

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

ELEVENTH 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

Friday, November 18, 2005

The Senate was called to order at 2:00 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	Ellington	Michot
Adley	Fields	Mount
Amedee	Fontenot	Murray
Bajoie	Gautreaux B	Nevers
Barham	Gautreaux N	Quinn
Boasso	Heitmeier	Romero
Broome	Jackson	Schedler
Cain	Jones	Shepherd
Chaisson	Kostelka	Smith
Cheek	Lentini	Theunissen
Dardenne	Malone	Uilo
Duplessis	Marionneaux	
Dupre	McPherson	
Total - 37		

ABSENT

Cravins	Hollis
Total - 2	

The President of the Senate announced there were 37 Senators present and a quorum.

Prayer

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

Reading of the Journal

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

Morning Hour

Rules Suspended

Senator Nevers asked for and obtained a suspension of the rules for the purpose of allowing the Committee on Finance to continue to meet while the Senate is in session.

**Privilege Report of the
Legislative Bureau**

November 18, 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. We advise and suggest the following amendments to the engrossed bills.

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.

Reported without amendments.

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.

Reported without amendments.

HOUSE BILL NO. 8—
BY REPRESENTATIVES ODINET, BEARD, DANIEL, DARTEZ, FRITH, GEYMAN, ST. GERMAIN, AND WOOTON AND SENATOR N. GAUTREAUX
AN ACT

To provide for an extended period of time for renewal or extension of oyster leases expiring on January 1, 2006; to provide relative to terms of lease renewals or extensions; to provide for the 2006 due date for annual rent for oyster leases; and to provide for the 2006 dates for determination and advertisement of defaulted oyster leases; to suspend Section 501(G)(3) of Chapter 5 of Part VII of Title 76 of the Louisiana Administrative Code relative to public auction of leases in default; and to provide for related matters.

Reported without amendments.

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.

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 9 by Representative LaFleur

AMENDMENT NO. 1

In Senate Committee Amendment No. 6 proposed by the Senate Committee on Senate and Governmental Affairs and adopted by the Senate on November 17, 2005, on page 1, line 12, change "immediate family" to "the immediate family"

HOUSE BILL NO. 11—
BY REPRESENTATIVES SMILEY, ALEXANDER, BEARD, BRUNEAU, BURNS, CROWE, DOVE, DOWNS, ERDEY, FRITH, GEYMAN, GREENE, HUTTER, KATZ, KENNARD, KLECKLEY, LABRUZZO, LAFONTA, LAMBERT, LANCASTER, MARTINY, MCVEA, MORRISH, PITRE, M. POWELL, T. POWELL, SCALISE, SCHNEIDER, JANE SMITH, STRAIN, 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 amend and reenact R.S. 32:706.1 and to enact R.S. 32:702(14) and (15) and 707.3, relative to vehicles sustaining water damage from a declared disaster; to provide for definitions; to provide for disclosure before transfer; to provide for certificates of

destruction; to provide for restrictions on transfer and registration; to provide for dismantling or crushing; to provide for rules and regulations; to provide for penalties; and to provide for related matters.

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 11 by Representative Smiley

AMENDMENT NO. 1

On page 4, line 9, following "word" and before "written" change "recycled" to "recycled"

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.

Reported without amendments.

HOUSE BILL NO. 18—

BY REPRESENTATIVE HUTTER AN ACT

To amend and reenact R.S. 11:163(A) and (C), relative to retirement service and salary credit for public employees on involuntary furlough or leave without pay; to allow certain employees to continue to earn service and salary credit while on such furlough or leave; to provide for payment therefor; to provide limitations; to provide for implementation; to provide for an effective date; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 24—

BY REPRESENTATIVES HAMMETT, SALTER, ALARIO, DORSEY, PINAC, ARNOLD, BALDONE, BRUNEAU, DARTEZ, FARRAR, FAUCHEUX, HEATON, HILL, KENNEY, MONTGOMERY, ODINET, ROBIDEAUX, SCALISE, SCHNEIDER, JANE SMITH, TOWNSEND, WHITE, ALEXANDER, ANSARDI, BADON, BARROW, BAYLOR, BEARD, BOWLER, BRUCE, BURNS, BURRELL, K. CARTER, R. CARTER, CAZAYOUX, CRANE, CRAVINS, CROWE, CURTIS, DANIEL, DEWITT, DOERGE, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FRITH, GALLOT, GEYMAN, GLOVER, GRAY, GREENE, E. GUILLORY, M. GUILLORY, HARRIS, HEBERT, HONEY, HOPKINS, HUTTER, JACKSON, JEFFERSON, JOHNS, KATZ, KENNARD, KLECKLEY, LABRUZZO, LAFLEUR, LAFONTA, LAMBERT, LANCASTER, MARTINY, MCDONALD, MORRELL, MORRISH, PIERRE, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, SMILEY, GARY SMITH, JACK SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TRAHAN, TUCKER, WADDELL, WALKER, WALSWORTH, WINSTON, WOOTON, AND WRIGHT AND SENATORS HEITMEIER, HINES, AND MOUNT

AN ACT

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

Reported without amendments.

