

OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA

SEVENTH 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

Monday, November 14, 2005

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	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 Dardenne, following which the Senate joined in pledging allegiance to the flag of the United States of America.

Reading of the Journal

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

Morning Hour

**Privilege Report of the
Legislative Bureau**

November 14, 2005

To the President and Members of the Senate:

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

The following bills are approved as to construction and duplication.

HOUSE BILL NO. 84—

BY REPRESENTATIVE ALARIO AND SENATOR HEITMEIER
AN ACT

To suspend and otherwise make of no effect certain provisions of law relating to the comprehensive annual financial report and the narrative report of the state for the fiscal year ending June 30, 2005, and to provide for an extension of certain deadlines for completion and distribution; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 94—

BY REPRESENTATIVE ALARIO AND SENATOR HEITMEIER
AN ACT

To suspend and otherwise to make of no effect, for purposes of Fiscal Year 2006-2007, certain provisions of law relating to the submission of budget requests by state agencies and submission of the executive budget and supporting document by the governor to the legislature and to provide for an extension of certain deadlines for submission; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 95—

BY REPRESENTATIVE ALARIO AND SENATOR HEITMEIER
AN ACT

To suspend and otherwise to make of no effect, for purposes of Fiscal Year 2004-2005, the preparation of an annual report by an undersecretary with respect to activities of his office as provided in R.S. 36:8(B); and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 96—

BY REPRESENTATIVE ALARIO AND SENATOR HEITMEIER
AN ACT

To suspend and otherwise make of no effect, for purposes of Fiscal Year 2006-2007, the preparation of the continuation budget by the division of administration budget office as required by R.S. 39:29(A)(2); and to provide for related matters.

Reported without amendments.

Respectfully submitted,
ARTHUR J. "ART" LENTINI
Chairman

Adoption of Legislative Bureau Report

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

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 11, 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. 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 without amendments.

November 14, 2005

SENATE CONCURRENT RESOLUTION NO. 19—
BY SENATORS THEUNISSEN AND MOUNT AND REPRESENTATIVES
FRITH AND MORRISH

A CONCURRENT RESOLUTION

To urge and request the governor of the state of Louisiana and the Louisiana congressional delegation to intervene in activities of the Federal Emergency Management Agency's mitigation division to revise flood insurance rate maps as they impact areas in Louisiana devastated by hurricanes Katrina and Rita.

Reported without amendments.

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.

Reported without amendments.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

Message from the House

**ASKING CONCURRENCE IN
HOUSE BILLS AND JOINT RESOLUTIONS**

November 13, 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 Bills and Joint Resolutions:

HOUSE BILL NO. 6—

BY REPRESENTATIVE PINAC

AN ACT

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

HOUSE BILL NO. 7—

BY REPRESENTATIVE SALTER

AN ACT

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

HOUSE BILL NO. 45—

BY REPRESENTATIVES HAMMETT AND PINAC

AN ACT

To amend and reenact R.S. 47:1508(B)(1), relative to the furnishing of tax information to the taxpayer or his duly authorized representative; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 63—

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

AN ACT

To enact Subpart O of Part II of Chapter 4 of Subtitle I of Title 11 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 11:321, relative to Deferred Retirement Option Plans of public retirement systems in the state; to allow certain plan participants

who have not separated from service to withdraw the monies in their plan accounts; to provide relative to such monies for income tax purposes; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 120—

BY REPRESENTATIVE SCHNEIDER

AN ACT

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

HOUSE BILL NO. 131—

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

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.

HOUSE BILL NO. 142—

BY REPRESENTATIVE SALTER

AN ACT

To enact R.S. 17:3048.6, relative to continuing eligibility requirements for Tuition Opportunity Program for Students' awards applicable to students displaced as a consequence of certain natural disasters; to provide legislative findings; to provide definitions; to provide waivers and exceptions to certain program requirements and conditions; to provide applicability; to provide limitations; to provide relative to the authority of the Louisiana Student Financial Assistance Commission, including but not limited to requiring the adoption of certain rules relative to program waivers and exceptions; to provide legislative oversight; to provide for implementation; to provide an effective date; and to provide for related matters.

HOUSE BILL NO. 143—

BY REPRESENTATIVE SALTER

AN ACT

To enact R.S. 17:3048.6, relative to initial eligibility requirements for Tuition Opportunity Program for Students awards applicable to students displaced as a consequence of certain natural disasters; to provide legislative findings; to provide definitions; to provide waivers and exceptions to certain program requirements and conditions; to provide applicability; to provide limitations; to provide relative to the authority of the Louisiana Student Financial Assistance Commission, including but not limited to requiring the adoption of certain rules relative to program waivers and exceptions; to provide for legislative oversight; to provide for implementation; to provide an effective date; and to provide for related matters.

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

BY REPRESENTATIVE ARNOLD

AN ACT

To amend and reenact R.S. 47:1993(D) and 2101(A)(1) and to enact R.S. 47:1978.1, relative to the assessment of land and property damaged or destroyed during a disaster or emergency declared by the governor; to provide for assessment procedures; to provide for filing dates of tax rolls for certain tax years; to provide for deadlines for payment of ad valorem taxes for certain tax years; and to provide for related matters.

HOUSE BILL NO. 135—

BY REPRESENTATIVE PINAC
AN ACT

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

HOUSE BILL NO. 5—

BY REPRESENTATIVES WALKER, KATZ, AND PINAC
AN ACT

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

HOUSE BILL NO. 9—

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

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

HOUSE BILL NO. 17—

BY REPRESENTATIVE HUTTER
AN ACT

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

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. 5—

BY REPRESENTATIVES WALKER, KATZ, AND PINAC
AN ACT

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

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

HOUSE BILL NO. 6—

BY REPRESENTATIVE PINAC
AN ACT

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

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Commerce, Consumer Protection, and International Affairs.

HOUSE BILL NO. 7—

BY REPRESENTATIVE SALTER
AN ACT

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

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

HOUSE BILL NO. 9—

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

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

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

HOUSE BILL NO. 17—

BY REPRESENTATIVE HUTTER
AN ACT

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

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

HOUSE BILL NO. 45—

BY REPRESENTATIVES HAMMETT AND PINAC
AN ACT

To amend and reenact R.S. 47:1508(B)(1), relative to the furnishing of tax information to the taxpayer or his duly authorized representative; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 63—

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

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

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

HOUSE BILL NO. 120—
BY REPRESENTATIVE SCHNEIDER
AN ACT

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

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

HOUSE BILL NO. 131—
BY REPRESENTATIVES SALTER, DURAND, ALARIO, DEWITT,
DORSEY, AND HAMMETT AND SENATORS HEITMEIER, HINES, AND
MOUNT
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.

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

HOUSE BILL NO. 135—
BY REPRESENTATIVE PINAC
AN ACT

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

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Commerce, Consumer Protection, and International Affairs.

HOUSE BILL NO. 142—
BY REPRESENTATIVE SALTER
AN ACT

To enact R.S. 17:3048.6, relative to continuing eligibility requirements for Tuition Opportunity Program for Students' awards applicable to students displaced as a consequence of certain natural disasters; to provide legislative findings; to provide definitions; to provide waivers and exceptions to certain program requirements and conditions; to provide applicability; to provide limitations; to provide relative to the authority of the Louisiana Student Financial Assistance Commission, including but not limited to requiring the adoption of certain rules relative to program waivers and exceptions; to provide legislative oversight; to provide for implementation; to provide 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 Education.

HOUSE BILL NO. 143—
BY REPRESENTATIVE SALTER
AN ACT

To enact R.S. 17:3048.6, relative to initial eligibility requirements for Tuition Opportunity Program for Students awards applicable to students displaced as a consequence of certain natural disasters; to provide legislative findings; to provide definitions; to provide waivers and exceptions to certain program requirements and conditions; to provide applicability; to provide limitations; to provide relative to the authority of the Louisiana Student Financial Assistance Commission, including but not limited to requiring the adoption of certain rules relative to program waivers and exceptions; to provide for legislative oversight; to provide for implementation; to provide 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 Education.

HOUSE BILL NO. 148— (Substitute for House Bill No. 64 by Representative Hammett)
BY REPRESENTATIVE ARNOLD
AN ACT

To amend and reenact R.S. 47:1993(D) and 2101(A)(1) and to enact R.S. 47:1978.1, relative to the assessment of land and property damaged or destroyed during a disaster or emergency declared by the governor; to provide for assessment procedures; to provide for filing dates of tax rolls for certain tax years; to provide for deadlines for payment of ad valorem taxes for certain tax years; and to provide for related matters.

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

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 11, 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. 2—
BY REPRESENTATIVES LANCASTER AND JEFFERSON
A CONCURRENT RESOLUTION

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

HOUSE CONCURRENT RESOLUTION NO. 12—
BY REPRESENTATIVES BRUNEAU, BRUCE, CROWE, DOERGE, FRITH,
KLECKLEY, LAFONTA, PINAC, T. POWELL, RITCHIE, STRAIN,
TRAHAN, WADDELL, AND WHITE
A CONCURRENT RESOLUTION

To urge and request the Office of Financial Institutions, the Federal Deposit Insurance Corporation, and the federal Office of the Comptroller of the Currency to provide flexibility for the modification of loan terms for entities and persons affected by Hurricanes Rita and Katrina.

HOUSE CONCURRENT RESOLUTION NO. 13—
BY REPRESENTATIVES JEFFERSON AND DORSEY
A CONCURRENT RESOLUTION

To urge and request the State Board of Elementary and Secondary Education to develop and implement an age, grade, and geographically appropriate curriculum for disaster awareness education in all city, parish, and other local public school systems.

HOUSE CONCURRENT RESOLUTION NO. 15—
BY REPRESENTATIVE SCHNEIDER
A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to grant for distributions from DROP accounts to active state and local government employees who are members of public retirement systems similar tax relief as that provided to members of qualified retirement plans by the Katrina Emergency Tax Relief Act of 2005 and to permit such distributions from tax-qualified plans.

HOUSE CONCURRENT RESOLUTION NO. 23—
 BY REPRESENTATIVES K. CARTER, ERDEY, FAUCHEUX, HARRIS, HEBERT, KLECKLEY, SCALISE, GARY SMITH, TOOMY, AND WALSWORTH

A CONCURRENT RESOLUTION

To memorialize the United States Congress to increase the coverage limit for a single-family structure under the National Flood Insurance Program from two hundred fifty thousand dollars to five hundred thousand dollars.

HOUSE CONCURRENT RESOLUTION NO. 24—
 BY REPRESENTATIVES K. CARTER, BOWLER, ERDEY, FAUCHEUX, HEBERT, GARY SMITH, AND TOOMY

A CONCURRENT RESOLUTION

To urge and request the Louisiana Property and Casualty Insurance Commission to study and to work to bring more insurers who write supplemental flood insurance coverage into the state of Louisiana.

HOUSE CONCURRENT RESOLUTION NO. 25—
 BY REPRESENTATIVE DORSEY

A CONCURRENT RESOLUTION

To urge and request the Department of Public Safety and Corrections to promulgate rules in accordance with the Administrative Procedure Act to establish a plan to be implemented in times of emergency with regard to convicted sex offenders who are on supervised probation or parole.

HOUSE CONCURRENT RESOLUTION NO. 26—
 BY REPRESENTATIVES PINAC AND LAFONTA

A CONCURRENT RESOLUTION

To suspend until sixty days after final adjournment of the 2005 First Extraordinary Session of the Legislature of Louisiana the provisions of R.S. 4:214.1 relative to the minimum number of live racing days.

HOUSE CONCURRENT RESOLUTION NO. 27—
 BY REPRESENTATIVE SCHNEIDER

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to grant to victims of Hurricane Rita similar tax relief as that provided by the Katrina Emergency Tax Relief Act of 2005, and to include distributions from DROP accounts to active state and local government employees who are members of public retirement systems and who are victims of Hurricane Katrina or Hurricane Rita as eligible retirement plan distributions, and to permit such distributions from tax-qualified plans.

HOUSE CONCURRENT RESOLUTION NO. 31—
 BY REPRESENTATIVE GRAY

A CONCURRENT RESOLUTION

To strongly urge and request the Louisiana secretary of state to make every extraordinary effort and to work with other state and federal agencies to contact individuals displaced by Hurricanes Katrina and Rita in order to provide them information relative to their voting rights and how to register to vote and vote in upcoming elections

HOUSE CONCURRENT RESOLUTION NO. 38—
 BY REPRESENTATIVE SCALISE

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to require all federal jobs that have been lost or relocated due to Hurricanes Katrina and Rita and their associated funding to be restored as soon as possible.

HOUSE CONCURRENT RESOLUTION NO. 4—
 BY REPRESENTATIVE HUTTER

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to create a national wind insurance program to be combined with the National Flood Insurance Program in order to create a national catastrophe insurance program.

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. 2—
 BY REPRESENTATIVES LANCASTER AND JEFFERSON
 A CONCURRENT RESOLUTION

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

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

HOUSE CONCURRENT RESOLUTION NO. 4—
 BY REPRESENTATIVE HUTTER
 A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to create a national wind insurance program to be combined with the National Flood Insurance Program in order to create a national catastrophe insurance program.

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	Dupre	Marionneaux
Adley	Fields	McPherson
Amedee	Fontenot	Michot
Bajoie	Gautreaux B	Murray
Barham	Gautreaux N	Quinn
Boasso	Heitmeier	Romero
Broome	Hollis	Schedler
Chaisson	Jackson	Smith
Cheek	Jones	Theunissen
Cravins	Kostelka	Ullo
Dardenne	Lentini	
Duplessis	Malone	
Total - 34		

NAYS

Total - 0

ABSENT

Cain	Mount	Shepherd
Ellington	Nevers	
Total - 5		

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

HOUSE CONCURRENT RESOLUTION NO. 12—
 BY REPRESENTATIVES BRUNEAU, BRUCE, CROWE, DOERGE, FRITH, KLECKLEY, LAFONTA, PINAC, T. POWELL, RITCHIE, STRAIN, TRAHAN, WADDELL, AND WHITE

A CONCURRENT RESOLUTION

To urge and request the Office of Financial Institutions, the Federal Deposit Insurance Corporation, and the federal Office of the Comptroller of the Currency to provide flexibility for the modification of loan terms for entities and persons affected by Hurricanes Rita and Katrina.

