

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

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**TENTH DAY'S PROCEEDINGS**

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

Senate Chamber  
State Capitol  
Baton Rouge, Louisiana

Thursday, February 16, 2006

The Senate was called to order at 1:30 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 Ellington, 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 Ellington, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

**Morning Hour**

**Messages from the House**

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

**Message from the House**

**HOUSE CONFEREES APPOINTED**

February 16, 2006

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 appointed the following members, on the part of the House of Representatives, to confer, with a like committee from the Senate, on the disagreement to Senate Bill No. 14 by Senator Cain:

Representatives K. Carter, Morrish and Bowler.

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

**Message from the House**

**CONCURRING IN  
SENATE CONCURRENT RESOLUTIONS**

February 16, 2006

To the Honorable President and Members of the Senate:

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

**SENATE CONCURRENT RESOLUTION NO. 20—  
BY SENATOR MOUNT**

**A CONCURRENT RESOLUTION**

To urge and request the division of state police in the Department of Public Safety and Corrections to include Interstate I-10 and United States Highways 165 and 171 in their development of a contra-flow plan to meet the needs of citizens evacuating from Southwest Louisiana who are traveling north during an emergency catastrophic event.

Reported without amendments.

**SENATE CONCURRENT RESOLUTION NO. 22—  
BY SENATOR JONES**

**A CONCURRENT RESOLUTION**

To urge and request the Department of Public Safety and Corrections to create a program whereby non-violent state inmates can assist in the recovery, rebuilding, and restoration of Louisiana in the wake of hurricanes Rita and Katrina.

Reported without amendments.

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

**Introduction of Senate Resolutions**

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

**SENATE RESOLUTION NO. 18—  
BY SENATOR NEVERS**

**A RESOLUTION**

To urge and request the Department of Natural Resources to study the conservation of aquifer water and the appropriate utilization of surface water.

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

**SENATE RESOLUTION NO. 19—**

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

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana upon the death of Harry Leon Pitts, Sr., brother of Senate Assistant Sergeant-At-Arms Frank Pitts.

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

February 16, 2006

SENATE RESOLUTION NO. 20—  
BY SENATOR ROMERO

A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana upon the death of Thomas M. DeRouen.

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

Senate and Concurrent Resolutions  
on Second Reading

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

SENATE RESOLUTION NO. 17—  
BY SENATOR SHEPHERD

A RESOLUTION

To direct the secretary of Louisiana Department of Environmental Quality to appear before the Senate Committee on Environmental Quality at their first meeting of the 2006 Regular Session to provide information as to why the Gentilly Landfill should remain open.

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

SENATE CONCURRENT RESOLUTION NO. 23—  
BY SENATOR N. GAUTREAU

A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the passing of Warren L. "Rusty" Brown, Jr., of Lafayette, Louisiana.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Marionneaux
Adley	Ellington	McPherson
Amedee	Fields	Michot
Bajoie	Fontenot	Mount
Barham	Gautreaux B	Murray
Boasso	Gautreaux N	Nevers
Broome	Heitmeier	Quinn
Cain	Hollis	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Shepherd
Cravins	Kostelka	Smith
Dardenne	Lentini	Theunissen
Duplessis	Malone	Ullo
Total - 39		

NAYS

Total - 0

ABSENT

Total - 0

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

Messages from the House

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

Message from the House

ASKING CONCURRENCE IN  
HOUSE CONCURRENT RESOLUTIONS

February 15, 2006

To the Honorable President and Members of the Senate:

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

HOUSE CONCURRENT RESOLUTION NO. 52—

BY REPRESENTATIVE DANIEL AND SENATOR MARIONNEAUX  
A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the tragic death of Ensign Van Andrew Wilson, United States Navy SEAL.

HOUSE CONCURRENT RESOLUTION NO. 53—

BY REPRESENTATIVE SALTER AND SENATORS HINES AND  
THEUNISSEN

A CONCURRENT RESOLUTION

To commend the Honorable Carl N. Crane upon being named Legislator of the Year by the Louisiana Association of Principals.

HOUSE CONCURRENT RESOLUTION NO. 54—

BY REPRESENTATIVE GRAY  
A CONCURRENT RESOLUTION

To commend the Krewe of Angels upon its thirty-fourth annual Mardi Gras ball and to congratulate the king and queen.

HOUSE CONCURRENT RESOLUTION NO. 55—

BY REPRESENTATIVES GLOVER, BAYLOR, AND BURRELL  
A CONCURRENT RESOLUTION

To commend Lieutenant General Russel Luke Honoré for his valiant and courageous leadership and service to his state and country during times of crisis.

HOUSE CONCURRENT RESOLUTION NO. 56—

BY REPRESENTATIVES GLOVER, BAYLOR, AND BURRELL  
A CONCURRENT RESOLUTION

To commend Brigadier General Sherian Grace Cadoria (Ret.) for her leadership, selfless service, and her many accomplishments and distinguished public service to her state and country.