HOUSE BILL NO. 39—

BY REPRESENTATIVES HAMMETT, PINAC, ARNOLD, BALDONE, DARTEZ, FARRAR, FAUCHEUX, HEATON, HILL, KENNEY, LAMBERT, MONTGOMERY, SCALISE, JANE SMITH, TOWNSEND, ALARIO, ALEXANDER, ANSARDI, BADON, BARROW, BEARD, BOWLER, BRUCE, BRUNEAU, BURNS, CAZAYOUX, CRAVINS, CROWE, CURTIS, DAMICO, DANIEL, DEWITT, DOERGE, DORSEY, DOVE, DOWNS, ERDEY, FANNIN, FRITH, GEYMAN, GLOVER, GREENE, E. GUILLORY, M. GUILLORY, HARRIS, HOPKINS, HUTTER, JACKSON, JOHNS, KATZ, KENNARD, KLECKLEY, LABRUZZO, LAFLEUR, LANCASTER, MARTINY, MCDONALD, MCVEA, MORRISH, ODINET, PIERRE, PITRE, M. POWELL, T. POWELL, RITCHIE, ROBIDEAUX,

SALTER, SCHNEIDER, GARY SMITH, JACK SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TRAHAN, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WINSTON, WOOTON, AND WRIGHT AND SENATORS HEITMEIER, HINES, AND MOUNT

AN ACT

To enact R.S. 47:305.54, relative to the state sales and use tax; to provide that the state sales or use tax shall not apply to manufacturing machinery and equipment purchased, leased, or rented or repaired by manufacturers for use in the replacement of hurricane-damaged equipment; to provide for the applicability of certain definitions; to provide for an effective date and expiration date for the Act; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 40—

BY REPRESENTATIVES HAMMETT, MONTGOMERY, PINAC, ARNOLD, CURTIS, DARTEZ, FAUCHEUX, HILL, KENNEY, AND JANE SMITH

AN ACT

To amend and reenact R.S. 47:331(P)(2), relative to the state sales and use tax; to provide a reduction in the rate of the sales tax for sales of natural gas and electricity; to provide for an effective date; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 41—

BY REPRESENTATIVES HAMMETT, PINAC, ARNOLD, BALDONE, DARTEZ, FARRAR, FAUCHEUX, HEATON, HILL, MONTGOMERY, ODINET, SCALISE, JANE SMITH, TOWNSEND, TUCKER, ALARIO, ALEXANDER, ANSARDI, BEARD, BOWLER, BRUCE, BURNS, CAZAYOUX, CRANE, CRAVINS, CROWE, CURTIS, DAMICO, DANIEL, DEWITT, DOERGE, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FRITH, GEYMAN, GLOVER, GREENE, E. GUILLORY, M. GUILLORY, HARRIS, HEBERT, HONEY, HOPKINS, HUTTER, JACKSON, JOHNS, KATZ, KENNARD, KENNEY, KLECKLEY, LABRUZZO, LAMBERT, LANCASTER, MARTINY, MCDONALD, MCVEA, MORRELL, PIERRE, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROBIDEAUX, SALTER, SMILEY, GARY SMITH, JACK SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TRAHAN, WADDELL, WALKER, WALSWORTH, WHITE, WINSTON, WOOTON, AND WRIGHT AND SENATORS HEITMEIER, HINES, AND MOUNT

AN ACT

To amend and reenact R.S. 47:609(A), relative to the corporation franchise tax; to provide for the computation of borrowed capital which includes extraordinary debt incurred by corporations directly affected by Hurricanes Katrina and Rita; to provide for an effective date; and to provide for related matters.

Reported without amendments.

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.

Reported without amendments.

HOUSE BILL NO. 115—

BY REPRESENTATIVE BAYLOR AND SENATOR FIELDS

AN ACT

To amend and reenact Section 3(A) of Act No. 38 of the 1974 Regular Session of the Legislature, as amended by Act No. 673 of the 1977 Regular Session of the Legislature, Act No. 940 of the 1981 Regular Session of the Legislature, Act No. 939 of the 1986 Regular Session of the Legislature, Act No. 40 of the 1989

Regular Session of the Legislature, and Act No. 864 of the 2003 Regular Session of the Legislature and 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.

Reported without amendments.

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.

Reported without amendments.

HOUSE BILL NO. 121—
BY REPRESENTATIVES CRANE, ALARIO, DEWITT, DORSEY,
HAMMETT, AND SALTER AND SENATORS DUPLESSIS, HEITMEIER,
HINES, AND MOUNT
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), and 3983(A)(1)(g), relative to the Recovery School District; to provide for the transfer of certain schools to the recovery 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 and continuation of the transfer; to require the recovery district to make certain reports relative to the recovery district; to subject the administration of the recovery 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 recovery 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 transfer of such funds and for a limitation on the transfer of such funds; to provide for the expenditure of certain retained funds by certain city, parish, or other local public school systems; to provide for the eligibility of a student to attend a school operated under the jurisdiction of the recovery district; to provide for the obligations of the recovery district in providing services to students; to expand the definition of a Type 5 charter school to include charters involving certain schools transferred to the recovery district; to prohibit members of certain school boards from also being members of the governing or management boards of certain Type 5 charter schools; to prohibit certain local school boards from considering or acting on Type 1 charter school 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.

