attorney general during an emergency or disaster; to provide for the power of the attorney general to issue cease and desist orders during a state of emergency or disaster in the absence of the regular administration of justice; to provide for proper venue to request a hearing; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 52 by Senator Murray

AMENDMENT NO. 1

On page 1, line 13, after "entity or" insert "to"

AMENDMENT NO. 2

On page 1, line 15, after "B." insert "(1)"

AMENDMENT NO. 3

On page 2, line 3, after "corporation." insert "(2)"

AMENDMENT NO. 4

On page 2, line 5, change "(1)" to "(a)" and delete the comma "," and insert in lieu thereof a period "."

AMENDMENT NO. 5

On page 2, line 6, change "(2)" to "(b)" and delete the comma "," and insert in lieu thereof a period "."

AMENDMENT NO. 6

On page 2, line 7, change "(3)" to "(c)"

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

SENATE BILL NO. 55—

BY SENATOR ADLEY
AN ACT

To enact R.S. 22:667.1, relative to requiring property insurers to offer property insurance throughout the state; to require property insurers to offer statewide coverage; to prohibit application of specific deductibles on damage claims except under certain circumstances; to provide for retroactive application; 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. 55 by Senator Adley

AMENDMENT NO. 1

On page 1, line 2 after "insurers to" insert "itemize coverages included in payments made to the insured;" and delete the rest of the sentence.

AMENDMENT NO. 2

On page 1, delete lines 3 and 4 and on line 5 delete "circumstances; to provide for retroactive application;"

AMENDMENT NO. 3

On page 1, delete lines 9 through 17 and on page 2 delete lines 1 through 8 and insert the following in lieu thereof:

"§667.1. Delivery of fire insurance contract; disclosure of coverage; requirement to report

A. No fire insurance policy shall be delivered or issued for delivery in this state with respect to any residential property unless the insurer advises the insured in writing, prominently displayed on a form promulgated by the commissioner of insurance as an insert in the front of the policy, as to which coverages are included in the policy for which the insured has paid premiums. The insurer shall disclose whether or not the insured has coverage for flooding or mold and whether an increased deductible is required for hurricane damage. The typed print of the disclosure shall be in bold and not less than a 14 point font."

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. 56—

BY SENATOR ELLINGTON AND REPRESENTATIVE QUEZAIRE
AN ACT

To amend and reenact amend and reenact R.S. 48:250.2(A) and (C), relative to contracts let by the Department of Transportation and Development; to authorize the Department of Transportation and Development to utilize the design-build method to construct transportation projects in certain areas; to remove certain limitations of the design-build program; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways and Public Works.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Original Senate Bill No. 56 by Senator Ellington

AMENDMENT NO. 1

On page 1, line 2, after "To" delete the remainder of the line and insert "enact R.S. 48:250.4, relative to contracts let"

AMENDMENT NO. 2

On page 1, line 5, after "projects" delete the remainder of the line and on line 6, delete "build program;" and insert in lieu thereof "under certain circumstances;"

AMENDMENT NO. 3

On page 1, line 8, after "Section 1." delete the remainder of the line and insert "R.S. 48:250.4 is hereby enacted to read as"

AMENDMENT NO. 4

On page 1, delete lines 10 through 17 and insert as follows: **"§250.4. Design-build contracts; hurricane-impacted areas**
Notwithstanding any law to the contrary, the secretary of the Department of Transportation and Development, with approval of the House and Senate transportation, highways and public works committees, may utilize the design-build method on any

transportation infrastructure project in an area impacted by a hurricane, including those areas where infrastructure is adversely impacted by increased population and traffic as a result of a hurricane."

AMENDMENT NO. 5

On page 2, delete lines 1 through 15

On motion of Senator Ellington, 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 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. 5—

BY SENATOR BROOME

A RESOLUTION

To proclaim Thursday, November 10, 2005, as Dr. Frederick K.C. Price Day at the Louisiana Senate.

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

SENATE CONCURRENT RESOLUTION NO. 13—

BY SENATOR QUINN

A CONCURRENT RESOLUTION

To urge and request the State Bond Commission to rescind certain lines of credit granted at its October 2005 meeting and to urge and request that the governor and the commission take no further action regarding lines of credit until July 1, 2006.