November 14, 2005

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Ellington Nevers
Mount 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. 13—

BY REPRESENTATIVES JEFFERSON AND DORSEY
A CONCURRENT RESOLUTION

To urge and request the State Board of Elementary and Secondary Education to develop and implement an age, grade, and geographically appropriate curriculum for disaster awareness education in all city, parish, and other local public school systems.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Ellington Nevers
Mount 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. 15—

BY REPRESENTATIVE SCHNEIDER
A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to grant for distributions from DROP accounts to active state and local government employees who are members of public retirement systems similar tax relief as that provided to members of qualified retirement plans by the Katrina Emergency Tax Relief Act of 2005 and to permit such distributions from tax-qualified plans.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Ellington Nevers
Mount 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. 23—

BY REPRESENTATIVES K. CARTER, ERDEY, FAUCHEUX, HARRIS, HEBERT, KLECKLEY, SCALISE, GARY SMITH, TOOMY, AND WALSWORTH
A CONCURRENT RESOLUTION

To memorialize the United States Congress to increase the coverage limit for a single-family structure under the National Flood Insurance Program from two hundred fifty thousand dollars to five hundred thousand dollars.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Duplessis Malone
Adley Dupre McPherson
Amedee Fields Michot
Bajoie Fontenot Murray
Barham Gautreaux B Quinn
Boasso Gautreaux N Romero
Broome Heitmeier Schedler
Cain Hollis Smith

Chaisson	Jackson	Theunissen
Cheek	Jones	Ullo
Cravins	Kostelka	
Dardenne	Lentini	
Total - 34		

NAYS

Total - 0

ABSENT

Ellington	Mount	Shepherd
Marionneaux	Nevers	
Total - 5		

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

HOUSE CONCURRENT RESOLUTION NO. 24—
 BY REPRESENTATIVES K. CARTER, BOWLER, ERDEY, FAUCHEUX, HEBERT, GARY SMITH, AND TOOMY

A CONCURRENT RESOLUTION

To urge and request the Louisiana Property and Casualty Insurance Commission to study and to work to bring more insurers who write supplemental flood insurance coverage into the state of Louisiana.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Ellington	Nevers
Mount	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. 25—
 BY REPRESENTATIVE DORSEY

A CONCURRENT RESOLUTION

To urge and request the Department of Public Safety and Corrections to promulgate rules in accordance with the Administrative Procedure Act to establish a plan to be implemented in times of emergency with regard to convicted sex offenders who are on supervised probation or parole.

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

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

NAYS

Total - 0

ABSENT

Ellington	Nevers
Mount	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. 26—

BY REPRESENTATIVES PINAC AND LAFONTA

A CONCURRENT RESOLUTION

To suspend until sixty days after final adjournment of the 2005 First Extraordinary Session of the Legislature of Louisiana the provisions of R.S. 4:214.1 relative to the minimum number of live racing days.

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

HOUSE CONCURRENT RESOLUTION NO. 27—

BY REPRESENTATIVE SCHNEIDER

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to grant to victims of Hurricane Rita similar tax relief as that provided by the Katrina Emergency Tax Relief Act of 2005, and to include distributions from DROP accounts to active state and local government employees who are members of public retirement systems and who are victims of Hurricane Katrina or Hurricane Rita as eligible retirement plan distributions, and to permit such distributions from tax-qualified plans.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

November 14, 2005

Cravins	Kostelka	Ullo
Total - 33		
	NAYS	
Total - 0		
	ABSENT	
Ellington	McPherson	Nevers
Heitmeier	Mount	Shepherd
Total - 6		

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 GRAY
 A CONCURRENT RESOLUTION

To strongly urge and request the Louisiana secretary of state to make every extraordinary effort and to work with other state and federal agencies to contact individuals displaced by Hurricanes Katrina and Rita in order to provide them information relative to their voting rights and how to register to vote and vote in upcoming elections

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

ROLL CALL

The roll was called with the following result:

YEAS		
Mr. President	Duplessis	Marionneaux
Adley	Dupre	McPherson
Amedee	Fields	Mount
Bajoie	Gautreaux B	Murray
Boasso	Gautreaux N	Nevers
Broome	Hollis	Smith
Chaisson	Jackson	Ullo
Cheek	Jones	
Cravins	Lentini	
Total - 25		
	NAYS	
Total - 0		
	ABSENT	
Barham	Heitmeier	Romero
Cain	Kostelka	Schedler
Dardenne	Malone	Shepherd
Ellington	Michot	Theunissen
Fontenot	Quinn	
Total - 14		

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

HOUSE CONCURRENT RESOLUTION NO. 38—
 BY REPRESENTATIVE SCALISE
 A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to require all federal jobs that have been lost or relocated due to Hurricanes Katrina and Rita and their associated funding to be restored as soon as possible.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Marionneaux
Amedee	Fields	Michot
Bajoie	Fontenot	Mount
Barham	Gautreaux B	Murray
Boasso	Gautreaux N	Nevers
Cain	Hollis	Quinn
Chaisson	Jackson	Romero
Cheek	Jones	Schedler
Cravins	Kostelka	Smith
Dardenne	Lentini	Theunissen
Duplessis	Malone	Ullo
Total - 33		

NAYS

Total - 0

ABSENT

Adley	Ellington	McPherson
Broome	Heitmeier	Shepherd
Total - 6		

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

**House Bills and Joint Resolutions
 on Second Reading to be Referred**

The following House Bills and Joint Resolutions were read by title and referred to committees as follows:

HOUSE BILL NO. 73—
 BY REPRESENTATIVES MARTINY, LAFLEUR, TOWNSEND, CAZAYOUX, CRAVINS, GALLOT, HEATON, FAUCHEUX, AND GARY SMITH AND SENATOR CHAISSON
 AN ACT

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

Floor Amendments Sent Up

Senator Chaisson sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

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

AMENDMENT NO. 1
 On page 2, line 27, delete "traffic."

AMENDMENT NO. 2

On page 3, line 13, change "a district, parish." to "an appellate, district, parish, traffic."

AMENDMENT NO. 3

On page 3, line 14, between "juvenile," and "or family" insert "justice of the peace,"

AMENDMENT NO. 4

On page 3, line 25, after "judge" delete the comma "," and insert "and"

AMENDMENT NO. 5

On page 3, delete line 26 in its entirety and insert in lieu thereof the following: "district attorney of the affected court."

AMENDMENT NO. 6

On page 4, line 23, delete "grand jury proceedings."

AMENDMENT NO. 7

On page 5, line 9, change "session" to "sessions"

AMENDMENT NO. 8

On page 5, lines 9 and 10, delete "the chief indigent defender."

AMENDMENT NO. 9

On page 5, line 10, between "clerk" and "of the" insert "of court"

AMENDMENT NO. 10

On page 7, delete line 6 in its entirety and insert in lieu thereof the following: "In any criminal trial conducted pursuant to this Title, with the consent of the state and the defendant, the

AMENDMENT NO. 11

On page 7, line 7, after "jurisdiction." delete the remainder of the line and delete line 8 in its entirety.

AMENDMENT NO. 12

On page 7, delete line 29 in its entirety and insert in lieu thereof the following: "Procedure Articles 230.1 and 230.2."

On motion of Senator Chaisson, the amendments were adopted.

Under the provisions of Joint Rule No. 5, the amended bill, which is a duplicate of Senate Bill No. 66, was read by title and referred to the Legislative Bureau.

REPORT OF COMMITTEE ON

REVENUE AND FISCAL AFFAIRS

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

November 10, 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:

SENATE BILL NO. 18—

BY SENATOR MOUNT

A JOINT RESOLUTION

Proposing to add Article VII, Section 18(G)(5) and Section 20(A)(10) of the Constitution of Louisiana, relative to ad valorem property tax; to provide a procedure for the retention of the homestead exemption and the special assessment level if the homestead is damaged or destroyed in certain circumstances; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Reported with amendments.

SENATE BILL NO. 19—

BY SENATOR MOUNT

AN ACT

To amend and reenact R.S. 47:1992(F)(1) and (G), 2101(A)(2) and (3), the introductory paragraph of 2171(A), 2180(A)(1)(a) and 2180.1(A), and to enact R.S. 47:1997(C) relative to ad valorem property tax procedures; to provide with respect to deadlines in Title 47 of the Louisiana Revised Statutes of 1950 as to assessments and tax collections for property; to provide with respect to such deadlines for property damaged by natural disasters in 2005; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 20—

BY SENATOR MOUNT

AN ACT

To amend and reenact R.S. 47:2106 and to enact R.S. 47:1703(E), relative to ad valorem property tax on damaged property; to provide for continuation of the homestead exemption where the owner is unable to occupy the homestead due to a disaster or emergency; to provide for the postponement and later collection of such taxes in parishes affected by disasters and other calamities; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 42—

BY SENATOR MOUNT

AN ACT

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

Reported with amendments.

SENATE BILL NO. 54—

BY SENATOR ELLINGTON

AN ACT

To enact R.S. 47:301(3)(j) and (13)(l), relative to state sales and use tax of the state and any political subdivision whose boundaries are coterminous with those of the state; to provide for a limitation on the sale price and cost price of natural gas; to provide for an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 78—

BY SENATOR MOUNT

AN ACT

To amend and reenact R.S. 47:1508(B)(1), relative to the furnishing of tax information to taxpayers; to authorize the Department of Revenue to release to taxpayers their income tax information; to provide for an effective date; and to provide for related matters.

Reported favorably.

Respectfully submitted,
WILLIE MOUNT
Chairman

REPORT OF COMMITTEE ON

LOCAL AND MUNICIPAL AFFAIRS

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

November 14, 2005

To the President and Members of the Senate:

November 14, 2005

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

SENATE CONCURRENT RESOLUTION NO. 16—

BY SENATOR SHEPHERD

A CONCURRENT RESOLUTION

To urge and request the various privately or publicly owned public utilities throughout the state, who are licensed and regulated by any department or agency of the state, to delay the collection of their monthly residential public utilities user fees that are due for payment in December, 2005, for those individuals residing in an area of the state that has been designated as either a Hurricane Katrina FEMA Individual Assistance Area or a Hurricane Rita FEMA Individual Assistance Area.

Reported favorably.

Respectfully submitted,
CLEO FIELDS
Chairman

Senate 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 Senate Bills and Joint Resolutions just reported by Committees.

SENATE BILL NO. 18—

BY SENATORS MOUNT, N. GAUTREUX AND MURRAY
A JOINT RESOLUTION

Proposing to add Article VII, Section 18(G)(5) and Section 20(A)(10) of the Constitution of Louisiana, relative to ad valorem property tax; to provide a procedure for the retention of the homestead exemption and the special assessment level if the homestead is damaged or destroyed in certain circumstances; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

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 Original Senate Bill No. 18 by Senator Mount

AMENDMENT NO. 1

On page 2, line 22, delete "future"

AMENDMENT NO. 2

On page 2, line 23, after "affidavit" insert "annually"

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

SENATE BILL NO. 19—

BY SENATORS MOUNT AND MURRAY
AN ACT

To amend and reenact R.S. 47:1992(F)(1) and (G), 2101(A)(2) and (3), the introductory paragraph of 2171(A), 2180(A)(1)(a) and 2180.1(A), and to enact R.S. 47:1997(C) relative to ad valorem property tax procedures; to provide with respect to deadlines in Title 47 of the Louisiana Revised Statutes of 1950 as to assessments and tax collections for property; to provide with respect to such deadlines for property damaged by natural disasters in 2005; and to provide for related matters.

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

SENATE BILL NO. 20—

BY SENATORS MOUNT AND MURRAY
AN ACT

To amend and reenact R.S. 47:2106 and to enact R.S. 47:1703(E), relative to ad valorem property tax on damaged property; to provide for continuation of the homestead exemption where the owner is unable to occupy the homestead due to a disaster or emergency; to provide for the postponement and later collection of such taxes in parishes affected by disasters and other calamities; 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 Original Senate Bill No. 20 by Senator Mount

AMENDMENT NO. 1

On page 1, line 14, after "homestead" insert "on or before December thirty-first of a calendar year due to such damage or destruction"

AMENDMENT NO. 2

On page 2, line 4, change "this Paragraph" to "Article VII, Section 18(G) of the Constitution of Louisiana"

AMENDMENT NO. 3

On page 2, line 13, change "Subparagraph" to "Paragraph"

AMENDMENT NO. 4

On page 3, line 9, after "C." insert: "In case of overflow, general conflagration, general destruction of crops, or other public calamity, or"

AMENDMENT NO. 5

On page 3, line 10, change "Whenever" to "whenever"

AMENDMENT NO. 6

On page 3, line 20, after "(1)(a)" insert "(i)"

AMENDMENT NO. 7

On page 3, line 22, change "sixty" to the following: "December thirty-first of the year in which the damage or destruction occurred, or thirty"

AMENDMENT NO. 8

On page 3, line 23, after "mailed," insert: "whichever is later,"

AMENDMENT NO. 9

On page 3, delete line 24, and insert: "injured or destroyed,"

AMENDMENT NO. 10

On page 4, between lines 6 and 7, insert:

"(ii) A statement of the right of the owner to have his taxes postponed as provided for in this Paragraph shall be included with the tax bill mailed to the taxpayer if such tax bill is mailed after the effective date of this Section."

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

SENATE BILL NO. 42—

BY SENATORS MOUNT AND MURRAY
AN ACT

To amend and reenact R.S. 47:287.85(C)(2) and R.S. 47:293(3), relative to income tax of estates and trusts, corporations, and individuals; to provide that the Louisiana federal income tax deduction shall not be reduced by the amount of certain federal disaster relief tax credits; 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 Original Senate Bill No. 42 by Senator Mount

AMENDMENT NO. 1

On page 2, delete lines 9 through 11, and insert:

"(b)(i) For taxable years beginning on or after January 1, 2005, the federal income tax liability shall be increased by the all of the following:

(aa) Any federal income tax credits determined by the secretary to be disaster relief credits granted for the Hurricane Katrina or Hurricane Rita presidential disaster areas.

(bb) The amount by which an individual's federal income tax due to the United States for the taxable period was decreased as a result of claiming a deduction for casualty losses if the secretary determines that such loss was incurred as a result of hurricanes Katrina or Rita in a presidential disaster area.

(ii) Any determination to be made by the secretary as provided for in this Subparagraph shall be made in accordance with rules and regulations promulgated by the secretary and approved by the Senate Revenue and Fiscal Affairs Committee and the House Committee on Ways and Means meeting jointly."

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

SENATE BILL NO. 54—

BY SENATORS ELLINGTON AND NEVERS
AN ACT

To enact R.S. 47:301(3)(j) and (13)(l), relative to state sales and use tax of the state and any political subdivision whose boundaries are coterminous with those of the state; to provide for a limitation on the sale price and cost price of natural gas; 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 Original Senate Bill No. 54 by Senator Ellington

AMENDMENT NO. 1

On page 1, line 2, after "To" insert "amend and reenact R.S. 47:331(P)(2) and to" and after "(13)(l)" insert ", and 302(T), 321(J), and 331(R)"

AMENDMENT NO. 2

On page 1, line 4, after "natural gas" insert: "for certain taxpayers; to provide for an exemption for electricity for certain taxpayers"

AMENDMENT NO. 3

On page 1, line 7, after "Section 1." insert "R.S. 47:331(P)(2) is hereby amended and reenacted and" and after "(13)(l)" insert ", and 302(T), 321(J), and 331(R),"

AMENDMENT NO. 4

On page 1, line 17, after "natural gas" insert "for the period January 1, 2006 through December 31, 2008, purchased or used by paper or wood products manufacturing facilities"

AMENDMENT NO. 5

On page 2, line 7, after "natural gas" insert "the period January 1, 2006 through December 31, 2008, sold for use by paper or wood products manufacturing facilities"

AMENDMENT NO. 6

On page 2, between lines 8 and 9, insert:
"§302. Imposition of tax

* * *

T. Notwithstanding any other provision of law to the contrary and specifically notwithstanding any provision of Act No. 4 of the 2004 First Extraordinary Session which makes any state sales and use tax exemption inapplicable, inoperable, and of no effect, the exemption provided for electric power or energy shall be applicable, operable, and effective as to the tax levied pursuant to the provisions of this Section for the period January 1, 2006 through December 31, 2008, for the sale, purchase, or use of such electric power or energy by paper or wood products manufacturing facilities.