Reported without amendments.

HOUSE BILL NO. 160—
BY REPRESENTATIVE MONTGOMERY
AN ACT

To amend and reenact R.S. 49:1053(A), (C)(15) through (18), (D), (E), and (F) and 1054 and to enact R.S. 49:1053(C)(19) through (21), 1054.1, and 1055(D), relative to the Louisiana Geographic Information Systems Council; to provide for membership of the Louisiana Geographic Information Systems Council; to provide for the duties of the Louisiana Geographic Information Systems Council and its staff; to provide for the powers, functions, and duties of the Louisiana Geographic Information Center; to provide for the protection and confidentiality of certain information; 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 Legislative Bureau amendments were adopted and the Bills and Joint Resolutions were read by title and passed to a third reading.

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 18, 2005

To the President and Members of the Senate:

I am directed by your Committee on Revenue and Fiscal Affairs to submit the following report:

HOUSE BILL NO. 42—
BY REPRESENTATIVES MONTGOMERY, ARNOLD, ALARIO,
BALDONE, DARTEZ, DEWITT, DORSEY, FARRAR, FAUCHEUX,
HAMMETT, HEATON, HILL, KENNEY, LABRUZZO, ODINET, SALTER,
SCALISE, JANE SMITH, TOWNSEND, ALEXANDER, ANSARDI, BADON,
BARROW, BAYLOR, BEARD, BOWLER, BRUCE, BRUNEAU, BURRELL,
K. CARTER, R. CARTER, CAZAYOUX, CRANE, CRAVINS, CROWE,
CURTIS, DAMICO, DANIEL, DOERGE, DOVE, DOWNS, DURAND,
ERDEY, FRITH, GALLOT, GEYMANN, GLOVER, GRAY, GREENE, E.
GUILLORY, M. GUILLORY, HARRIS, HEBERT, HONEY, HOPKINS,
HUNTER, HUTTER, JACKSON, JEFFERSON, JOHNS, KATZ, KENNARD,
KLECKLEY, LAFONTA, LANCASTER, MARCHAND, MARTINY,
MCDONALD, MCVEA, MORRELL, MORRISH, PIERRE, PINAC, PITRE,
M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE,
ROBIDEAUX, SCHNEIDER, SMILEY, GARY SMITH, JACK SMITH, JOHN
SMITH, ST. GERMAIN, STRAIN, THOMPSON, TRAHAN, TRICHE,
TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WOOTON, AND
WRIGHT AND SENATORS HEITMEIER, HINES, AND MOUNT
AN ACT

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

Reported with amendments.

Respectfully submitted,
WILLIE MOUNT
Chairman

REPORT OF COMMITTEE ON

FINANCE

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

November 17, 2005

To the President and Members of the Senate:

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

SENATE BILL NO. 111—
BY SENATOR B. GAUTREAUX

AN ACT

To enact provisions related to reducing the state budget by providing an incentive for employees to retire; to provide an alternative to involuntary workforce reduction and individual agency budget cuts; to provide additional options for public servants employed by agencies seeking to reduce their budgets; to provide for early payment of the unfunded accrued liability of the Louisiana State Employees' Retirement System, for long-term savings in interest which would otherwise be owed by the state; to provide for state payroll reduction through a retirement incentive program and elimination of vacated positions; to allow certain members of the system to retire under specified conditions; to provide with respect to retirement eligibility and benefit calculation; to provide for maximum budget reduction through restrictions on the replacement and reemployment of certain retirees; to provide for an effective date; and to provide for related matters.

Reported with amendments.

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

AN ACT

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

Reported favorably.

Respectfully submitted,
FRANCIS C. HEITMEIER
Chairman

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

Senator Nevers 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. 111—
BY SENATOR B. GAUTREAUX

AN ACT

To enact provisions related to reducing the state budget by providing an incentive for employees to retire; to provide an alternative to involuntary workforce reduction and individual agency budget cuts; to provide additional options for public servants employed by agencies seeking to reduce their budgets; to provide for early payment of the unfunded accrued liability of the Louisiana State Employees' Retirement System, for long-term savings in interest which would otherwise be owed by the state; to provide for state payroll reduction through a retirement incentive program and elimination of vacated positions; to allow certain members of the system to retire under specified conditions; to provide with respect to retirement eligibility and benefit calculation; to provide for maximum budget reduction through restrictions on

the replacement and reemployment of certain retirees; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Finance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Original Senate Bill No. 111 by Senator B. Gautreaux

AMENDMENT NO. 1

On page 2, delete lines 20 and 21 in their entirety and insert in lieu thereof the following:

"Section 3.A. Any active contributing member of the Louisiana State Employees' Retirement System and any person who has creditable service in the system who has been furloughed, terminated,"

AMENDMENT NO. 2

On page 3, line 1, after "person" and before "to" insert "who has attained the age of fifty years"

AMENDMENT NO. 3

On page 3, line 3, change "444" to "441"

AMENDMENT NO. 4

On page 3, at the end of line 6, insert the following:

"The person shall receive the greater of the two benefit calculations, and shall be governed by the provisions of the law under which he receives the greater benefit."