HOUSE CONCURRENT RESOLUTION NO. 57—

BY REPRESENTATIVES GLOVER, BAYLOR, AND BURRELL  
A CONCURRENT RESOLUTION

To commend General Joe N. Ballard (Ret.) for his leadership, selfless service, and his many accomplishments and distinguished public service to his state and country.

HOUSE CONCURRENT RESOLUTION NO. 58—

BY REPRESENTATIVES GLOVER, BAYLOR, AND BURRELL  
A CONCURRENT RESOLUTION

To commend Lieutenant General Edward Honor (Ret.) for his leadership, selfless service, outstanding accomplishments, and distinguished public service to his state and country.

HOUSE CONCURRENT RESOLUTION NO. 59—

BY REPRESENTATIVES GLOVER, BAYLOR, AND BURRELL  
A CONCURRENT RESOLUTION

To commend Major General Gregory Rountree (Ret.) for his leadership, selfless service, and his many accomplishments and distinguished public service to his state and country.

HOUSE CONCURRENT RESOLUTION NO. 60—

BY REPRESENTATIVES GLOVER, BAYLOR, AND BURRELL  
A CONCURRENT RESOLUTION

To commend Major General Charles Edward Honoré (Ret.) for decades of his leadership and service to his state and country.

**HOUSE CONCURRENT RESOLUTION NO. 61—**  
 BY REPRESENTATIVES GLOVER, BAYLOR, AND BURRELL  
 A CONCURRENT RESOLUTION

To commend Brigadier General Jude W. P. Patin (Ret.) for his leadership, selfless service, outstanding accomplishments, and distinguished public service to his state and country.

**HOUSE CONCURRENT RESOLUTION NO. 62—**  
 BY REPRESENTATIVES GLOVER, BAYLOR, AND BURRELL  
 A CONCURRENT RESOLUTION

To commend Brigadier General Donald Joseph Delandro for his extraordinary service and great sacrifice for his country while serving in the United States Army.

**HOUSE CONCURRENT RESOLUTION NO. 63—**  
 BY REPRESENTATIVES GLOVER, BAYLOR, AND BURRELL  
 A CONCURRENT RESOLUTION

To commend Major General Isaac D. Smith (Ret.) for his leadership, selfless service, outstanding accomplishments, and distinguished public service to his state and country.

**HOUSE CONCURRENT RESOLUTION NO. 64—**  
 BY REPRESENTATIVE BURNS  
 A CONCURRENT RESOLUTION

To urge and request the Military Department, office of homeland security and emergency preparedness, which is under the authority of the governor and the adjutant general, in accordance with Executive Order KBB-06-04, to consider including an emergency alert system within the rapid communications system developed for times of disaster or emergencies.

**HOUSE CONCURRENT RESOLUTION NO. 65—**  
 BY REPRESENTATIVE CROWE  
 A CONCURRENT RESOLUTION

To urge and request Governor Kathleen Babineaux Blanco to appoint a representative of St. Tammany Parish as a member of the Louisiana Recovery Authority in order to have a comprehensive and cohesive group working toward regional recovery efforts.

**HOUSE CONCURRENT RESOLUTION NO. 66—**  
 BY REPRESENTATIVES WALSWORTH, DOWNS, FANNIN, HUNTER, KATZ, KENNEY, MCDONALD, AND THOMPSON  
 A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Matthew Ron Barnes of West Monroe, a United States Marine who was killed in action in Iraq.

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. 52—**  
 BY REPRESENTATIVE DANIEL AND SENATOR MARIONNEAUX  
 A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the tragic death of Ensign Van Andrew Wilson, United States Navy SEAL.

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

**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	Heitmeier	Nevers
Cain	Hollis	Quinn
Chaisson	Jackson	Romero
Cheek	Jones	Schedler
Cravins	Kostelka	Smith
Dardenne	Lentini	Theunissen
Duplessis	Malone	Ullo

Total - 36

NAYS

Total - 0

ABSENT

Broome	Gautreaux N	Shepherd
Total - 3		

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

**HOUSE CONCURRENT RESOLUTION NO. 53—**  
 BY REPRESENTATIVE SALTER AND SENATORS HINES AND THEUNISSEN  
 A CONCURRENT RESOLUTION

To commend the Honorable Carl N. Crane upon being named Legislator of the Year by the Louisiana Association of Principals.

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

**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	Heitmeier	Nevers
Cain	Hollis	Quinn
Chaisson	Jackson	Romero
Cheek	Jones	Schedler
Cravins	Kostelka	Smith
Dardenne	Lentini	Theunissen
Duplessis	Malone	Ullo

Total - 36

NAYS

Total - 0

ABSENT

Broome	Gautreaux N	Shepherd
Total - 3		

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

**HOUSE CONCURRENT RESOLUTION NO. 54—**  
 BY REPRESENTATIVE GRAY  
 A CONCURRENT RESOLUTION

To commend the Krewe of Angels upon its thirty-fourth annual Mardi Gras ball and to congratulate the king and queen.

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

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ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Dupre, Marionneaux. Lists names like Mr. President, Adley, Amedee, etc.

NAYS

Total - 0

ABSENT

Table with 3 columns: Name, Gautreaux N, Shepherd. Lists Broome.