* * *

§321. Imposition of tax

* * *

J. Notwithstanding any other provision of law to the contrary and specifically notwithstanding any provision of Act No. 4 of the 2004 First Extraordinary Session which makes any state sales and use tax exemption inapplicable, inoperable, and of no effect, the exemption provided for electric power or energy shall be applicable, operable, and effective as to the tax levied pursuant to the provisions of this Section for the period January 1, 2006 through December 31, 2008, for the sale, purchase, or use of such electric power or energy by paper or wood products manufacturing facilities.

* * *

§331. Imposition of tax

* * *

P.

(2)(a) Except as provided for in Subparagraph (b) of this Paragraph and Subsection R of this Section, for the period July 1, 2004, through June 30, 2009, the exemptions to the tax levied by this Section for utilities shall be inapplicable, inoperable, and of no effect as to eighty percent of the tax levied by this Section. The term "utilities" shall mean sales of steam, water, and electric power or energy, and natural gas.

(b) For the period July 1, 2004, through December 31, 2005, the exemption to the tax levied by this Section provided for the sale, purchase or use of electric power or energy by paper or wood products manufacturing facilities shall be inapplicable, inoperable, and of no effect as to eighty percent of the tax levied by this Section.

* * *

R. Notwithstanding any other provision of law to the contrary and specifically notwithstanding any provision of Act No. 4 of the 2004 First Extraordinary Session which makes any state sales and use tax exemption inapplicable, inoperable, and of no effect, the exemption provided for electric power or energy shall be applicable, operable, and effective as to all of the tax levied pursuant to the provisions of this Section for the period January 1, 2006 through December 31, 2008, for the sale, purchase, or use of such electric power or energy by paper or wood products manufacturing facilities."

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

SENATE BILL NO. 78—

BY SENATORS MOUNT AND MURRAY
AN ACT

To amend and reenact R.S. 47:1508(B)(1), relative to the furnishing of tax information to taxpayers; to authorize the Department of Revenue to release to taxpayers their income tax information; to provide for an effective date; and to provide for related matters.

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

Motion to Recommit

Senator Lentini asked for and obtained a suspension of the rules and recommitted House Bill No. 90 from the Committee on Judiciary B to the Committee on Judiciary A.

November 14, 2005

Special Order of the Day

The following Senate Bill on Third Reading and Final Passage, which was made Special Order of the Day No. 1, was taken up and acted upon as follows:

SENATE BILL NO. 27—

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

A JOINT RESOLUTION

Proposing to amend Article VII, Section 10.2 and 10.5(B) and (C) of the Constitution of Louisiana, relative to the Wetlands Conservation and Restoration Fund; to change the name of the fund to the Coastal Protection and Restoration Fund; to provide relative to deposits and uses of the fund; to provide relative to certain federal revenues received by the state generated from Outer Continental Shelf oil and gas activity; to provide for the depositing and crediting of such monies into the fund, and for the uses of such federal revenues; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Floor Amendments Sent Up

Senator Dupre sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Dupre to Engrossed Senate Bill No. 27 by Senator Dupre

AMENDMENT NO. 1

On page 1, line 2, change "Section" to "Sections"

AMENDMENT NO. 2

On page 1, line 13, change "Section" to "Sections"

AMENDMENT NO. 3

On page 5, line 13, delete the period at the end of the line and insert "as set forth in Section 3."

AMENDMENT NO. 4

On page 5, delete lines 14 and 15, and insert "Section 3. Be it further resolved that this proposed amendment shall be submitted to the electors of the state of Louisiana at the statewide election to be held on April 29, 2006, if provision is made by law for a statewide election to be held on that date; if no provision is made for such an election on April 29, 2006, then on the date of the next statewide election provided for by law."

AMENDMENT NO. 5

On page 5, line 28, change "Section 10.2" to "Sections 10.2 and 10.5(B) and (C)"

On motion of Senator Dupre, the amendments were adopted.

The bill was read by title. Senator Dupre 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	Fontenot	Mount
Bajoie	Gautreaux B	Murray
Barham	Gautreaux N	Nevers

Boasso	Heitmeier	Quinn
Broome	Hollis	Romero
Cain	Jackson	Schedler
Chaisson	Jones	Shepherd
Cheek	Kostelka	Smith
Cravins	Lentini	Theunissen
Dardenne	Malone	Ullo
Duplessis	Marionneaux	

Total - 38

NAYS

Total - 0

ABSENT

Fields

Total - 1

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

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. 28—

BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 49:213.7(A)(1) and (2)(introductory paragraph), (B)(1) and (2) (introductory paragraph), (C), (D), (E)(introductory paragraph) and (F), and to enact R.S. 49:213.7(B)(3) and (E)(7), relative to the Wetlands Conservation and Restoration Fund; to change the name of the fund to the Coastal Protection and Restoration Fund; to provide relative to certain federal revenues to be credited and deposited to the fund; to provide relative to certain fund uses; to repeal Act 300 of the 2005 Regular Session; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 38

NAYS

Total - 0

ABSENT

Fields

Total - 1

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

Special Order of the Day

The following Senate Bill on Third Reading and Final Passage, which was made Special Order of the Day No. 3, was taken up and acted upon as follows:

SENATE BILL NO. 71—

BY SENATORS DUPRE, AMEDEE, BAJOIE, CAIN, CHAISSON, CHEEK, CRAVINS, DUPLESSIS, FONTENOT, B. GAUTREUX, N. GAUTREUX, HEITMEIER, HINES, HOLLIS, JONES, LENTINI, MALONE, MARIONNEAUX, MICHOT, MOUNT, MURRAY, NEVERS, ROMERO, SHEPHERD AND ULLO

AN ACT

To amend and reenact R.S. 49:213.1, 213.2, 213.3, 213.4, 213.5, 213.6, 213.7, 214.11, 214.12(A)(1) and 214.13, and to enact R.S. 49:213.11, relative to coastal protection, conservation, restoration and management; to authorize and provide for the development and implementation of a comprehensive coastal protection plan; to provide powers, duties, terms, procedures, definitions, conditions, and requirements; to provide relative to hurricane protection and coastal restoration; to provide relative to enforcement; to provide relative to certain authorities, commissions, and departments; to change the name of the Wetlands Conservation and Restoration Authority to the Coastal Protection and Restoration Authority and set forth its powers, duties and members; to change the name of the Governor's Advisory Commission on Coastal Restoration and Conservation to the Governor's Advisory Commission on Coastal Protection, Restoration and Conservation and set forth its powers, duties, and members; 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. 71 by Senator Dupre

AMENDMENT NO. 1

On page 7, line 28 delete "**Coastal Protection Trust Fund;**"

On motion of Senator Lentini, the amendments were adopted.

Floor Amendments Sent Up

Senator Dupre sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Dupre to Engrossed Senate Bill No. 71 by Senator Dupre

AMENDMENT NO. 1

On page 13, at the end of line 2, insert

"A member of the authority who represents a political subdivision shall recuse himself from deliberations and voting on any matter concerning the taking of action against that political subdivision for noncompliance with the plan."

On motion of Senator Dupre, the amendments were adopted.

Floor Amendments Sent Up

Senator Malone sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Malone to Engrossed Senate Bill No. 71 by Senator Dupre

AMENDMENT NO. 1

On page 7, line 14, delete "**appropriate**" and after "**committees**" insert "**on natural resources, and on transportation, highways, and public works for their approval**"

AMENDMENT NO. 2

On page 7, line 19, after "committees" insert "**on natural resources, and on transportation, highways, and public works**"

AMENDMENT NO. 3

On page 9, line 28, delete "**legislature**" and insert "**legislative committees on natural resources, and on transportation, highways, and public works**"

AMENDMENT NO. 4

On page 15, line 14, delete "**appropriate**" and insert "**natural resources, and on transportation, highways, and public works**"

AMENDMENT NO. 5

On page 15, line 18, after "The" and before "committees" insert "**natural resources, and on transportation, highways, and public works**"

AMENDMENT NO. 6

On page 15, line 28, after "the" and before "committee" insert "**natural resources, and on transportation, highways, and public works**"

AMENDMENT NO. 7

On page 21, line 29, delete "**committee to which the annual coastal**" and insert "**Committee on Natural Resources or his designee.**"

AMENDMENT NO. 8

On page 22, delete line 1

AMENDMENT NO. 9

On page 22, line 2, delete "**committee to which the annual coastal**" and insert "**Committee on Natural Resources or his designee.**"

AMENDMENT NO. 10

On page 22, delete line 3

AMENDMENT NO. 11

On page 22, between lines 12 and 13, insert

"(s) The chairman of the House Committee on Transportation, Highways, and Public Works or his designee.
(t) The chairman of the Senate Committee on Transportation, Highways, and Public Works or his designee."

On motion of Senator Malone, the amendments were adopted.

Floor Amendments Sent Up

Senator Ullo sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senators Ullo and Heitmeier to Engrossed Senate Bill No. 71 by Senator Dupre

AMENDMENT NO. 1

On page 3, line 6, after "**duties of**" insert "**levee districts and**"

AMENDMENT NO. 2

On page 4, line 9, after "**agencies**" insert "**, levee districts**"

AMENDMENT NO. 3

On page 6, line 24, after "**agencies,**" insert "**levee districts,**"

AMENDMENT NO. 4

On page 12, delete lines 4 through 9, and insert the following:

November 14, 2005

"(10) Three presidents of levee boards having districts located in whole or in part within the Louisiana Coastal Zone.

The twelve levee districts in the Louisiana Coastal Zone shall be grouped in three zones as follows: Region 1 - Pontchartrain Levee District, Orleans Levee District and East Jefferson Levee District. Region 2 - Atchafalaya Levee District, Lafourche Basin Levee District, Terrebonne Levee and Conservation District, and South Lafourche Levee District. Region 3 - Lake Borgne Basin Levee District, West Jefferson Levee District, Grand Isle Independent Levee District, and Plaquemine Parish Government.

The levee districts in each region shall annually select a designee, who shall be the President of one of the levee districts in that region, and who shall serve as a member for a term of one year."

AMENDMENT NO. 5

On page 13, line 25, after "authorities" insert "levee districts"

On motion of Senator Ullo, the amendments were adopted.

The bill was read by title. Senator Dupre 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	Fontenot	Mount
Bajoie	Gautreaux B	Murray
Barham	Gautreaux N	Nevers
Boasso	Heitmeier	Quinn
Broome	Hollis	Romero
Cain	Jackson	Schedler
Chaisson	Jones	Shepherd
Cheek	Kostelka	Smith
Cravins	Lentini	Theunissen
Dardenne	Malone	Ullo
Duplessis	Marionneaux	

Total - 38

NAYS

Total - 0

ABSENT

Fields

Total - 1

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

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. 44—

BY SENATOR HOLLIS

AN ACT

To enact Part IV-B of Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1730.21 through 1730.39, relative to state building codes; to provide for public policy of codes; to provide for enforcement; to provide for appointment of building official; to provide for adoption of codes; to provide for the creation of the Louisiana Building Codes Council; to provide for construction of farm structures; to provide for mandamus and injunctive relief; 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. 49—

BY SENATORS DUPLESSIS AND SCHEDLER AND REPRESENTATIVE CRANE AND SENATORS BARHAM, BOASSO, CAIN, CHAISSON, DARDENNE, DUPRE, B. GAUTREAU, N. GAUTREAU, HEITMEIER, HOLLIS, LENTINI, MCPHERSON, MICHOT, MOUNT, QUINN, ROMERO, SMITH, THEUNISSEN AND ULLO

AN ACT

To amend and reenact R.S. 17:1990(A), (B)(1), (2)(a), and (4), (C)(1)(a), (2)(a), and (3), 3973(2)(b)(v)(aa), 3982(A)(1), and 3983(A)(2)(a) and to enact R.S. 17:10.7, 1990(F)(3), 3973(2)(b)(v)(cc), 3983(A)(1)(g), and 3997(A)(1)(c), relative to the Recovery School District; to provide for the transference of certain schools to the district; to provide for the operation and management of such schools; to require the development and approval of a plan for the operation of all schools transferred and to specify the contents of such plan; to provide for the duration of the transfer and to provide for the continuation of the transfer; to require the recovery district to report to the state board and to provide for the contents of that report; to provide relative to the Recovery School District; to subject the administration of the district to the approval of the State Board of Elementary and Secondary Education; to authorize the recovery district to manage and retain certain funding, including the authorization for retaining fund balances; to specify that the expenditure of certain funds by the recovery district is subject to the requirements of the approved Minimum Foundation Program formula; to provide with regard to the authority of the district to contract with for-profit providers; to provide for the exercise of limited rights of ownership over property of transferred schools by the recovery district; to provide for the transfer of certain funding to the recovery district; to provide for the process for the transference of such funds and for a limitation on the transference of such funds; to provide for the expenditure of certain retained funds by certain city, parish, or other local public school systems; provides for the eligibility of a student to attend school operated under the jurisdiction of the Recovery School District; provides for the obligations of the recovery district in providing services to students; to expand the definition of type 5 charters to include charters involving certain schools transferred to the recovery district; to provide standards for the consideration of type 5 charter proposals; to prohibit members of certain school boards from also being members of the governing or management boards of certain Type 5 charter schools; to authorize the governing authority of a charter school to enter into collective bargaining for the employees; to prohibit certain local school boards from considering or acting on type 1 charter applications under certain circumstances; to authorize the state Department of Education to enter into a charter to operate a charter school under certain circumstances; to provide for effectiveness; and to provide for related matters.

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. 49 by Senator Duplessis

AMENDMENT NO. 1

On page 8, line 1, change "**responsibility**" to "**responsibilities**"

AMENDMENT NO. 2

On page 10, line 2, change "**is**" to "**are**"

On motion of Senator Lentini, the amendments were adopted.

Floor Amendments Sent Up

Senator Chaisson sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Chaisson to Engrossed Senate Bill No. 49 by Senator Duplessis

AMENDMENT NO. 1

On page 2, line 25, after "A." insert "(1)"

AMENDMENT NO. 2

On page 3, line 5, delete "not later than August 31, 2005."

AMENDMENT NO. 3

On page 3, between lines 16 and 17, insert the following:

"(2) On and after November 15, 2008, no additional schools shall be transferred to the jurisdiction of the Recovery School District pursuant to this Section."

On motion of Senator Chaisson, the amendments were adopted.