AMENDMENT NO. 5

On page 3, line 14, after "of" and before "leave" insert "annual"

AMENDMENT NO. 6

On page 3, at the end of line 17, insert

"Payment hereunder shall be made only after certification by the division of administration of the person's leave balance and of the fact that the person has not previously received payment for any leave."

AMENDMENT NO. 7

On page 4, at the end of line 10, insert the following:

"The system shall promulgate rules to provide for the implementation of the provisions of this Section, including agency reporting of any retirees reemployed."

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

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

Senator Nevers 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. 42—

BY REPRESENTATIVES MONTGOMERY, ARNOLD, ALARIO, BALDONE, DARTEZ, DEWITT, DORSEY, FARRAR, FAUCHEUX, HAMMETT, HEATON, HILL, KENNEY, LABRUZZO, ODINET, SALTER, SCALISE, JANE SMITH, TOWNSEND, ALEXANDER, ANSARDI, BADON, BARROW, BAYLOR, BEARD, BOWLER, BRUCE, BRUNEAU, BURRELL, K. CARTER, R. CARTER, CAZAYOUX, CRANE, CRAVINS, CROWE, CURTIS, DAMICO, DANIEL, DOERGE, DOVE, DOWNS, DURAND, ERDEY, FRITH, GALLOT, GEYMANN, GLOVER, GRAY, GREENE, E. GUILLORY, M. GUILLORY, HARRIS, HEBERT, HONEY, HOPKINS, HUNTER, HUTTER, JACKSON, JEFFERSON, JOHNS, KATZ, KENNARD, KLECKLEY, LAFONTA, LANCASTER, MARCHAND, MARTINY, MCDONALD, MCVEA, MORRELL, MORRISH, PIERRE, PINAC, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROBIDEAUX, SCHNEIDER, SMILEY, GARY SMITH, JACK SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WOOTEN, AND WRIGHT AND SENATORS HEITMEIER, HINES, AND MOUNT

AN ACT

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

Reported 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. 42 by Representative Montgomery

AMENDMENT NO. 1

On page 2, at the end of line 2, delete "Beginning" and delete lines 3 through 6

AMENDMENT NO. 2

On page 2, delete line 8, and insert:
"items of tangible personal property that are not for use in a trade, business, or profession"

On page 2, at the end of line 11, insert:
"Consumer purchases" as used in this Paragraph shall not mean the purchase of a vehicle subject to license and title."

On motion of Senator Marionneaux, 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. 81—
 BY REPRESENTATIVES ARNOLD, BALDONE, HEATON, ODINET, TOWNSEND, AND TUCKER
 AN ACT

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

Reported favorably by the Committee on Finance. 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.

Rules Suspended

Senator Ellington asked for and obtained a suspension of the rules for the purpose of recalling House Bill No. 97 from the Committee on Insurance.

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

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

Under the provisions of Joint Rule No. 5, the bill, which is a duplicate of Senate Bill No. 30, was read by title and referred to the Legislative Bureau.

Rules Suspended

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

**Senate Concurrent Resolutions
 on Second Reading
 Reported by Committees**

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

SENATE CONCURRENT RESOLUTION NO. 17—
 BY SENATOR SHEPHERD
 A CONCURRENT RESOLUTION

To urge and request the various financial institutions throughout the state, who are licensed by the state to provide residential mortgage loans, to delay the collection of the monthly mortgage installment 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 by the Committee on Commerce, Consumer Protection, and International Affairs.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Nevers
Amedee	Fontenot	Quinn
Barham	Gautreaux N	Romero
Broome	Kostelka	Schedler
Cain	Malone	Shepherd
Chaisson	Marionneaux	Smith
Dardenne	Michot	Theunissen
Duplessis	Murray	
Total - 23		

NAYS

Total - 0

ABSENT

Adeley	Fields	Lentini
Bajoie	Gautreaux B	McPherson
Boasso	Heitmeier	Mount
Cheek	Hollis	Ullo
Cravins	Jackson	
Ellington	Jones	
Total - 16		

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

SENATE CONCURRENT RESOLUTION NO. 29—
 BY SENATOR ULLO AND REPRESENTATIVE CRANE
 A CONCURRENT RESOLUTION

To provide for legislative approval of adjustments adopted by the state Board of Elementary and Secondary Education on November 15, 2005 to the Minimum Foundation Program formula for FY 2005-06 previously developed and adopted by BESE on June 16, 2005 and approved by the Legislature as Senate Concurrent Resolution No. 125 of the 2005 Regular Session.

Reported favorably by the Committee on Education.

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

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

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

Called from the Calendar

Senator Adley asked that Senate Bill No. 25 be called from the Calendar at this time.