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

SENATE CONCURRENT RESOLUTION NO. 14—

BY SENATOR ADLEY

A CONCURRENT RESOLUTION

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

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Duplessis Marionneaux
Total - 37
NAYS

Total - 0
ABSENT

Lentini Shepherd
Total - 2

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

SENATE CONCURRENT RESOLUTION NO. 15—

BY SENATOR ULLO AND REPRESENTATIVE CRANE

A CONCURRENT RESOLUTION

To provide for legislative approval of adjustments adopted by the State Board of Elementary and Secondary Education on November 9, 2005 to the Minimum Foundation Program formula for Fiscal Year 2005-06 previously developed and adopted by the state board on June 16, 2005 and approved by the Legislature as Senate Concurrent Resolution No. 125 of the 2005 Regular Legislative Session.

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

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. 82—

BY SENATOR HOLLIS

AN ACT

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

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. 83—

BY SENATOR JONES

AN ACT

To enact R.S. 18:21, relative to the Election Code; to provide a toll free telephone line for displaced Louisiana citizens to receive information regarding election laws, registration procedures, election procedures, early voting, absentee voting and any other aspect of elections to inform a citizen of their election rights; 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. 84—

BY SENATOR MCPHERSON

AN ACT

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

November 9, 2005

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

Rules Suspended

Senator Smith asked for and obtained a suspension of the rules for the purpose of recalling Senate Concurrent Resolution No. 11 from the Committee on Education.

SENATE CONCURRENT RESOLUTION NO. 11— BY SENATOR SMITH

A CONCURRENT RESOLUTION

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Amedee, Bajoie, Barham, Boasso, Broome, Cain, Chaisson, Cheek, Cravins, Dardenne, Duplessis, Total - 37; Dupre, Ellington, Fields, Fontenot, Gautreaux B, Gautreaux N, Heitmeier, Hollis, Jackson, Jones, Kostelka, Malone, Marionneaux; McPherson, Michot, Mount, Murray, Nevers, Quinn, Romero, Schedler, Smith, Theunissen, Ullo.

NAYS

Total - 0

ABSENT

Table with 2 columns: Lentini, Shepherd; Total - 2

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

Rules Suspended

Senator Amedee 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 Amedee asked that Senate Bill No. 1 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 1—

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

AN ACT

To amend and reenact R.S. 15:542(A) and (F), relative to registration of sex offenders; to provide for enhanced penalties for failure to register as a sex offender; to provide for registration of offenders housed in emergency housing; and to provide for related matters.

Floor Amendments Sent Up

Senator Amedee sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senators Amedee, Chaisson and N. Gautreaux to Engrossed Senate Bill No. 1 by Senator Amedee

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 15:542(A)" insert ", (C)(2)" and after "(F)" and before the comma "," insert "and 545(A) and to enact R.S. 15:542(A)(4) and 542.1(J)(3)"

AMENDMENT NO. 2

On page 1, line 4, after "housing;" insert the following: "to provide for re-registration of sex offenders under certain circumstances; to provide for the police chief or police department to send written notices;"

AMENDMENT NO. 3

On page 1, line 7, after "R.S. 15:542(A)" insert ", (C)(2)" and after "(F)" insert "and 545(A)" and after "reenacted" insert "and R.S. 15:542(A)(4) and 542.1(J)(3) are hereby enacted"

AMENDMENT NO. 4

On page 2, between lines 11 and 12, insert the following: "(4) Any person required to register under this Section who is absent from his last address of registration for more than thirty days shall re-register with the sheriff of the parish of the person's new residence and with the chief of police if the relocation address is located in an incorporated area which has a police department. Any person required to register under this Paragraph shall provide community notification as required by Subsections (B) (1), (2), (3), and (4) of this Section and R.S. 15:542.1 (L). If a person required to register under this Paragraph fails to register, keep registration current, or notify the bureau of the relocation address, the person shall be in violation of this Section and subject to the penalties provided in R.S. 15:542(F)."