Floor Amendments Sent Up

Senator Bajoie sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Bajoie to Engrossed Senate Bill No. 49 by Senator Duplessis

AMENDMENT NO. 1

On page 3, line 22, after "(2)(a)" insert "(i)"

AMENDMENT NO. 2

On page 3, after line 29, insert the following:

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

On motion of Senator Bajoie, the amendments were adopted.

Floor Amendments Sent Up

Senator Shepherd sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Shepherd to Engrossed Senate Bill No. 49 by Senator Duplessis

AMENDMENT NO. 1

On page 12, line 6, after "(cc)" insert "(aaa)"

AMENDMENT NO. 2

On page 12, between lines 11 and 12, insert the following:

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

On motion of Senator Shepherd, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Bajoie	Murray
Cravins	Shepherd
Total - 4	

ABSENT

Fields
Total - 1

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

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.

Senator Fields in the Chair

Floor Amendments Sent Up

Senator Murray sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Murray to Engrossed Senate Bill No. 52 by Senator Murray

AMENDMENT NO. 1

On page 2, between lines 9 and 10, insert the following:

"(d) The expiration of three business days after the court of proper venue reopens, provided the attorney general does not take additional legal action in the court of proper venue."

AMENDMENT NO. 2

On page 2, line 16, after "Rouge." insert "The attorney general shall request the matter be set with priority."

AMENDMENT NO. 3

On page 2, after line 17, insert the following:

"D. Whoever violates a cease and desist order shall, after a hearing in an appropriate court under this Section, be assessed a civil penalty not to exceed five hundred dollars per offense. Each violation of a cease and desist order shall be deemed a separate offense."

On motion of Senator Murray, the amendments were adopted.

November 14, 2005

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

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Fields	Marionneaux
Bajoie	Gautreaux B	McPherson
Broome	Gautreaux N	Murray
Chaisson	Heitmeier	Nevers
Cheek	Hollis	Theunissen
Cravins	Jackson	Ullo
Dupre	Jones	
Ellington	Lentini	
Total - 22		

NAYS

Amedee	Fontenot	Quinn
Barham	Kostelka	Romero
Boasso	Malone	Schedler
Cain	Michot	Smith
Dardenne	Mount	
Total - 14		

ABSENT

Mr. President	Duplessis	Shepherd
Total - 3		

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

SENATE BILL NO. 65—
BY SENATOR HEITMEIER AND REPRESENTATIVE ALARIO
AN ACT

To suspend and otherwise make of no effect certain provisions of law relating to the comprehensive annual financial report and the narrative report of the state for the fiscal year ending June 30, 2005, and to provide for an extension of certain deadlines for completion and distribution; and to provide for related matters.

On motion of Senator Bajoie, the bill, which is a duplicate of House Bill No. 84 was read by title and returned to the Calendar, subject to call.

SENATE BILL NO. 70—
BY SENATOR ULLO
AN ACT

To amend and reenact R.S. 17:3983(A)(4), relative to charter schools; to eliminate certain provisions which establish a maximum number of charter schools that can be created or approved; and to provide for related matters.

On motion of Senator Ullo, 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.

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

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 Ullo asked that Senate Bill No. 70 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 70—
BY SENATOR ULLO
AN ACT

To amend and reenact R.S. 17:3983(A)(4), relative to charter schools; to eliminate certain provisions which establish a maximum number of charter schools that can be created or approved; and to provide for related matters.

Senator McPherson in the Chair

Floor Amendments Sent Up

Senator Nevers sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Nevers to Engrossed Senate Bill No. 70 by Senator Ullo

AMENDMENT NO. 1
On page 1, line 2 after "(4)" insert "(a)", "(b)", and "(c)"

AMENDMENT NO. 2
On page 1, line 4 after "approved" insert "in certain areas"

AMENDMENT NO. 3
On page 1, line 6 after "(4)" insert "(a)", "(b)", and "(c)"

AMENDMENT NO. 4
On page 1, between lines 13 and 14 insert the following:

(a) No more than the number of charter proposals that would result in the total number of charters entered equaling forty-two may be entered into by all chartering authorities. **The limit provided in this Subparagraph shall not apply to nor include any school chartered or operating within the jurisdiction of the Orleans Parish School Board.**

AMENDMENT NO. 5
On page 1, line 14 delete "(a)" and insert "(b)"

AMENDMENT NO. 6
On page 2, between lines 5 and 6 insert "**except as provided in Subparagraph (a) of this Paragraph regarding any school chartered and operated within the jurisdiction of the Orleans Parish School Board.** If at any time prior to December first of each chartering period, the number of such charters would result in a total of forty-two charters having been entered into, the State Board of Elementary and Secondary Education shall notify all local school boards and no more chartering shall be permitted."

AMENDMENT NO. 7
On page 2, line 6 delete "(b)" and insert "(c)"

AMENDMENT NO. 8
On page 2, delete line 8 and insert "until the limit of forty-two is reached, **except as provided in Subparagraph (a) of this Paragraph regarding any school chartered and operated within the jurisdiction of the Orleans Parish School Board.** Applications may be approved only from May"

AMENDMENT NO. 9

On page 2, delete lines 10 through 25

Senator Nevers moved adoption of the amendments.

Senator Theunissen objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Malone
Amedee	Fontenot	McPherson
Broome	Gautreaux B	Nevers
Chaisson	Jones	Ullo
Total - 12		

NAYS

Adley	Fields	Michot
Bajoie	Gautreaux N	Murray
Barham	Heitmeier	Quinn
Boasso	Hollis	Romero
Cheek	Jackson	Schedler
Cravins	Kostelka	Shepherd
Dardenne	Lentini	Smith
Ellington	Marionneaux	Theunissen
Total - 24		

ABSENT

Cain	Duplessis	Mount
Total - 3		

The Chair declared the amendments were rejected.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Mr. President	Broome
Total - 2	

ABSENT

Total - 0

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

Rules Suspended

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

**Senate Concurrent Resolutions
Reported by Committee, Subject to Call**

The following Senate Concurrent Resolutions reported by committee, subject to call, were taken up and acted upon as follows:

Called from the Calendar

Senator Ullo asked that Senate Concurrent Resolution No. 9 be called from the Calendar at this time.

SENATE CONCURRENT RESOLUTION NO. 9—

BY SENATOR ULLO

A CONCURRENT RESOLUTION

To suspend until sixty days after final adjournment of the 2006 Regular Session of the Legislature R.S. 17:1990(F), 3973(2)(b)(iii), (iv) and (v), 3983(A)(3)(a), 3983(A)(4)(c) and (f), 3991(C)(1)(b) and 3996(B)(4), relative to charter schools; to facilitate the formation, operation, and use of charter schools to assist in meeting the educational needs of Louisiana students.

Reported favorably by the Committee on Education.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Bajoie	Duplessis	Gautreaux B
Total - 3		

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

Rules Suspended

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

**Introduction of Senate Bills
and Joint Resolutions**

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

November 14, 2005

SENATE BILL NO. 96—
BY SENATOR SHEPHERD

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 certain consumer purchases of tangible personal property for non-business use on a certain date; to provide restrictions on the types and cost of purchases that are eligible for exemption; to provide for an effective date; and to provide for related matters.

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

SENATE BILL NO. 97—
BY SENATOR FIELDS

AN ACT

To enact R.S. 17:3048.6 and 3048.7, relative to continuing eligibility requirements for Tuition Opportunity Program for Students' awards; to provide for students displaced as a consequence of certain natural disasters; to provide legislative findings; to provide definitions; to provide waivers and exceptions to certain program requirements and conditions; to provide applicability; to provide relative to additional eligibility requirements beginning with new applicants during the 2006-2007 school year and thereafter; to provide limitations; to provide relative to the authority of the Louisiana Student Financial Assistance Commission, including but not limited to requiring the adoption of certain rules relative to program waivers and exceptions; to provide legislative oversight; to provide for implementation; to provide 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. 98—
BY SENATOR MARIONNEAUX

AN ACT

To enact R.S. 17:25.2, relative to the Minimum Foundation Program formula; to provide relative to the costs of the formula and the distribution of allocations; to provide relative to the application of the requirements of the formula to city, parish, and other local public school systems; and to provide for related matters.

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

SENATE BILL NO. 99—
BY SENATOR 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.

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

SENATE BILL NO. 100—
BY SENATOR MOUNT

AN ACT

To enact Chapter 10-A of Subtitle III of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:1370.1 through 1370.8, relative to the Louisiana Disaster Assistance Program Act; to provide for the issuance of bonds of the state to provide relief from natural catastrophes; to provide a program to assist state and local governments relative to disaster relief and relief from natural catastrophes; to provide funding for the Department of Economic Development to provide loans to business entities; to provide the procedures for the issuance of the bonds; to provide for an effective date; and to provide for related matters.

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

SENATE BILL NO. 101—
BY SENATOR NEVERS

AN ACT

To enact R.S. 47:2106.1, relative to the manner and procedure of assessment of property and the collection of ad valorem taxes in the circumstance where property subject to ad valorem taxation has been damaged or destroyed during a gubernatorially declared disaster or emergency; to provide for crediting of certain amounts of such tax in such circumstances; and to provide for related matters.

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

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

AN ACT

To amend and reenact amend and reenact R.S. 33:2711.9(B)(3) and to repeal R.S. 33:4574.1(A)(1)(d), 4574.1.1(E), 4574.9(C)(1)(d), 4574.12(D)(1)(d), 4574.13(C)(1)(d), and 4575.3(20)(d), relative to hotel occupancy taxes; to delete the exemption of certain rooms from hotel occupancy tax in certain parishes; and to provide for related matters.

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

Introduction of Resolutions,
Senate and Concurrent

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

SENATE CONCURRENT RESOLUTION NO. 21—
BY SENATOR HINES

A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals, Department of Social Services, and the office of homeland security to include the Louisiana Emergency Response Network and its board in any and all discussions and decisions regarding emergency and disaster preparation and response.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 35

NAYS

Total - 0

ABSENT

Gautreaux B	Michot
Gautreaux N	Mount
Total - 4	

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

SENATE CONCURRENT RESOLUTION NO. 22—

BY SENATOR B. GAUTREAUX

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to review and consider revising or eliminating provisions of law which reduce social security benefits for those receiving benefits from federal, state, or local government retirement systems.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Cravins	Michot
Total - 2	

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

SENATE CONCURRENT RESOLUTION NO. 23—

BY SENATOR B. GAUTREAUX

A CONCURRENT RESOLUTION

To commend Hornets' owner George Shinn for his resolve that the team will remain in New Orleans and his pledge to aid revitalization efforts.

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

SENATE CONCURRENT RESOLUTION NO. 24—

BY SENATOR SHEPHERD

A CONCURRENT RESOLUTION

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

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

SENATE CONCURRENT RESOLUTION NO. 25—

BY SENATOR HOLLIS

A CONCURRENT RESOLUTION

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

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Commerce, Consumer Protection, and International Affairs.

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

November 14, 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 Bills and Joint Resolutions:

HOUSE BILL NO. 4—

BY REPRESENTATIVE TOOMY

AN ACT

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

HOUSE BILL NO. 127—

BY REPRESENTATIVE MARTINY

AN ACT

To amend and reenact R.S. 15:824(B)(1)(b) and to enact R.S. 15:713, relative to medical care of prisoners; to provide for the payment of costs of medical care of prisoners in certain circumstances; 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. 4—

BY REPRESENTATIVE TOOMY

AN ACT

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

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

HOUSE BILL NO. 127—

BY REPRESENTATIVE MARTINY

AN ACT

To amend and reenact R.S. 15:824(B)(1)(b) and to enact R.S. 15:713, relative to medical care of prisoners; to provide for the payment of costs of medical care of prisoners in certain circumstances; and to provide for related matters.

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

November 14, 2005

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 14, 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. 40— BY REPRESENTATIVE LAFONTA A CONCURRENT RESOLUTION

To urge and request the Environmental Protection Agency (EPA) to conduct a comprehensive study of the sediment and the air and water quality in Orleans Parish and other parishes affected by Hurricane Katrina.

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

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

HOUSE CONCURRENT RESOLUTION NO. 42— BY REPRESENTATIVE LAFONTA A CONCURRENT RESOLUTION

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

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

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

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

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

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. 40— BY REPRESENTATIVE LAFONTA A CONCURRENT RESOLUTION

To urge and request the Environmental Protection Agency (EPA) to conduct a comprehensive study of the sediment and the air and water quality in Orleans Parish and other parishes affected by Hurricane Katrina.

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, Position, and Name. Lists members voting 'YEAS' including Mr. President, Dupre, Michot, Adley, Ellington, Mount, Amedee, Fields, Murray, Bajoie, Fontenet, Nevers, Barham, Gautreaux N, Quinn, Boasso, Heitmeier, Romero, Broome, Jackson, Schedler, Cain, Jones, Shepherd, Chaisson, Lentini, Smith, Cheek, Malone, Theunissen, Cravins, Marionneaux, Ullo, Dardenne, McPherson.

Total - 35

NAYS

Total - 0

ABSENT

Table with 2 columns: Name, Position, and Name. Lists members who were 'ABSENT' including Duplessis, Hollis, Gautreaux B, Kostelka.

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. 41— BY REPRESENTATIVE ODINET A CONCURRENT RESOLUTION

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

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

HOUSE CONCURRENT RESOLUTION NO. 42— BY REPRESENTATIVE LAFONTA A CONCURRENT RESOLUTION

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

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Commerce, Consumer Protection, and International Affairs.

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

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

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

HOUSE CONCURRENT RESOLUTION NO. 44—

BY REPRESENTATIVE K. CARTER

A CONCURRENT RESOLUTION

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

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

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:

November 14, 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:

SENATE BILL NO. 4—

BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 39:1410.60(A), relative to certain governmental entities; to provide for an extension of time for preparation of certain financial documents in the event of a gubernatorial declared disaster or emergency; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 34—

BY REPRESENTATIVES ALARIO, HAMMETT, ODINET, BALDONE, CURTIS, FAUCHEUX, HEATON, HILL, HONEY, KENNEY, AND TOWNSEND

A JOINT RESOLUTION

Proposing to add Article VII, Sections 18(G)(5) and 20(A)(10) of the Constitution of Louisiana, relative to the homestead exemption and special assessment level where the homestead has been destroyed or is uninhabitable due to a disaster or emergency; to provide for claiming and keeping the homestead exemption and special assessment levels; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 35—

BY REPRESENTATIVES ARNOLD, BALDONE, HEATON, KENNEY, ODINET, AND TOWNSEND AND SENATOR MURRAY

AN ACT

To amend and reenact R.S. 47:1987(A), relative to assessment procedure; to provide for a change of the time and date when the assessor of Orleans Parish has to complete the work on preparing and making up the assessment lists; to provide for additional time to reassess and prepare the tax rolls for 2006 in Orleans Parish; to provide for an effective date; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 44—

BY REPRESENTATIVES HAMMETT, PINAC, BALDONE, CURTIS, HEATON, HILL, HONEY, KENNEY, ODINET, AND TOWNSEND

AN ACT

To amend and reenact R.S. 47:2106, relative to the deferment of ad valorem tax payments where property subject to ad valorem taxation has been damaged or destroyed during a gubernatorially declared disaster or emergency; to provide for an effective date; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 46—

BY REPRESENTATIVES HAMMETT, PINAC, BALDONE, CURTIS, FAUCHEUX, HEATON, HILL, HONEY, KENNEY, ODINET, AND TOWNSEND

AN ACT

To enact R.S. 47:1703(E), relative to the homestead exemption; to provide for an extension of the homestead exemption when property is damaged or destroyed during a disaster or emergency declared by the governor; to provide for an effective date; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
WILLIE MOUNT
Chairman

REPORT OF COMMITTEE ON

REVENUE AND FISCAL AFFAIRS

SUPPLEMENTAL REPORT

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

November 14, 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:

SENATE BILL NO. 11—

BY SENATOR QUINN

AN ACT

To amend and reenact R.S. 47:1978 and to enact R.S. 47:1703(E), 1989.2, and 1992.1, relative to ad valorem property tax; to provide for the manner and procedure of assessment of property and the collection of ad valorem taxes in the circumstance where property subject to such taxation has been damaged or destroyed; to provide for the continuation of the homestead exemption and special assessments where the homestead has been destroyed or is uninhabitable; to provide for procedures for such retention and assessments; to provide for review and appeals; and to provide for related matters.