SENATE BILL NO. 25—
BY SENATOR ADLEY

AN ACT

To enact R.S. 22:667.1, relative to insurers offering property insurance; to prohibit application of specific deductibles on damage claims except under certain circumstances; to provide for retroactive application; and to provide for related matters.

On motion of Senator Adley, the bill was read by title and withdrawn from the files of the Senate.

Called from the Calendar

Senator Adley asked that Senate Bill No. 26 be called from the Calendar at this time.

SENATE BILL NO. 26—
BY SENATOR ADLEY

AN ACT

To enact R.S. 22:667.1, relative to insurers providing coverage for flood or wind damage; to prohibit application of certain special deductibles on claims for damages under certain circumstances; to provide for application of the prohibition; and to provide for related matters.

On motion of Senator Adley, the bill was read by title and withdrawn from the files of the Senate.

Called from the Calendar

Senator Fontenot asked that Senate Bill No. 35 be called from the Calendar at this time.

SENATE BILL NO. 35—
BY SENATORS FONTENOT AND CHAISSON

AN ACT

To amend and reenact R.S. 15:542(A), relative to registration of sex offender; to provide for registration of sex offenders after a declaration of emergency; and to provide for related matters.

On motion of Senator Fontenot, the bill was read by title and withdrawn from the files of the Senate.

Called from the Calendar

Senator Ellington asked that Senate Bill No. 58 be called from the Calendar at this time.

SENATE BILL NO. 58—
BY SENATOR ELLINGTON

AN ACT

To enact R.S. 47:301(10)(dd) and (18)(o) relative to sales tax of the state and any political subdivision whose boundaries are coterminous with those of the state; to grant a certain exclusion for paper mill process chemicals; to provide for an effective date; and to provide for related matters.

On motion of Senator Ellington, the bill was read by title and withdrawn from the files of the Senate.

Called from the Calendar

Senator Ellington asked that Senate Bill No. 59 be called from the Calendar at this time.

SENATE BILL NO. 59—
BY SENATOR ELLINGTON

AN ACT

To amend and reenact R.S. 47:715.1(A), 802.3(F), 818.15(A)(1), and 818.102(D), relative to fuel taxes; to provide for a refund or an exemption of all gasoline, special fuel, or flat rate and variable rate taxes paid by school bus owners; and to provide for related matters.

On motion of Senator Ellington, the bill was read by title and withdrawn from the files of the Senate.

Called from the Calendar

Senator Ellington asked that Senate Bill No. 79 be called from the Calendar at this time.

SENATE BILL NO. 79—
BY SENATOR ELLINGTON

AN ACT

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

On motion of Senator Ellington, the bill was read by title and withdrawn from the files of the Senate.

Called from the Calendar

Senator Shepherd asked that Senate Bill No. 88 be called from the Calendar at this time.

SENATE BILL NO. 88—
BY SENATOR SHEPHERD

AN ACT

To enact R.S. 42:1114.3, relative to the receipt of any thing of economic value from certain contracts and subcontracts; to prohibit elected officials from entering into contracts, subcontracts, or transactions under certain conditions; to provide for penalties; and to provide for related matters.

On motion of Senator Shepherd, the bill was read by title and withdrawn from the files of the Senate.

Called from the Calendar

Senator Broome asked that Senate Bill No. 93 be called from the Calendar at this time.

SENATE BILL NO. 93—
BY SENATOR BROOME

AN ACT

To amend and reenact R.S. 40:600.6(A)(26)(b) and to enact R.S. 40:600.6(A)(4)(b)(x) and Chapter 3-C of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:600.27 and 600.28, relative to the Louisiana Housing Finance Agency; to create the Louisiana Habitat for Humanity Loan Purchase Program; to provide for the purposes, funding, and procedures of the loan purchase program; to provide for an effective date; and to provide for related matters.

On motion of Senator Broome, the bill was read by title and withdrawn from the files of the Senate.

Rules Suspended

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

Introduction of Senate Concurrent Resolutions

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

SENATE CONCURRENT RESOLUTION NO. 35—

BY SENATOR MURRAY

A CONCURRENT RESOLUTION

To the Senate Committee on Judiciary C and the House Committee on the Administration of Criminal Justice to meet and function as a joint committee to study the practicality and feasibility of setting aside criminal bond forfeitures due to the effects of a gubernatorially declared disaster or emergency.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Michot
Adley	Ellington	Murray
Amedee	Fontenot	Nevers
Bajoie	Gautreaux B	Quinn
Barham	Gautreaux N	Romero
Boasso	Jackson	Schedler
Broome	Jones	Shepherd
Cain	Kostelka	Smith
Chaisson	Lentini	Theunissen
Dardenne	Malone	Ullo
Duplessis	Marionneaux	
Total - 32		

NAYS

Total - 0

ABSENT

Cheek	Heitmeier	Mount
Cravins	Hollis	
Fields	McPherson	
Total - 7		

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

SENATE CONCURRENT RESOLUTION NO. 36—

BY SENATOR MURRAY AND REPRESENTATIVE BRUNEAU

A CONCURRENT RESOLUTION

To create and provide with respect to the Joint Select Committee on Government Organization in the Metropolitan New Orleans Area.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Murray
Adley	Gautreaux B	Nevers
Amedee	Gautreaux N	Quinn
Bajoie	Jackson	Romero