"C.(1) * * * * *

(2) Any person required to register pursuant to this Section shall send written notifications upon change of address in accordance with the following provisions:

(a) If the offender changes his residence address within the same parish, the person shall send written notice of the change of address to the sheriff and the police chief or, if the residence is within a parish with a population in excess of four hundred fifty thousand, the police department, within ten days of establishing the new residence. Within thirty calendar days from receipt of this written notification, the sheriff and the police chief or, if the residence is in a parish with a population in excess of four hundred fifty thousand, the police department shall send written notification of the offender's address change to the Department of Public Safety and Corrections.

(b) If any person required to register pursuant to this Section moves to a new parish, the person shall register with the sheriff in the new parish and the police chief or, if the residence is within a parish with a population in excess of four hundred fifty thousand, the police department in such parish, within ten days of establishing the new residence. The person shall also send written notice, within ten

days after the change of address in the new parish, to the sheriff and the police chief or, if the residence is within a parish with a population in excess of four hundred fifty thousand, the police department with whom the person last registered. Within thirty calendar days from receipt of this written notification, the sheriff **and the police chief or, if the residence is in a parish with a population in excess of four hundred fifty thousand, the police department** shall send written notification of the offender's address change to the Department of Public Safety and Corrections."

§545. Duty of law enforcement
 A. It shall be the duty of the sheriff of every parish, the chief of police of each municipality, and every chief officer of every other law enforcement agency operating within this state, to record the fingerprints of all persons held in or remanded to their custody when convicted of any sex offense for which the penalty of imprisonment might be imposed and to disseminate and file such fingerprints in the same manner as those recorded upon every arrest. The sheriff **and the police chief or, if the residence is in a parish with a population in excess of four hundred fifty thousand, the police department** shall forward the fingerprints and information obtained pursuant to R.S. 15:542 and 542.1 to the Louisiana Bureau of Criminal Identification and Information, hereinafter referred to as "the bureau" within five working days. The bureau shall maintain a central registry of sex offenders required to register under R.S. 15:542 and 542.1 and shall adopt rules, regulations, and policies in accordance with the provisions set forth pursuant to R.S. 15:547.
 * * *

On motion of Senator Amedee, the amendments were adopted.

The bill was read by title. Senator Amedee 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 B	Nevers
Boasso	Gautreaux N	Quinn
Broome	Heitmeier	Romero
Cain	Hollis	Schedler
Chaisson	Jackson	Smith
Cheek	Jones	Theunissen
Cravins	Kostelka	Uilo
Dardenne	Malone	
Duplessis	Marionneaux	
Total - 37		

NAYS

Total - 0

ABSENT

Lentini	Shepherd
Total - 2	

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

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. 85—
 BY SENATOR HEITMEIER AND REPRESENTATIVE ALARIO
 AN ACT

To enact Subpart J of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:100.25, relative to state funds; to establish the Disaster Recovery Fund as a special treasury fund; to provide for the dedication, deposit, use, and investment of monies in the fund; to dedicate monies in the fund for capital outlay projects related to disaster recovery; to provide for an effective date; and to provide for related matters.

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

SENATE BILL NO. 86—
 BY SENATOR HEITMEIER
 AN ACT

To enact R.S. 39:1034.1, relative to collection of increased ad valorem tax; to limit the levying of ad valorem taxes for the Board of Liquidation, City Debt, for the city of New Orleans for 2006 due to the effects of Hurricane Katrina; and to provide for related matters.

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

Privilege Report of the Committee on Senate and Governmental Affairs

ENROLLMENTS

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

November 9, 2005

To the President and Members of the Senate:

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

The following Senate Concurrent Resolution has been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 2—
 BY SENATOR SMITH
 A CONCURRENT RESOLUTION

To commend and congratulate Richard M. "Mark" Newton upon the occasion of his retirement as assessor of Grant Parish.

Respectfully submitted,
 CHARLES D. JONES
 Chairman

The foregoing Senate Concurrent Resolution was signed by the President of the Senate.

Adjournment

Senator Bajoie moved that the Senate adjourn until Thursday, November 10, 2005, at 5:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 5:00 o'clock P.M. on Thursday, November 10, 2005.

GLENN A. KOEPP
 Secretary of the Senate
 GAYE F. HAMILTON
 Journal Clerk