Reported by substitute.

SENATE BILL NO. 14—

BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 47:1978, relative to ad valorem property tax; to provide with respect to the manner and procedure of assessment of property and the collection of ad valorem taxes in the circumstance where property subject to ad valorem taxation has been damaged or destroyed during a gubernatorially declared disaster or emergency; and to provide for related matters.

Reported by substitute.

November 14, 2005

SENATE BILL NO. 21—
BY SENATOR MOUNT

AN ACT

To amend and reenact R.S. 47:1978, 1993(D), and 2101(A), relative to ad valorem property tax; to legislate with respect to the manner and procedure of assessment of property and the collection of ad valorem taxes in the circumstance where property subject to ad valorem taxation has been damaged or destroyed during a gubernatorially declared disaster or emergency; and to provide for related matters.

Reported by substitute.

SENATE BILL NO. 37—
BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 47:1978 and to enact R.S. 47:1703(E), 1989.2, and 1992.1, relative to ad valorem taxation; to provide for an extension of the homestead exemption when property is damaged by public calamity or disaster; to provide for the listing and assessing of property damaged by public calamity or disaster; to provide for review of appeals by the Louisiana Tax Commission of property assessed as a result of a public calamity or disaster; to provide relative to the inspection of assessment lists compiled as a result of a public calamity or disaster; to provide relative to notification and review of assessments by board of review as a result of such listing; to provide relative to hearing officers; to provide for an effective date; and to provide for related matters.

Reported by substitute.

Respectfully submitted,
WILLIE MOUNT
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 14, 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 CONCURRENT RESOLUTION NO. 18—
BY SENATOR SHEPHERD

A CONCURRENT RESOLUTION

To direct the secretary of state to establish a toll-free telephone line and advertise nationally for displaced Louisiana citizens to receive information related to the election process, including but not limited to, locating their voting place.

Reported favorably.

SENATE BILL NO. 3—

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 amend and reenact R.S. 24:513(A)(5)(a) and 514(E) and (F), all relative to audit reports and financial statements of certain governmental entities; to provide for an extension of time relative to the completion of audit reports and financial statements in the event of certain disasters or emergencies; to

provide for effectiveness provisions; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 6—
BY SENATOR JONES

AN ACT

To enact R.S. 18:115(F)(2)(d), relative to the registration of voters; to provide for the authority of a voter who has registered by mail who has not previously voted in the parish in which he is registered during certain emergencies; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 15—

BY SENATORS CAIN, BARHAM, BOASSO, DARDENNE, HOLLIS, KOSTELKA, LENTINI, MALONE, MICHOT, QUINN, ROMERO, SCHEDLER AND THEUNISSEN AND REPRESENTATIVES ALEXANDER, BEARD, 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. 42:1114(D) and 1114.1(A)(1)(c), relative to the Code of Governmental Ethics; to require that all elected or appointed officials report all funds received from, or which is to be reimbursed by, the federal government as a result of work performed in connection with a proclamation of a state of emergency; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 64—
BY SENATOR HINES

AN ACT

To provide for a special statewide election on the first Saturday in February of 2006 for the purpose of submitting constitutional amendments to the electors of the state; to provide for the conduct of such election; and to provide for related matters.

Reported with amendments.

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.

Reported with amendments.

SENATE BILL NO. 89—
BY SENATOR JONES

AN ACT

To enact R.S. 18:401.3, relative to holding certain elections; to provide for elections impaired as a result of a gubernatorially declared disaster or emergency; to provide for procedures for voter registration, early voting, absentee voting by mail, and election day voting; to provide for compliance with the Voting Rights Act of 1965; and to provide for related matters.

Reported favorably.

Respectfully submitted,
CHARLES D. JONES
Chairman

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

Senator Jones 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. 3—

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 amend and reenact R.S. 24:513(A)(5)(a) and 514(E) and (F), all relative to audit reports and financial statements of certain governmental entities; to provide for an extension of time relative to the completion of audit reports and financial statements in the event of certain disasters or emergencies; to provide for effectiveness provisions; and to provide for related matters.

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

SENATE BILL NO. 4—

BY SENATORS SCHEDLER AND DUPRE
AN ACT

To amend and reenact R.S. 39:1410.60(A), relative to certain governmental entities; to provide for an extension of time for preparation of certain financial documents in the event of a gubernatorial declared disaster or emergency; and to provide for related matters.

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

SENATE BILL NO. 6—

BY SENATOR JONES
AN ACT

To enact R.S. 18:115(F)(2)(d), relative to the registration of voters; to provide for the authority of a voter who has registered by mail who has not previously voted in the parish in which he is registered during certain emergencies; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Original Senate Bill No. 6 by Senator Jones

AMENDMENT NO. 1

On page 1, line 2, after "(d)" insert "and 425(A)(4)" and after "relative to the" insert "conduct of elections during or following a gubernatorially declared state of emergency; to provide relative to the"

AMENDMENT NO. 2

On page 1, line 4, after "emergencies;" insert "to require an affidavit attesting to the voter's eligibility; to provide for the effectiveness of such provisions; to provide relative to a parishwide shortage of commissioners due to an emergency; at authorize commissioners from other parishes to serve in the affected parish; to provide relative to selection, training, and certain expenses of such commissioners;"

AMENDMENT NO. 3

On page 1, delete lines 14 through 17 and insert the following:

"(d)(i) The Legislature of Louisiana recognizes that due to a recent common disaster and state of emergency in our state, an unprecedented number of persons have been temporarily displaced from their parishes of residence for an indefinite period of time. Because the right to vote is a right that is essential to the effective operation of a democratic government, the legislature finds that the state has a compelling interest in securing the right to vote for any person temporarily displaced by a disaster or emergency who may experience greater difficulty exercising his right due to his displaced status. The legislature, therefore, enacts this Subparagraph, which shall apply to any person temporarily displaced from his parish of residence by a gubernatorially declared state of emergency, who registered to vote on or before September 24, 2005, when he submits with the application to vote by mail an affidavit attesting that he is temporarily displaced from his parish of residence, that he is eligible to vote in his parish of residence, and that he expects to be out of his parish of registration during early voting and on election day. The provisions of this Subparagraph shall be effective for a period of one year following the effective date of this Item.

(ii) Upon expiration of Item (i) of this Subparagraph, any voter who has voted absentee by mail pursuant to this Subparagraph who has not voted during early voting or at the polls on election day shall not be considered to have previously voted in the parish in which he is registered for purposes of Paragraph (1) of this Subsection and shall be subject to the requirements of that Paragraph.

* * *
§425. Commissioners
A. * * *

(4)(a) For an election held within one year following the date of the issuance of any gubernatorial proclamation declaring a state of emergency, if a parish board of election supervisors determines that there is a parishwide shortage of commissioners because a significant number of commissioners have been temporarily displaced due to such emergency, the board may submit a written request to the secretary of state, on or before the twenty-third day prior to an election, for additional commissioners from other parishes. The written request shall include the number of additional commissioners requested and an explanation of the need for additional commissioners. If the secretary of state determines that there is a need for additional commissioners and that the allocation of additional commissioners is feasible, the secretary of state shall approve the request and notify the parish board of election supervisors of the affected parish. The board of the affected parish shall request the parish boards of election supervisors to submit lists of available commissioners by the fifteenth day prior to the election. The board of the affected parish shall select commissioners to serve in the affected parish from such lists based on availability, proximity and, to the extent possible, the requirements for representation based on recognized political party affiliation as provided for in R.S. 18:434(B)(7). The clerk of court of the affected parish shall ensure that the selected commissioners have received adequate training on the voting machines that are used in the affected parish and on any procedures necessary for the conduct of the election. The selected commissioners, upon approval of the secretary of state, shall be entitled to appropriate reimbursement for travel expenses.

(b)The same authority and procedure provided in Subparagraph (b) of this Paragraph shall apply to absentee commissioners under the same circumstances.

* * *
Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval."

November 14, 2005

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

SENATE BILL NO. 11—
BY SENATOR QUINN

AN ACT

To amend and reenact R.S. 47:1978 and to enact R.S. 47:1703(E), 1989.2, and 1992.1, relative to ad valorem property tax; to provide for the manner and procedure of assessment of property and the collection of ad valorem taxes in the circumstance where property subject to such taxation has been damaged or destroyed; to provide for the continuation of the homestead exemption and special assessments where the homestead has been destroyed or is uninhabitable; to provide for procedures for such retention and assessments; to provide for review and appeals; and to provide for related matters.

Reported by substitute by the Committee on Revenue and Fiscal Affairs. The bill was read by title; the committee substitute bill was read.

SENATE BILL NO. (Substitute of SB No. 11 by Senator Quinn; SB No. 21 by Senator Mount; and SB No. 37 by Senator Murray)

BY SENATOR BAJOEIE

AN ACT

To amend and reenact R.S. 47:1993(D) and 2101(A)(1) and to enact R.S. 47:1978.1, relative to the assessment of land and property damaged or destroyed during a disaster or emergency declared by the governor; to provide for assessment procedures and for collection of tax on such property; to provide for filing dates of tax rolls for tax year 2005 (2006 Orleans); to provide for deadlines for payment of ad valorem taxes for tax year 2005 (2006 Orleans); and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:1993(D) and 2101(A)(1) are hereby amended and reenacted and R.S. 47:1978.1 is hereby enacted to read as follows:

§1978.1. Listing, assessing, and collecting ad valorem taxes on land and property damaged or destroyed during a disaster or emergency declared by the governor

A.(1) Whenever lands or other property, including buildings, structures, or personal property are damaged or destroyed during a disaster or emergency declared by the governor, the governing bodies of the taxing authorities in which such lands or other property are situated, or in the case of a parish with a population in excess of four hundred fifty thousand according to the most recent federal decennial census, the governing body of such parish for such lands and damaged or destroyed property situated within the jurisdiction of such parish, may by resolution or ordinance adopted by such governing body in the manner provided for in Paragraph (2) of this Subsection direct the assessor of property within the jurisdiction of the taxing authority or such parish, and the collector to assess and collect the taxes of the taxing authority or the taxes of such parish for the tax period in which the damage has occurred in the manner provided for in either Subsection B or Subsection C of this Section.

(2)(a) The ordinance or resolution may be adopted by two-thirds vote of the total membership of the governing body of the taxing authority or the parish provided for in Paragraph (1) of this Subsection but only after a public hearing held in accordance with the open meetings law; however, in addition to any other requirements of the open meetings law, public notice of the time, place, and subject matter of such hearing shall be published on two separate days no less than thirty days before the public hearing. Such public notice shall be published in the official journal of such governing body, and another newspaper with a larger circulation within the taxing authority or parish provided for in Paragraph (1) of this Subsection than the official journal of the taxing authority or such parish, if there is one.

(b) The notice shall contain a statement that the taxing authority or parish provided for in Paragraph (1) of this Subsection intends to consider at the hearing the manner in

which damaged or destroyed property shall be assessed and taxes collected and such other requirements as prescribed by regulations of the Louisiana Tax Commission, which requirements shall include:

(i) Prominent placement in the newspaper in a section other than the classified advertisement or public notice section.

(ii) Formatting in a box with a bolded outline.

(iii) A size of not less than two inches by four inches.

(iv) Print in bold face type.

(v) The publication in the official journal as required by this Subparagraph shall be provided by the official journal at a charge not in excess of the rates assessed and charged for regular commercial advertising.

(c) Failure to timely accomplish such publication shall make the adoption at such a hearing of any resolution or ordinance providing for the adoption of additional or increased millage null, void, and of no effect.

(d) Each taxing authority or parish provided for in Paragraph (1) of this Subsection required to publish public notice pursuant to this Subparagraph shall also provide to the assessor in its parish or district as the case may be, the date, time and place of its pending hearing. Each assessor shall maintain a list of each of the pending hearing dates in his parish or district as the case may be and may publish such hearing dates on his website.

(e) In addition to the requirements for publication provided for in this Subparagraph, the taxing authority or parish provided for in Paragraph (1) of this Subsection shall issue a press release to newspapers with substantial distribution within the parish of the tax recipient's jurisdiction or within the parish provided for in Paragraph (1) of this Subsection and to area broadcast media.

B.(1) The governing body of a taxing authority or parish provided for in Subsection A of this Section may direct the assessor to assess such lands or property for the year in which the damage has occurred at the percentage of fair market value provided in the Constitution of Louisiana by taking into consideration all the damages to the lands or other property and the depreciation of the value of such land or other property caused by the disaster or emergency described in this Section. Notwithstanding other provisions of law to the contrary, the assessor shall make these assessments whether the time fixed by law for filing assessment rolls has elapsed or not.

(2)(a) For purposes of this Subsection and R.S. 47:1978, the assessments of damaged property shall be reflected on the general assessment roll if at the time of the events described in Subsection A of this Section, the general assessment roll has not been certified by the assessor to the local board of review. The procedures for public inspection of the general assessment rolls, review of assessments by the board of review, and certification of the assessment rolls to the Louisiana Tax Commission shall be followed. The rolls shall be open for public inspection for a period of fifteen days, and the assessor shall advertise such public exposure dates and dates for board of review as provided for by existing law.

(b) If at the time of the events described in Subsection A of this Section, the general assessment rolls have already been certified by the assessor to the local board of review, the assessor shall prepare a supplemental roll of land or property damaged as the result of the events described in this Section, which rolls shall be filed in the same manner as provided for in this Section for general assessment rolls, and such assessments shall be subject to the same rights as to contest as to assessments generally.