Barham	Jones	Schedler
Boasso	Kostelka	Shepherd
Broome	Lentini	Smith
Cain	Malone	Theunissen
Chaisson	Marionneaux	Ullo
Dardenne	McPherson	
Dupre	Michot	

Total - 31

NAYS

Total - 0

ABSENT

Cheek	Ellington	Hollis
Cravins	Fields	Mount
Duplessis	Heitmeier	
Total - 8		

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

SENATE CONCURRENT RESOLUTION NO. 37—

BY SENATOR HINES

A CONCURRENT RESOLUTION

To name the pavilion at the Bunkie Youth Center the Tom McWilliams Pavilion in honor of a man who was one of the youth center's most valuable and dedicated employees.

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	Dupre	McPherson
Adley	Ellington	Michot
Amedee	Fontenot	Murray
Bajoie	Gautreaux B	Nevers
Barham	Gautreaux N	Quinn
Boasso	Jackson	Romero
Broome	Jones	Schedler
Cain	Kostelka	Shepherd
Chaisson	Lentini	Smith
Dardenne	Malone	Theunissen
Duplessis	Marionneaux	Ullo
Total - 33		

NAYS

Total - 0

ABSENT

Cheek	Fields	Hollis
Cravins	Heitmeier	Mount
Total - 6		

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

Senator Bajoie in the Chair

Rules Suspended

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

Senate Bills and Joint Resolutions on Third Reading and Final Passage

November 18, 2005

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

SENATE BILL NO. 105— BY SENATOR HINES

AN ACT

To enact R.S. 39:94(C)(4), relative to the Budget Stabilization Fund; to provide for the balance in the Budget Stabilization Fund; to define total state revenue receipts for purposes of determining the balance in the fund; to provide for an effective date; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Dupre Marionneaux
Adley Ellington McPherson
Amedee Fields Murray
Bajoie Gautreaux B Nevers
Broome Gautreaux N Smith
Chaisson Heitmeier Ullo
Cheek Jackson
Duplessis Jones
Total - 22

NAYS

Barham Kostelka Quinn
Boasso Lentini Romero
Cain Malone Schedler
Dardenne Michot Theunissen
Fontenot Mount
Total - 14

ABSENT

Cravins Hollis Shepherd
Total - 3

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

SENATE BILL NO. 109— BY SENATORS N. GAUTREAUX, BOASSO AND DUPRE

AN ACT

To amend and reenact R.S. 49:213.2 and 213.4(A), and to enact R.S. 49:213.11, relative to coastal and hurricane protection; to authorize and provide for the development and implementation of an inspection program; 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. 109 by Senator N. Gautreaux

AMENDMENT NO. 1

On page 2, line 10, following "but" and before "not" insert "are"

On motion of Senator Lentini, the amendments were adopted.

Floor Amendments Sent Up

Senator N. Gautreaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator N. Gautreaux to Engrossed Senate Bill No. 109 by Senator N. Gautreaux

AMENDMENT NO. 1

On page 3, line 4, after "plan" insert "and timeline"

On motion of Senator N. Gautreaux, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Adley Hollis
Cravins Jones
Total - 4

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

SENATE BILL NO. 110—

BY SENATORS MICHOT AND N. GAUTREAUX AND REPRESENTATIVES FRITH AND ROBIDEAUX

AN ACT

To enact R.S. 49:213.11, relative to hurricane protection, and coastal conservation, restoration and management; to authorize a hurricane protection feasibility study; to authorize and provide for the development and implementation of an intracoastal protection highway; to provide definitions, powers, and duties; and to provide for related matters.

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

House Concurrent Resolutions on Second Reading Reported by Committees

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

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.

Reported favorably by the Committee on Local and Municipal Affairs.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Cravins	Jones	Michot
Hollis	Lentini	Theunissen
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. 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.

Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs.

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	Michot
Adley	Dupre	Mount
Amedee	Ellington	Murray
Bajoie	Fields	Nevers
Barham	Gautreaux B	Quinn
Boasso	Gautreaux N	Romero
Broome	Heitmeier	Schedler
Cain	Jackson	Shepherd
Chaisson	Kostelka	Smith
Cheek	Marionneaux	Theunissen
Dardenne	McPherson	Ullo
Total - 33		

NAYS

Total - 0

ABSENT

Cravins	Hollis	Lentini
---------	--------	---------

Fontenot	Jones	Malone
Total - 6		

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

Rules Suspended

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

House Bills and Joint Resolutions on Third Reading and Final Passage

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

HOUSE BILL NO. 92—
BY REPRESENTATIVE GREENE
AN ACT

To enact R.S. 9:304, relative to legal deadlines affected by Executive Order KBB 2005-32, as amended; to provide for the effect of such legal deadlines on judgments of divorce; to provide for the effect of certain waiting and abandonment periods; to provide for the effect of judgments of divorce; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Cravins	Hollis
Heitmeier	Jones
Total - 4	

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

HOUSE BILL NO. 104—
BY REPRESENTATIVES GREENE, ANSARDI, AND GALLOT AND SENATOR LENTINI
AN ACT

To amend and reenact R.S. 9:315(C)(3)(a) and 315.1(B) and to enact R.S. 9:315(C)(3)(d)(v), 315.11(C), and 315.21(F), relative to child support; to provide for the definition of gross income; to provide for a deviation from the guidelines; to provide for voluntary unemployment or underemployment; to provide for retroactivity; to provide for a contingent effective date for R.S. 9:315.21(F); and to provide for related matters.

November 18, 2005

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 37

NAYS

Total - 0

ABSENT

Cravins Hollis

Total - 2

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

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.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 37

NAYS

Total - 0

ABSENT

Cravins Hollis

Total - 2

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

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. Senator McPherson moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 37

NAYS

Total - 0

ABSENT

Cravins Hollis

Total - 2

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

HOUSE BILL NO. 132— (Substitute for House Bill No. 12 by Representatives Quezaire and Salter)

BY REPRESENTATIVES QUEZAIRE, SALTER, AND LAMBERT AN ACT

To enact R.S. 48:250.4, relative to contracts let by the Department of Transportation and Development; to authorize the Department of Transportation and Development to utilize the design-build method to construct transportation projects under certain circumstances; to provide for certain requirements; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, YEAS, Name. Lists names like Mr. President, Adley, Bajoie, Boasso, Broome, Gautreaux B, Gautreaux N, Heitmeier, Jackson, Jones, Murray, Nevers, Quinn, Schedler, Smith.

Duplessis Ellington Fields Total - 23	Kostelka McPherson Mount	Theunissen Ullo
NAYS		
Amedee Barham Cain Chaisson Cheek Total - 14	Dardenne Dupre Fontenot Lentini Malone	Marionneaux Michot Romero Shepherd
ABSENT		
Cravins Total - 2	Hollis	

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

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.

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		
Mr. President Adley Amedee Bajoie Barham Boasso Broome Cain Chaisson Cheek Dardenne Duplessis Dupre Total - 37	Ellington Fields Fontenot Gautreaux B Gautreaux N Heitmeier Jackson Jones Kostelka Lentini Malone Marionneaux McPherson	Michot Mount Murray Nevers Quinn Romero Schedler Shepherd Smith Theunissen Ullo
NAYS		
Total - 0	ABSENT	
Cravins Total - 2	Hollis	

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.

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.

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		
Mr. President Adley Amedee Bajoie Barham Boasso Broome Cain Chaisson Cheek Dardenne Duplessis Dupre Total - 37	Ellington Fields Fontenot Gautreaux B Gautreaux N Heitmeier Jackson Jones Kostelka Lentini Malone Marionneaux McPherson	Michot Mount Murray Nevers Quinn Romero Schedler Shepherd Smith Theunissen Ullo
NAYS		
Total - 0	ABSENT	
Cravins Total - 2	Hollis	

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.

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.

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

ROLL CALL

The roll was called with the following result:

YEAS		
Mr. President Adley Amedee Bajoie	Ellington Fields Fontenot Gautreaux B	Michot Mount Murray Nevers

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Barham	Gautreaux N	Quinn
Boasso	Heitmeier	Romero
Broome	Jackson	Schedler
Cain	Jones	Shepherd
Chaisson	Kostelka	Smith
Cheek	Lentini	Theunissen
Dardenne	Malone	Ullo
Duplessis	Marionneaux	
Dupre	McPherson	

Total - 37

NAYS

Total - 0

ABSENT

Cravins	Hollis
---------	--------

Total - 2

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

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

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.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 36

NAYS

Total - 0

ABSENT

Cravins	Hollis	Schedler
---------	--------	----------

Total - 3

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

Senator B. Gautreaux in the Chair

HOUSE BILL NO. 27—
BY REPRESENTATIVES SALTER, ALARIO, DEWITT, DORSEY, AND HAMMETT AND SENATORS HEITMEIER, HINES, AND MOUNT
AN ACT

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

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

Total - 34

NAYS

Total - 0

ABSENT

Cravins	Kostelka	Schedler
Hollis	Mount	

Total - 5

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

Mr. President in the Chair

HOUSE BILL NO. 88—
BY REPRESENTATIVES GALLOT, ANSARDI, AND THOMPSON AND SENATOR LENTINI
AN ACT

To enact R.S. 9:2554, relative to the removal and preservation of property by the lessor in certain emergency periods; to provide for the right of the lessor to enter leased property to make necessary repairs; to provide for the removal and disposal of property; to provide for the duty of the lessor to preserve unsalvageable property; to provide for the payment of storage costs and the lessor's privilege; to provide for the taking of an inventory of the property; to provide for a presumption of intent to abandon the leased premises; to provide for notice to the lessee; to provide for definitions; to provide for applicability; to provide for retroactive effect; to provide for termination of provisions; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Cravins	Hollis
Total - 2	

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

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.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Cravins	Hollis	Kostelka
Heitmeier	Jones	
Total - 5		

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

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.