(c) If, after the filing of the assessment roll with the Louisiana Tax Commission, the assessor requests a change order as a result of the events described in this Section, such request for change order shall be signed by the assessor or his deputy and shall contain a declaration that the property owner agrees to the change in the assessment and that the property owner waives any right to further contest the correctness of the assessment. In the event the request for change order is not agreed upon by the assessor and the property owner, the assessor shall mail to the property owner the assessor's determination of the assessed value of the property. If the property owner is dissatisfied with the assessor's determination of assessed value, the property owner

shall have fifteen days from the mailing of the notification by the assessor of the determination of assessed value to contest the assessment to the Louisiana Tax Commission. All decisions by the Louisiana Tax Commission are final unless appealed to the district court within fifteen days from the mailing of the decision of the Louisiana Tax Commission. If the assessor requests change orders in lieu of an original assessment roll or supplemental roll under this Section, the assessor shall submit an amended grand recap reflecting the changes in assessed values requested in such change orders.

(3) The assessment provided for in this Section and R.S. 47:1978 shall not be considered an implementation of the reappraisal and valuation provisions of Article VII, Section 18(F) of the Constitution of Louisiana, nor shall such assessment result in the adjustment of ad valorem tax millages pursuant to Article VII, Section 23 of the Constitution of Louisiana.

C.(1)(a) As an alternative to Subsection B, the governing body of a taxing authority or parish provided for in Subsection A of this Section may direct that the ad valorem taxes due for the year in which property within its jurisdiction is damaged or destroyed will, upon application of the property owner, be prorated.

(b) Proration shall be calculated as follows: the ad valorem taxes resulting from the assessed valuation for the year in which the damage or destruction occurred shall be multiplied by a factor to determine the ad valorem taxes owed for that year. The factor shall be the number of months during the tax year that the property was habitable, divided by twelve. For the purposes of this calculation, a fraction of a month is to be considered a month.

(2) If a taxing authority or parish provided for in Subsection A of this Section chooses proration, any property owner seeking to have his ad valorem tax bill prorated shall notify the collector in writing, providing a request to have his property tax bill prorated, including a description of the damage and the number of whole months in which the property was uninhabitable due to the damage during the tax year at issue.

(3) The ad valorem property tax bill of the taxing authority or parish provided for in Subsection A of this Section provided to each taxpayer shall include the following statement:

"If the property set forth herein was severely damaged or destroyed, rendering the property uninhabitable for a portion of the year for which these taxes are due, you MAY be entitled to have your tax bill reduced. Contact the tax collector for details on obtaining a reduction."

* * *

§1993. Preparation and filing of rolls by assessor

* * *

D.(1) Each tax assessor, parish of Orleans excepted, shall complete and file the tax roll of his parish on or before the 15th day of November in each calendar year. The officer having custody of the assessor's salary and expense fund shall withhold from the assessor's salary five dollars (\$5.00) for each day of delay in the filing of the roll after such date.

(2) In accordance with the provisions of Article VII, Section 25(F) of the Constitution of Louisiana, tax rolls for 2005 and tax rolls for 2006 for Orleans, shall be completed and filed on or before March 31, 2006. Nothing in this Subsection shall prohibit the completion and filing of tax rolls prior to March 31, 2006.

* * *

§2101. Time for payment; notice when due

A.(1)(a) All taxes shall be collected in the calendar year in which the assessment thereof is made, and they shall be designated as the "taxes for the year ____", accordingly as they are collectible, and the taxes assessed in each year shall be due in that calendar year as soon as the tax roll is filed in the office of the recorder of mortgages, except taxes on movable property in the event of a bulk sale under the provisions of the Bulk Sales Law, and they shall be paid on or before the thirty-first day of December in each respective year in order to avoid the notice, advertisement, and sale required by Article VII, Section 25 of the Louisiana Constitution. In the event of a bulk sale of movable property under the provisions of the Bulk Sales Law, all taxes due on movable property shall be due ten days prior to completion of the transfer or the payment of any

consideration therefor and shall be payable upon completion of the bulk sale.

(b) Notwithstanding anything herein to the contrary and in accordance with the provisions of Article VII, Section 25(F) of the Constitution of Louisiana, the deadline for payment of ad valorem taxes for 2005, 2006 for Orleans is hereby extended, and such taxes shall be paid no later than forty-five days after certification and approval of the tax rolls by the Louisiana Tax Commission, or December 31, 2005, whichever date is later.

* * *

On motion of Senator Mount, the committee substitute bill was adopted and becomes Senate Bill No. 103 by Senator Quinn, substitute for Senate Bill No. 11 by Senator Quinn.

SENATE BILL NO. 103— (Substitute of Senate Bill No. 11 by Senator Quinn; Senate Bill No. 21 by Senator Mount; and Senate Bill No. 37 by Senator Murray)

BY SENATOR QUINN

AN ACT

To amend and reenact R.S. 47:1993(D) and 2101(A)(1) and to enact R.S. 47:1978.1, relative to the assessment of land and property damaged or destroyed during a disaster or emergency declared by the governor; to provide for assessment procedures and for collection of tax on such property; to provide for filing dates of tax rolls for tax year 2005 (2006 Orleans); to provide for deadlines for payment of ad valorem taxes for tax year 2005 (2006 Orleans); and to provide for related matters.

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

SENATE BILL NO. 14— BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 47:1978, relative to ad valorem property tax; to provide with respect to the manner and procedure of assessment of property and the collection of ad valorem taxes in the circumstance where property subject to ad valorem taxation has been damaged or destroyed during a gubernatorially declared disaster or emergency; and to provide for related matters.

Reported by substitute by the Committee on Revenue and Fiscal Affairs. The bill was read by title; the committee substitute bill was read.

SENATE BILL NO. (Substitute of Senate Bill No. 14 by Senator Schedler)

BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 47:1993(D) and 2101(A)(1) and to enact R.S. 47:1978.1, relative to the assessment of land and property damaged or destroyed during a disaster or emergency declared by the governor; to provide for assessment procedures and for collection of tax on such property; to provide for filing dates of tax rolls for tax year 2005 (2006 Orleans); to provide for deadlines for payment of ad valorem taxes for tax year 2005 (2006 Orleans); and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:1993(D) and 2101(A)(1) are hereby amended and reenacted and R.S. 47:1978.1 is hereby enacted to read as follows:

§1978.1. Listing, assessing, and collecting ad valorem taxes on land and property damaged or destroyed during a disaster or emergency declared by the governor

A.(1) Whenever lands or other property, including buildings, structures, or personal property are damaged or destroyed during a disaster or emergency declared by the governor, the governing bodies of the taxing authorities in which such lands or other property are situated, or in the case of a parish with a population in excess of four hundred fifty thousand according to the most recent federal decennial census, the governing body of such parish for such lands and damaged or destroyed property situated within the jurisdiction of such

November 14, 2005

parish, may by resolution or ordinance adopted by such governing body in the manner provided for in Paragraph (2) of this Subsection direct the assessor of property within the jurisdiction of the taxing authority or such parish, and the collector to assess and collect the taxes of the taxing authority or the taxes of such parish for the tax period in which the damage has occurred in the manner provided for in either Subsection B or Subsection C of this Section.

(2)(a) The ordinance or resolution may be adopted by two-thirds vote of the total membership of the governing body of the taxing authority or the parish provided for in Paragraph (1) of this Subsection but only after a public hearing held in accordance with the open meetings law; however, in addition to any other requirements of the open meetings law, public notice of the time, place, and subject matter of such hearing shall be published on two separate days no less than thirty days before the public hearing. Such public notice shall be published in the official journal of such governing body, and another newspaper with a larger circulation within the taxing authority or parish provided for in Paragraph (1) of this Subsection than the official journal of the taxing authority or such parish, if there is one.

(b) The notice shall contain a statement that the taxing authority or parish provided for in Paragraph (1) of this Subsection intends to consider at the hearing the manner in which damaged or destroyed property shall be assessed and taxes collected and such other requirements as prescribed by regulations of the Louisiana Tax Commission, which requirements shall include:

- (i) Prominent placement in the newspaper in a section other than the classified advertisement or public notice section.
- (ii) Formatting in a box with a bolded outline.
- (iii) A size of not less than two inches by four inches.
- (iv) Print in bold face type.

(v) The publication in the official journal as required by this Subparagraph shall be provided by the official journal at a charge not in excess of the rates assessed and charged for regular commercial advertising.

(c) Failure to timely accomplish such publication shall make the adoption at such a hearing of any resolution or ordinance providing for the adoption of additional or increased millage null, void, and of no effect.

(d) Each taxing authority or parish provided for in Paragraph (1) of this Subsection required to publish public notice pursuant to this Subparagraph shall also provide to the assessor in its parish or district as the case may be, the date, time and place of its pending hearing. Each assessor shall maintain a list of each of the pending hearing dates in his parish or district as the case may be and may publish such hearing dates on his website.

(e) In addition to the requirements for publication provided for in this Subparagraph, the taxing authority or parish provided for in Paragraph (1) of this Subsection shall issue a press release to newspapers with substantial distribution within the parish of the tax recipient's jurisdiction or within the parish provided for in Paragraph (1) of this Subsection and to area broadcast media.

B.(1) The governing body of a taxing authority or parish provided for in Subsection A of this Section may direct the assessor to assess such lands or property for the year in which the damage has occurred at the percentage of fair market value provided in the Constitution of Louisiana by taking into consideration all the damages to the lands or other property and the depreciation of the value of such land or other property caused by the disaster or emergency described in this Section. Notwithstanding other provisions of law to the contrary, the assessor shall make these assessments whether the time fixed by law for filing assessment rolls has elapsed or not.

(2)(a) For purposes of this Subsection and R.S. 47:1978, the assessments of damaged property shall be reflected on the general assessment roll if at the time of the events described in Subsection A of this Section, the general assessment roll has not been certified by the assessor to the local board of review. The procedures for public inspection of the general assessment rolls, review of assessments by the board of review, and certification of the assessment rolls to the Louisiana Tax Commission shall be

followed. The rolls shall be open for public inspection for a period of fifteen days, and the assessor shall advertise such public exposure dates and dates for board of review as provided for by existing law.

(b) If at the time of the events described in Subsection A of this Section, the general assessment rolls have already been certified by the assessor to the local board of review, the assessor shall prepare a supplemental roll of land or property damaged as the result of the events described in this Section, which rolls shall be filed in the same manner as provided for in this Section for general assessment rolls, and such assessments shall be subject to the same rights as to contest as to assessments generally.

(c) If, after the filing of the assessment roll with the Louisiana Tax Commission, the assessor requests a change order as a result of the events described in this Section, such request for change order shall be signed by the assessor or his deputy and shall contain a declaration that the property owner agrees to the change in the assessment and that the property owner waives any right to further contest the correctness of the assessment. In the event the request for change order is not agreed upon by the assessor and the property owner, the assessor shall mail to the property owner the assessor's determination of the assessed value of the property. If the property owner is dissatisfied with the assessor's determination of assessed value, the property owner shall have fifteen days from the mailing of the notification by the assessor of the determination of assessed value to contest the assessment to the Louisiana Tax Commission. All decisions by the Louisiana Tax Commission are final unless appealed to the district court within fifteen days from the mailing of the decision of the Louisiana Tax Commission. If the assessor requests change orders in lieu of an original assessment roll or supplemental roll under this Section, the assessor shall submit an amended grand recap reflecting the changes in assessed values requested in such change orders.

(3) The assessment provided for in this Section and R.S. 47:1978 shall not be considered an implementation of the reappraisal and valuation provisions of Article VII, Section 18(F) of the Constitution of Louisiana, nor shall such assessment result in the adjustment of ad valorem tax millages pursuant to Article VII, Section 23 of the Constitution of Louisiana.

C.(1)(a) As an alternative to Subsection B, the governing body of a taxing authority or parish provided for in Subsection A of this Section may direct that the ad valorem taxes due for the year in which property within its jurisdiction is damaged or destroyed will, upon application of the property owner, be prorated.

(b) Proration shall be calculated as follows: the ad valorem taxes resulting from the assessed valuation for the year in which the damage or destruction occurred shall be multiplied by a factor to determine the ad valorem taxes owed for that year. The factor shall be the number of months during the tax year that the property was habitable, divided by twelve. For the purposes of this calculation, a fraction of a month is to be considered a month.

(2) If a taxing authority or parish provided for in Subsection A of this Section chooses proration, any property owner seeking to have his ad valorem tax bill prorated shall notify the collector in writing, providing a request to have his property tax bill prorated, including a description of the damage and the number of whole months in which the property was uninhabitable due to the damage during the tax year at issue.

(3) The ad valorem property tax bill of the taxing authority or parish provided for in Subsection A of this Section provided to each taxpayer shall include the following statement:

"If the property set forth herein was severely damaged or destroyed, rendering the property uninhabitable for a portion of the year for which these taxes are due, you MAY be entitled to have your tax bill reduced. Contact the tax collector for details on obtaining a reduction."

* * *
§1993. Preparation and filing of rolls by assessor
* * *

D.(1) Each tax assessor, parish of Orleans excepted, shall complete and file the tax roll of his parish on or before the 15th

fifteenth day of November in each calendar year. The officer having custody of the assessor's salary and expense fund shall withhold from the assessor's salary five dollars (~~\$5.00~~) for each day of delay in the filing of the roll after such date.

(2) In accordance with the provisions of Article VII, Section 25(F) of the Constitution of Louisiana, tax rolls for 2005 and tax rolls for 2006 for Orleans, shall be completed and filed on or before March 31, 2006. Nothing in this Subsection shall prohibit the completion and filing of tax rolls prior to March 31, 2006.

§2101. Time for payment; notice when due

A.(1)(a) All taxes shall be collected in the calendar year in which the assessment thereof is made, and they shall be designated as the "taxes for the year _____", accordingly as they are collectible, and the taxes assessed in each year shall be due in that calendar year as soon as the tax roll is filed in the office of the recorder of mortgages, except taxes on movable property in the event of a bulk sale under the provisions of the Bulk Sales Law, and they shall be paid on or before the thirty-first day of December in each respective year in order to avoid the notice, advertisement, and sale required by Article VII, Section 25 of the Louisiana Constitution. In the event of a bulk sale of movable property under the provisions of the Bulk Sales Law, all taxes due on movable property shall be due ten days prior to completion of the transfer or the payment of any consideration therefor and shall be payable upon completion of the bulk sale.

(b) Notwithstanding anything herein to the contrary and in accordance with the provisions of Article VII, Section 25(F) of the Constitution of Louisiana, the deadline for payment of ad valorem taxes for 2005, 2006 for Orleans is hereby extended, and such taxes shall be paid no later than forty-five days after certification and approval of the tax rolls by the Louisiana Tax Commission, or December 31, 2005, whichever date is later.

On motion of Senator Mount, the committee substitute bill was adopted and becomes Senate Bill No. 104 by Senator Schedler, substitute for Senate Bill No. 14 by Senator Schedler.