Floor Amendments Sent Up

Senator Theunissen sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Theunissen to Engrossed House Bill No. 148 by Representative Arnold

AMENDMENT NO. 1

In Senate Committee Amendment No. 1 proposed the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on November 16, 2005, on page 2, at the beginning of line 14 thereof, before "Jefferson" add "Cameron."

On motion of Senator Theunissen, the amendments were adopted.

Floor Amendments Sent Up

Senator Boasso sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Boasso to Engrossed House Bill No. 148 by Representative Arnold

AMENDMENT NO. 1

On page 3, line 20, after "2006" insert ", except that the tax rolls for 2005 for the parish of St. Bernard shall be completed and filed on or before June 30, 2006"

AMENDMENT NO. 2

On page 3, line 21, change "March 31, 2006" to "those dates"

On motion of Senator Boasso, the amendments were adopted.

Floor Amendments Sent Up

Senator Marionneaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux to Engrossed House Bill No. 148 by Representative Arnold

AMENDMENT NO. 1

On page 2, line 26, change "ten" to "fifteen"

AMENDMENT NO. 2

On page 2, line 29, change "ten" to "fifteen"

On motion of Senator Marionneaux, the amendments were adopted.

Floor Amendments Sent Up

Senator Adley sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Adley to Engrossed House Bill No. 148 by Representative Arnold

AMENDMENT NO. 1

On page 4, after line 13, insert:

"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."

On motion of Senator Adley, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns listing names of senators and their counts for 'YEAS'.

NAYS

Total - 0

ABSENT

Table with 2 columns listing names of senators and their counts for 'ABSENT'.

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

Motion to Make Special Order

Senator Ullo asked for and obtained a suspension of the rules for the purpose of making Senate Concurrent Resolution No. 29, which is on Senate Concurrent Resolution to be adopted, Subject to Call, Special Order of the Day No. 1 on Sunday, November 20, 2005, immediately following the Morning Hour.

Privilege Report of the Committee on Senate and Governmental Affairs

ENROLLMENTS

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

November 18, 2005

To the President and Members of the Senate:

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

The following Senate Concurrent Resolutions have been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 8—

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

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to extend Louisiana's seaward boundary in the Gulf of Mexico to twelve geographical miles.

SENATE CONCURRENT RESOLUTION NO. 28—

BY SENATOR MURRAY AND REPRESENTATIVE BRUNEAU

A CONCURRENT RESOLUTION

To strongly urge and request Entergy New Orleans and the city of New Orleans to take all actions necessary to restore working street lighting throughout the city of New Orleans at the earliest possible date.

SENATE CONCURRENT RESOLUTION NO. 31—

BY SENATOR MURRAY AND REPRESENTATIVE BRUNEAU

A CONCURRENT RESOLUTION

To commend BellSouth, Cox Communications, and Entergy New Orleans for their efforts in restoring services to the New Orleans metropolitan area and to urge and request such companies to expedite the restoration and resumption of their respective services to the remainder of the New Orleans area that is still without such services.

Respectfully submitted, CHARLES D. JONES Chairman

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

Message to the Governor

SIGNED SENATE BILLS

November 18, 2005

To the Honorable Governor of the State of Louisiana:

The President of the Senate and the Speaker of the House of Representatives have signed the following Senate Bill:

SENATE BILL NO. 8— (Duplicate of House Bill No. 2)

BY SENATOR MURRAY AND REPRESENTATIVE BRUNEAU AND COAUTHORED BY SENATORS BARHAM, BOASSO, CAIN, DARDENNE, HOLLIS, KOSTELKA, LENTINI, MALONE, MICHOT, QUINN, ROMERO, SCHEDLER AND THEUNISSEN AND REPRESENTATIVES PINAC, ALEXANDER, ARNOLD, BALDONE, BEARD, BOWLER, BURNS, CROWE, CURTIS, DARTEZ, DOVE, DOWNS, ERDEY, FAUCHEUX, GEYMAN, GREENE, HILL, HONEY, HUTTER, JOHNS, KATZ, KENNARD, KENNEY, KLECKLEY, LABRUZZO, LAMBERT, LANCASTER, MARTINY, MCVEA, MONTGOMERY, MORRISH, PITRE, M. POWELL, T. POWELL, SCALISE, SCHNEIDER, SMILEY, JANE SMITH, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TUCKER, WADDELL, WALSWORTH, WHITE AND WINSTON

AN ACT

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

and they are hereby presented for executive approval.

Respectfully submitted,
GLENN A. KOEPP
Secretary of the Senate

Leaves of Absence

The following leaves of absence were asked for and granted:

Hollis 1 Day Cravins 1 Day

Adjournment

Senator Bajoie moved that the Senate adjourn until Saturday, November 19, 2005, at 4:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 4:00 o'clock P.M. on Saturday, November 19, 2005.

GLENN A. KOEPP
Secretary of the Senate

GAYE F. HAMILTON
Journal Clerk