SENATE BILL NO. 104— (Substitute of Senate Bill No. 14 by Senator Schedler)

BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 47:1993(D) and 2101(A)(1) and to enact R.S. 47:1978.1, relative to the assessment of land and property damaged or destroyed during a disaster or emergency declared by the governor; to provide for assessment procedures and for collection of tax on such property; to provide for filing dates of tax rolls for tax year 2005 (2006 Orleans); to provide for deadlines for payment of ad valorem taxes for tax year 2005 (2006 Orleans); and to provide for related matters.

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

SENATE BILL NO. 15—

BY SENATORS CAIN, BARHAM, BOASSO, DARDENNE, HOLLIS, KOSTELKA, LENTINI, MALONE, MICHOT, QUINN, ROMERO, SCHEDLER AND THEUNISSEN AND REPRESENTATIVES ALEXANDER, BEARD, 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. 42:1114(D) and 1114.1(A)(1)(c), relative to the Code of Governmental Ethics; to require that all elected or appointed officials report all funds received from, or which is to be reimbursed by, the federal government as a result of work performed in connection with a proclamation of a state of emergency; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Original Senate Bill No. 15 by Senator Cain

AMENDMENT NO. 1

On page 1, line 3, change "or" to "and"

AMENDMENT NO. 2

On page 2, line 3, after "**government.**" insert "**This Subsection shall not apply to any product sold unless such product is sold pursuant to a procurement order from the United States government. This Subsection shall not apply to a licensed attorney.**"

AMENDMENT NO. 3

On page 2, line 20, after "**emergency.**" insert "**This Subsection shall not apply to any product sold unless such product is sold pursuant to a procurement order from the United States government. This Subsection shall not apply to a licensed attorney.**"

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

SENATE BILL NO. 21—

BY SENATOR MOUNT

AN ACT

To amend and reenact R.S. 47:1978, 1993(D), and 2101(A), relative to ad valorem property tax; to legislate with respect to the manner and procedure of assessment of property and the collection of ad valorem taxes in the circumstance where property subject to ad valorem taxation has been damaged or destroyed during a gubernatorially declared disaster or emergency; and to provide for related matters.

Reported by substitute by the Committee on Revenue and Fiscal Affairs. The bill was read by title; the committee substitute bill was read.

SENATE BILL NO. (Substitute of SB No. 11 by Senator Quinn; SB No. 21 by Senator Mount; and SB No. 37 by Senator Murray)

BY SENATOR BAJOIE

AN ACT

To amend and reenact R.S. 47:1993(D) and 2101(A)(1) and to enact R.S. 47:1978.1, relative to the assessment of land and property damaged or destroyed during a disaster or emergency declared by the governor; to provide for assessment procedures and for collection of tax on such property; to provide for filing dates of tax rolls for tax year 2005 (2006 Orleans); to provide for deadlines for payment of ad valorem taxes for tax year 2005 (2006 Orleans); and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:1993(D) and 2101(A)(1) are hereby amended and reenacted and R.S. 47:1978.1 is hereby enacted to read as follows:

§1978.1. Listing, assessing, and collecting ad valorem taxes on land and property damaged or destroyed during a disaster or emergency declared by the governor

A.(1) Whenever lands or other property, including buildings, structures, or personal property are damaged or destroyed during a disaster or emergency declared by the governor, the governing bodies of the taxing authorities in which such lands or other property are situated, or in the case of a parish with a population in excess of four hundred fifty thousand according to the most recent federal decennial census, the governing body of such parish for such lands and damaged or destroyed property situated within the jurisdiction of such parish, may by resolution or ordinance adopted by such governing body in the manner provided for in Paragraph (2) of this Subsection direct the assessor of property within the jurisdiction of the taxing authority or such parish, and the collector to assess and collect the taxes of the taxing authority or the taxes of such parish for the tax period in which the damage

November 14, 2005

has occurred in the manner provided for in either Subsection B or Subsection C of this Section.

(2)(a) The ordinance or resolution may be adopted by two-thirds vote of the total membership of the governing body of the taxing authority or the parish provided for in Paragraph (1) of this Subsection but only after a public hearing held in accordance with the open meetings law; however, in addition to any other requirements of the open meetings law, public notice of the time, place, and subject matter of such hearing shall be published on two separate days no less than thirty days before the public hearing. Such public notice shall be published in the official journal of such governing body, and another newspaper with a larger circulation within the taxing authority or parish provided for in Paragraph (1) of this Subsection than the official journal of the taxing authority or such parish, if there is one.

(b) The notice shall contain a statement that the taxing authority or parish provided for in Paragraph (1) of this Subsection intends to consider at the hearing the manner in which damaged or destroyed property shall be assessed and taxes collected and such other requirements as prescribed by regulations of the Louisiana Tax Commission, which requirements shall include:

- (i) Prominent placement in the newspaper in a section other than the classified advertisement or public notice section.
- (ii) Formatting in a box with a bolded outline.
- (iii) A size of not less than two inches by four inches.
- (iv) Print in bold face type.

(v) The publication in the official journal as required by this Subparagraph shall be provided by the official journal at a charge not in excess of the rates assessed and charged for regular commercial advertising.

(c) Failure to timely accomplish such publication shall make the adoption at such a hearing of any resolution or ordinance providing for the adoption of additional or increased millage null, void, and of no effect.

(d) Each taxing authority or parish provided for in Paragraph (1) of this Subsection required to publish public notice pursuant to this Subparagraph shall also provide to the assessor in its parish or district as the case may be, the date, time and place of its pending hearing. Each assessor shall maintain a list of each of the pending hearing dates in his parish or district as the case may be and may publish such hearing dates on his website.

(e) In addition to the requirements for publication provided for in this Subparagraph, the taxing authority or parish provided for in Paragraph (1) of this Subsection shall issue a press release to newspapers with substantial distribution within the parish of the tax recipient's jurisdiction or within the parish provided for in Paragraph (1) of this Subsection and to area broadcast media.

B.(1) The governing body of a taxing authority or parish provided for in Subsection A of this Section may direct the assessor to assess such lands or property for the year in which the damage has occurred at the percentage of fair market value provided in the Constitution of Louisiana by taking into consideration all the damages to the lands or other property and the depreciation of the value of such land or other property caused by the disaster or emergency described in this Section. Notwithstanding other provisions of law to the contrary, the assessor shall make these assessments whether the time fixed by law for filing assessment rolls has elapsed or not.

(2)(a) For purposes of this Subsection and R.S. 47:1978, the assessments of damaged property shall be reflected on the general assessment roll if at the time of the events described in Subsection A of this Section, the general assessment roll has not been certified by the assessor to the local board of review. The procedures for public inspection of the general assessment rolls, review of assessments by the board of review, and certification of the assessment rolls to the Louisiana Tax Commission shall be followed. The rolls shall be open for public inspection for a period of fifteen days, and the assessor shall advertise such public exposure dates and dates for board of review as provided for by existing law.

(b) If at the time of the events described in Subsection A of this Section, the general assessment rolls have already been

certified by the assessor to the local board of review, the assessor shall prepare a supplemental roll of land or property damaged as the result of the events described in this Section, which rolls shall be filed in the same manner as provided for in this Section for general assessment rolls, and such assessments shall be subject to the same rights as to contest as to assessments generally.

(c) If, after the filing of the assessment roll with the Louisiana Tax Commission, the assessor requests a change order as a result of the events described in this Section, such request for change order shall be signed by the assessor or his deputy and shall contain a declaration that the property owner agrees to the change in the assessment and that the property owner waives any right to further contest the correctness of the assessment. In the event the request for change order is not agreed upon by the assessor and the property owner, the assessor shall mail to the property owner the assessor's determination of the assessed value of the property. If the property owner is dissatisfied with the assessor's determination of assessed value, the property owner shall have fifteen days from the mailing of the notification by the assessor of the determination of assessed value to contest the assessment to the Louisiana Tax Commission. All decisions by the Louisiana Tax Commission are final unless appealed to the district court within fifteen days from the mailing of the decision of the Louisiana Tax Commission. If the assessor requests change orders in lieu of an original assessment roll or supplemental roll under this Section, the assessor shall submit an amended grand recap reflecting the changes in assessed values requested in such change orders.

(3) The assessment provided for in this Section and R.S. 47:1978 shall not be considered an implementation of the reappraisal and valuation provisions of Article VII, Section 18(F) of the Constitution of Louisiana, nor shall such assessment result in the adjustment of ad valorem tax millages pursuant to Article VII, Section 23 of the Constitution of Louisiana.

C.(1)(a) As an alternative to Subsection B, the governing body of a taxing authority or parish provided for in Subsection A of this Section may direct that the ad valorem taxes due for the year in which property within its jurisdiction is damaged or destroyed will, upon application of the property owner, be prorated.

(b) Proration shall be calculated as follows: the ad valorem taxes resulting from the assessed valuation for the year in which the damage or destruction occurred shall be multiplied by a factor to determine the ad valorem taxes owed for that year. The factor shall be the number of months during the tax year that the property was habitable, divided by twelve. For the purposes of this calculation, a fraction of a month is to be considered a month.

(2) If a taxing authority or parish provided for in Subsection A of this Section chooses proration, any property owner seeking to have his ad valorem tax bill prorated shall notify the collector in writing, providing a request to have his property tax bill prorated, including a description of the damage and the number of whole months in which the property was uninhabitable due to the damage during the tax year at issue.

(3) The ad valorem property tax bill of the taxing authority or parish provided for in Subsection A of this Section provided to each taxpayer shall include the following statement:

"If the property set forth herein was severely damaged or destroyed, rendering the property uninhabitable for a portion of the year for which these taxes are due, you MAY be entitled to have your tax bill reduced. Contact the tax collector for details on obtaining a reduction."

* * *
§1993. Preparation and filing of rolls by assessor
* * *

D.(1) Each tax assessor, parish of Orleans excepted, shall complete and file the tax roll of his parish on or before the ~~15th~~ **fifteenth** day of November in each calendar year. The officer having custody of the assessor's salary and expense fund shall withhold from the assessor's salary five dollars (~~\$5.00~~) for each day of delay in the filing of the roll after such date.

(2) In accordance with the provisions of Article VII, Section 25(F) of the Constitution of Louisiana, tax rolls for 2005 and tax

rolls for 2006 for Orleans, shall be completed and filed on or before March 31, 2006. Nothing in this Subsection shall prohibit the completion and filing of tax rolls prior to March 31, 2006.

§2101. Time for payment; notice when due

A.(1)(a) All taxes shall be collected in the calendar year in which the assessment thereof is made, and they shall be designated as the "taxes for the year ____", accordingly as they are collectible, and the taxes assessed in each year shall be due in that calendar year as soon as the tax roll is filed in the office of the recorder of mortgages, except taxes on movable property in the event of a bulk sale under the provisions of the Bulk Sales Law, and they shall be paid on or before the thirty-first day of December in each respective year in order to avoid the notice, advertisement, and sale required by Article VII, Section 25 of the Louisiana Constitution. In the event of a bulk sale of movable property under the provisions of the Bulk Sales Law, all taxes due on movable property shall be due ten days prior to completion of the transfer or the payment of any consideration therefor and shall be payable upon completion of the bulk sale.

(b) **Notwithstanding anything herein to the contrary and in accordance with the provisions of Article VII, Section 25(F) of the Constitution of Louisiana, the deadline for payment of ad valorem taxes for 2005, 2006 for Orleans is hereby extended, and such taxes shall be paid no later than forty-five days after certification and approval of the tax rolls by the Louisiana Tax Commission, or December 31, 2005, whichever date is later.**

On motion of Senator Mount, the committee substitute bill was adopted and becomes Senate Bill No. 103 by Senator Quinn, substitute for Senate Bill No. 21 by Senator Mount.

SENATE BILL NO. 103— (Substitute of Senate Bill No. 11 by Senator Quinn; Senate Bill No. 21 by Senator Mount; and Senate Bill No. 37 by Senator Murray)

BY SENATOR QUINN

AN ACT

To amend and reenact R.S. 47:1993(D) and 2101(A)(1) and to enact R.S. 47:1978.1, relative to the assessment of land and property damaged or destroyed during a disaster or emergency declared by the governor; to provide for assessment procedures and for collection of tax on such property; to provide for filing dates of tax rolls for tax year 2005 (2006 Orleans); to provide for deadlines for payment of ad valorem taxes for tax year 2005 (2006 Orleans); and to provide for related matters.

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

SENATE BILL NO. 37—
BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 47:1978 and to enact R.S. 47:1703(E), 1989.2, and 1992.1, relative to ad valorem taxation; to provide for an extension of the homestead exemption when property is damaged by public calamity or disaster; to provide for the listing and assessing of property damaged by public calamity or disaster; to provide for review of appeals by the Louisiana Tax Commission of property assessed as a result of a public calamity or disaster; to provide relative to the inspection of assessment lists compiled as a result of a public calamity or disaster; to provide relative to notification and review of assessments by board of review as a result of such listing; to provide relative to hearing officers; to provide for an effective date; and to provide for related matters.

Reported by substitute by the Committee on Revenue and Fiscal Affairs. The bill was read by title; the committee substitute bill was read.

SENATE BILL NO. (Substitute of SB No. 11 by Senator Quinn; SB No. 21 by Senator Mount; and SB No. 37 by Senator Murray)

BY SENATOR BAJOIE

AN ACT

To amend and reenact R.S. 47:1993(D) and 2101(A)(1) and to enact R.S. 47:1978.1, relative to the assessment of land and property damaged or destroyed during a disaster or emergency declared by the governor; to provide for assessment procedures and for collection of tax on such property; to provide for filing dates of tax rolls for tax year 2005 (2006 Orleans); to provide for deadlines for payment of ad valorem taxes for tax year 2005 (2006 Orleans); and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:1993(D) and 2101(A)(1) are hereby amended and reenacted and R.S. 47:1978.1 is hereby enacted to read as follows:

§1978.1. Listing, assessing, and collecting ad valorem taxes on land and property damaged or destroyed during a disaster or emergency declared by the governor

A.(1) Whenever lands or other property, including buildings, structures, or personal property are damaged or destroyed during a disaster or emergency declared by the governor, the governing bodies of the taxing authorities in which such lands or other property are situated, or in the case of a parish with a population in excess of four hundred fifty thousand according to the most recent federal decennial census, the governing body of such parish for such lands and damaged or destroyed property situated within the jurisdiction of such parish, may by resolution or ordinance adopted by such governing body in the manner provided for in Paragraph (2) of this Subsection direct the assessor of property within the jurisdiction of the taxing authority or such parish, and the collector to assess and collect the taxes of the taxing authority or the taxes of such parish for the tax period in which the damage has occurred in the manner provided for in either Subsection B or Subsection C of this Section.

(2)(a) The ordinance or resolution may be adopted by two-thirds vote of the total membership of the governing body of the taxing authority or the parish provided for in Paragraph (1) of this Subsection but only after a public hearing held in accordance with the open meetings law; however, in addition to any other requirements of the open meetings law, public notice of the time, place, and subject matter of such hearing shall be published on two separate days no less than thirty days before the public hearing. Such public notice shall be published in the official journal of such governing body, and another newspaper with a larger circulation within the taxing authority or parish provided for in Paragraph (1) of this Subsection than the official journal of the taxing authority or such parish, if there is one.

(b) The notice shall contain a statement that the taxing authority or parish provided for in Paragraph (1) of this Subsection intends to consider at the hearing the manner in which damaged or destroyed property shall be assessed and taxes collected and such other requirements as prescribed by regulations of the Louisiana Tax Commission, which requirements shall include:

(i) Prominent placement in the newspaper in a section other than the classified advertisement or public notice section.

(ii) Formatting in a box with a bolded outline.

(iii) A size of not less than two inches by four inches.

(iv) Print in bold face type.

(v) The publication in the official journal as required by this Subparagraph shall be provided by the official journal at a charge not in excess of the rates assessed and charged for regular commercial advertising.

(c) Failure to timely accomplish such publication shall make the adoption at such a hearing of any resolution or ordinance providing for the adoption of additional or increased millage null, void, and of no effect.

(d) Each taxing authority or parish provided for in Paragraph (1) of this Subsection required to publish public notice pursuant to this Subparagraph shall also provide to the assessor in its parish or district as the case may be, the date, time and place of its pending hearing. Each assessor shall maintain a list of each of the pending hearing dates in his parish or district as the case may be and may publish such hearing dates on his website.

November 14, 2005

(e) In addition to the requirements for publication provided for in this Subparagraph, the taxing authority or parish provided for in Paragraph (1) of this Subsection shall issue a press release to newspapers with substantial distribution within the parish of the tax recipient's jurisdiction or within the parish provided for in Paragraph (1) of this Subsection and to area broadcast media.

B.(1) The governing body of a taxing authority or parish provided for in Subsection A of this Section may direct the assessor to assess such lands or property for the year in which the damage has occurred at the percentage of fair market value provided in the Constitution of Louisiana by taking into consideration all the damages to the lands or other property and the depreciation of the value of such land or other property caused by the disaster or emergency described in this Section. Notwithstanding other provisions of law to the contrary, the assessor shall make these assessments whether the time fixed by law for filing assessment rolls has elapsed or not.

(2)(a) For purposes of this Subsection and R.S. 47:1978, the assessments of damaged property shall be reflected on the general assessment roll if at the time of the events described in Subsection A of this Section, the general assessment roll has not been certified by the assessor to the local board of review. The procedures for public inspection of the general assessment rolls, review of assessments by the board of review, and certification of the assessment rolls to the Louisiana Tax Commission shall be followed. The rolls shall be open for public inspection for a period of fifteen days, and the assessor shall advertise such public exposure dates and dates for board of review as provided for by existing law.

(b) If at the time of the events described in Subsection A of this Section, the general assessment rolls have already been certified by the assessor to the local board of review, the assessor shall prepare a supplemental roll of land or property damaged as the result of the events described in this Section, which rolls shall be filed in the same manner as provided for in this Section for general assessment rolls, and such assessments shall be subject to the same rights as to contest as to assessments generally.

(c) If, after the filing of the assessment roll with the Louisiana Tax Commission, the assessor requests a change order as a result of the events described in this Section, such request for change order shall be signed by the assessor or his deputy and shall contain a declaration that the property owner agrees to the change in the assessment and that the property owner waives any right to further contest the correctness of the assessment. In the event the request for change order is not agreed upon by the assessor and the property owner, the assessor shall mail to the property owner the assessor's determination of the assessed value of the property. If the property owner is dissatisfied with the assessor's determination of assessed value, the property owner shall have fifteen days from the mailing of the notification by the assessor of the determination of assessed value to contest the assessment to the Louisiana Tax Commission. All decisions by the Louisiana Tax Commission are final unless appealed to the district court within fifteen days from the mailing of the decision of the Louisiana Tax Commission. If the assessor requests change orders in lieu of an original assessment roll or supplemental roll under this Section, the assessor shall submit an amended grand recap reflecting the changes in assessed values requested in such change orders.

(3) The assessment provided for in this Section and R.S. 47:1978 shall not be considered an implementation of the reappraisal and valuation provisions of Article VII, Section 18(F) of the Constitution of Louisiana, nor shall such assessment result in the adjustment of ad valorem tax millages pursuant to Article VII, Section 23 of the Constitution of Louisiana.

C.(1)(a) As an alternative to Subsection B, the governing body of a taxing authority or parish provided for in Subsection A of this Section may direct that the ad valorem taxes due for the year in which property within its jurisdiction is damaged or destroyed will, upon application of the property owner, be prorated.

(b) Proration shall be calculated as follows: the ad valorem taxes resulting from the assessed valuation for the year in which the damage or destruction occurred shall be multiplied by a

factor to determine the ad valorem taxes owed for that year. The factor shall be the number of months during the tax year that the property was habitable, divided by twelve. For the purposes of this calculation, a fraction of a month is to be considered a month.

(2) If a taxing authority or parish provided for in Subsection A of this Section chooses proration, any property owner seeking to have his ad valorem tax bill prorated shall notify the collector in writing, providing a request to have his property tax bill prorated, including a description of the damage and the number of whole months in which the property was uninhabitable due to the damage during the tax year at issue.

(3) The ad valorem property tax bill of the taxing authority or parish provided for in Subsection A of this Section provided to each taxpayer shall include the following statement:

"If the property set forth herein was severely damaged or destroyed, rendering the property uninhabitable for a portion of the year for which these taxes are due, you MAY be entitled to have your tax bill reduced. Contact the tax collector for details on obtaining a reduction."

* * *
§1993. Preparation and filing of rolls by assessor
* * *

D.(1) Each tax assessor, parish of Orleans excepted, shall complete and file the tax roll of his parish on or before the ~~15th~~ **fifteenth** day of November in each calendar year. The officer having custody of the assessor's salary and expense fund shall withhold from the assessor's salary five dollars (~~\$5.00~~) for each day of delay in the filing of the roll after such date.

(2) In accordance with the provisions of Article VII, Section 25(F) of the Constitution of Louisiana, tax rolls for 2005 and tax rolls for 2006 for Orleans, shall be completed and filed on or before March 31, 2006. Nothing in this Subsection shall prohibit the completion and filing of tax rolls prior to March 31, 2006.

* * *
§2101. Time for payment; notice when due

A.(1)(a) All taxes shall be collected in the calendar year in which the assessment thereof is made, and they shall be designated as the "taxes for the year ____", accordingly as they are collectible, and the taxes assessed in each year shall be due in that calendar year as soon as the tax roll is filed in the office of the recorder of mortgages, except taxes on movable property in the event of a bulk sale under the provisions of the Bulk Sales Law, and they shall be paid on or before the thirty-first day of December in each respective year in order to avoid the notice, advertisement, and sale required by Article VII, Section 25 of the Louisiana Constitution. In the event of a bulk sale of movable property under the provisions of the Bulk Sales Law, all taxes due on movable property shall be due ten days prior to completion of the transfer or the payment of any consideration therefor and shall be payable upon completion of the bulk sale.

(b) Notwithstanding anything herein to the contrary and in accordance with the provisions of Article VII, Section 25(F) of the Constitution of Louisiana, the deadline for payment of ad valorem taxes for 2005, 2006 for Orleans is hereby extended, and such taxes shall be paid no later than forty-five days after certification and approval of the tax rolls by the Louisiana Tax Commission, or December 31, 2005, whichever date is later.

On motion of Senator Mount, the committee substitute bill was adopted and becomes Senate Bill No. 103 by Senator Quinn, substitute for Senate Bill No. 37 by Senator Murray.

SENATE BILL NO. 103— (Substitute of Senate Bill No. 11 by Senator Quinn; Senate Bill No. 21 by Senator Mount; and Senate Bill No. 37 by Senator Murray)

BY SENATOR QUINN

AN ACT

To amend and reenact R.S. 47:1993(D) and 2101(A)(1) and to enact R.S. 47:1978.1, relative to the assessment of land and property damaged or destroyed during a disaster or emergency declared by the governor; to provide for assessment procedures and for collection of tax on such property; to provide for filing dates of

tax rolls for tax year 2005 (2006 Orleans); to provide for deadlines for payment of ad valorem taxes for tax year 2005 (2006 Orleans); and to provide for related matters.

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

SENATE BILL NO. 64—
BY SENATOR HINES

AN ACT

To provide for a special statewide election on the first Saturday in February of 2006 for the purpose of submitting constitutional amendments to the electors of the state; to provide for the conduct of such election; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Original Senate Bill No. 64 by Senator Hines

AMENDMENT NO. 1

On page 1, line 2, after "on the" change "first" to "fifth" and change "February" to "April"

AMENDMENT NO. 2

On page 1, line 6, after "**on the**" change "**first**" to "**fifth**" and on line 7 change "**February**" to "**April**"

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

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.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Original Senate Bill No. 81 by Senator Hines

AMENDMENT NO. 1

On page 1, line 10, after "**derives,**" change "**either**" to "**whether**"

AMENDMENT NO. 2

On page 1, line 12, change "**five**" to "**ten**"

AMENDMENT NO. 3

On page 2, line 12 after "**Subsection**" insert "**B and**"

AMENDMENT NO. 4

On page 2, between lines 12 and 13, insert the following:

B. No elected or appointed official shall be required to disclose the receipt of any thing of economic value pursuant to this Section when the value of the thing of economic value is two thousand five hundred dollars or less. However, no person shall enter into separate contracts or subcontracts valued at two thousand five hundred dollars or less with the same person or governmental entity or agency thereof as a subterfuge to avoid the disclosure requirements of this Section.

AMENDMENT NO. 5

On page 2, line 13, change "**B.**" to "**C.**"

AMENDMENT NO. 6

On page 2, line 25, change "**C.**" to "**D.**"

AMENDMENT NO. 7

On page 3, line 16, change "**D.**" to "**E.**"

AMENDMENT NO. 8

On page 3, line 26, change "**E.**" to "**F.**"

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

SENATE BILL NO. 89—
BY SENATOR JONES

AN ACT

To enact R.S. 18:401.3, relative to holding certain elections; to provide for elections impaired as a result of a gubernatorially declared disaster or emergency; to provide for procedures for voter registration, early voting, absentee voting by mail, and election day voting; to provide for compliance with the Voting Rights Act of 1965; and to provide for related matters.

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

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

Senator 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. 34—

BY REPRESENTATIVES ALARIO, HAMMETT, ODINET, BALDONE, CURTIS, FAUCHEUX, HEATON, HILL, HONEY, KENNEY, AND TOWNSEND

A JOINT RESOLUTION

Proposing to add Article VII, Sections 18(G)(5) and 20(A)(10) of the Constitution of Louisiana, relative to the homestead exemption and special assessment level where the homestead has been destroyed or is uninhabitable due to a disaster or emergency; to provide for claiming and keeping the homestead exemption and special assessment levels; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

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. 34 by Representative Alario

AMENDMENT NO. 1

On page 3, line 2, change "February 4" to "April 29"

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. 35—

BY REPRESENTATIVES ARNOLD, BALDONE, HEATON, KENNEY, ODINET, AND TOWNSEND AND SENATOR MURRAY

AN ACT

To amend and reenact R.S. 47:1987(A), relative to assessment procedure; to provide for a change of the time and date when the assessor of Orleans Parish has to complete the work on preparing and making up the assessment lists; to provide for

November 14, 2005

additional time to reassess and prepare the tax rolls for 2006 in Orleans Parish; to provide for an effective date; and to provide for related matters.

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. 44—

BY REPRESENTATIVES HAMMETT, PINAC, BALDONE, CURTIS, HEATON, HILL, HONEY, KENNEY, ODINET, AND TOWNSEND
AN ACT

To amend and reenact R.S. 47:2106, relative to the deferment of ad valorem tax payments where property subject to ad valorem taxation has been damaged or destroyed during a gubernatorially declared disaster or emergency; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Revenue and Fiscal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Engrossed House Bill No. 44 by Representative Hammett

AMENDMENT NO. 1

On page 2, line 5, after "C." change "~~In case of overflow, general conflagration, general destruction of crops, or other public calamity; Whenever~~" to "In case of overflow, general conflagration, general destruction of crops, or other public calamity, or whenever"

AMENDMENT NO. 2

On page 2, at the end of line 11, add "or destroyed"

AMENDMENT NO. 3

On page 2, line 16, after "(1)" insert "(a)(i)"

AMENDMENT NO. 4

On page 2, line 18, after "no later than" insert "December thirty-first of the year in which the damage or destruction occurred, or"

AMENDMENT NO. 6

On page 2, line 19, after "mailed" insert ", whichever is later."

AMENDMENT NO. 7

On page 2, delete line 20, and insert: "~~injured~~ damaged or destroyed, giving"

AMENDMENT NO. 8

On page 3, line 2, after "indexed." insert the following: "(ii) A statement of the right of the owner to have his taxes postponed as provided for in this Paragraph shall be included with the tax bill mailed to the taxpayer if such tax bill is mailed after the effective date of this Section.
(b)(i)"

AMENDMENT NO. 9

On page 3, line 7, after "manner." insert "(ii)"

AMENDMENT NO. 10

On page 3, line 11, after "paid." insert "(iii)"

AMENDMENT NO. 11

On page 3, line 23, change "(2)" to "D."

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. 46—

BY REPRESENTATIVES HAMMETT, PINAC, BALDONE, CURTIS, FAUCHEUX, HEATON, HILL, HONEY, KENNEY, ODINET, AND TOWNSEND

AN ACT

To enact R.S. 47:1703(E), relative to the homestead exemption; to provide for an extension of the homestead exemption when property is damaged or destroyed during a disaster or emergency declared by the governor; to provide for an effective date; and to provide for related matters.

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. 46 by Representative Hammett

AMENDMENT NO. 1

On page 2, line 21, change " ____ " to "34"

AMENDMENT NO. 2

On page 2, line 22, after "Legislature" insert "or as Senate Bill No. 18 of this 2005 First Extraordinary Session of the Legislature"

AMENDMENT NO. 3

On page 2, line 23, change "February 4" to "April 29"

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.

Message from the House

SIGNED HOUSE CONCURRENT RESOLUTIONS

November 11, 2005

To the Honorable President and Members of the Senate:

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

HOUSE CONCURRENT RESOLUTION NO. 35—

BY REPRESENTATIVE FAUCHEUX

A CONCURRENT RESOLUTION

To urge and request the motion picture industry to locate more productions in Louisiana to help ease the hardships faced due to Hurricanes Katrina and Rita and speed the recovery of Louisiana's economy.

HOUSE CONCURRENT RESOLUTION NO. 33—

BY REPRESENTATIVE LAFONTA

A CONCURRENT RESOLUTION

To urge and request the Federal Emergency Management Agency, through the National Flood Insurance Program, to finalize updated floodplain maps for the city of New Orleans.

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

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

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

Adjournment

Senator Bajoie moved that the Senate adjourn until Tuesday, November 15, 2005, 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, November 15, 2005.

GLENN A. KOEPP
Secretary of the Senate

GAYE F. HAMILTON
Journal Clerk