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

HOUSE CONCURRENT RESOLUTION NO. 55— BY REPRESENTATIVES GLOVER, BAYLOR, AND BURRELL A CONCURRENT RESOLUTION

To commend Lieutenant General Russel Luke Honoré for his valiant and courageous leadership and service to his state and country during times of crisis.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Dupre, Marionneaux. Lists names like Mr. President, Adley, Amedee, etc.

NAYS

Total - 0

ABSENT

Table with 3 columns: Name, Gautreaux N, Shepherd. Lists Broome.

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

HOUSE CONCURRENT RESOLUTION NO. 56— BY REPRESENTATIVES GLOVER, BAYLOR, AND BURRELL A CONCURRENT RESOLUTION

To commend Brigadier General Sherian Grace Cadoria (Ret.) for her leadership, selfless service, and her many accomplishments and distinguished public service to her state and country.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Dupre, Marionneaux. Lists names like Mr. President, Adley, Amedee, etc.

NAYS

Total - 0

ABSENT

Table with 3 columns: Name, Gautreaux N, Shepherd. Lists Broome.

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

HOUSE CONCURRENT RESOLUTION NO. 57— BY REPRESENTATIVES GLOVER, BAYLOR, AND BURRELL A CONCURRENT RESOLUTION

To commend General Joe N. Ballard (Ret.) for his leadership, selfless service, and his many accomplishments and distinguished public service to his state and country.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Dupre, McPherson. Lists names like Mr. President, Adley, Amedee, etc.

NAYS

Total - 0

ABSENT

Gautreaux N  
Total - 1

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

**HOUSE CONCURRENT RESOLUTION NO. 58—**  
BY REPRESENTATIVES GLOVER, BAYLOR, AND BURRELL  
A CONCURRENT RESOLUTION

To commend Lieutenant General Edward Honor (Ret.) for his leadership, selfless service, outstanding accomplishments, and distinguished public service to his state and country.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Dupre	McPherson
Adley	Ellington	Michot
Amedee	Fields	Mount
Bajoie	Fontenot	Murray
Barham	Gautreaux B	Nevers
Boasso	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

Gautreaux N  
Total - 1

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

**HOUSE CONCURRENT RESOLUTION NO. 59—**  
BY REPRESENTATIVES GLOVER, BAYLOR, AND BURRELL  
A CONCURRENT RESOLUTION

To commend Major General Gregory Rountree (Ret.) for his leadership, selfless service, and his many accomplishments and distinguished public service to his state and country.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

Dardenne  
Duplessis  
Total - 38

Malone  
Marionneaux

Ullo

NAYS

Total - 0

ABSENT

Gautreaux N  
Total - 1

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

**HOUSE CONCURRENT RESOLUTION NO. 60—**  
BY REPRESENTATIVES GLOVER, BAYLOR, AND BURRELL  
A CONCURRENT RESOLUTION

To commend Major General Charles Edward Honoré (Ret.) for decades of his leadership and service to his state and country.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Dupre	McPherson
Adley	Ellington	Michot
Amedee	Fields	Mount
Bajoie	Fontenot	Murray
Barham	Gautreaux B	Nevers
Boasso	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

Gautreaux N  
Total - 1

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

**HOUSE CONCURRENT RESOLUTION NO. 61—**  
BY REPRESENTATIVES GLOVER, BAYLOR, AND BURRELL  
A CONCURRENT RESOLUTION

To commend Brigadier General Jude W. P. Patin (Ret.) for his leadership, selfless service, outstanding accomplishments, and distinguished public service to his state and country.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Dupre	McPherson
Adley	Ellington	Michot
Amedee	Fields	Mount
Bajoie	Fontenot	Murray

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Barham	Gautreaux B	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

Gautreaux N  
Total - 1

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

**HOUSE CONCURRENT RESOLUTION NO. 62—**  
BY REPRESENTATIVES GLOVER, BAYLOR, AND BURRELL  
A CONCURRENT RESOLUTION

To commend Brigadier General Donald Joseph Delandro for his extraordinary service and great sacrifice for his country while serving in the United States Army.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

Total - 39

NAYS

Total - 0

ABSENT

Total - 0

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

**HOUSE CONCURRENT RESOLUTION NO. 63—**  
BY REPRESENTATIVES GLOVER, BAYLOR, AND BURRELL  
A CONCURRENT RESOLUTION

To commend Major General Isaac D. Smith (Ret.) for his leadership, selfless service, outstanding accomplishments, and distinguished public service to his state and country.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

Total - 39

NAYS

Total - 0

ABSENT

Total - 0

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

**HOUSE CONCURRENT RESOLUTION NO. 64—**  
BY REPRESENTATIVE BURNS  
A CONCURRENT RESOLUTION

To urge and request the Military Department, office of homeland security and emergency preparedness, which is under the authority of the governor and the adjutant general, in accordance with Executive Order KBB-06-04, to consider including an emergency alert system within the rapid communications system developed for times of disaster or emergencies.

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

**HOUSE CONCURRENT RESOLUTION NO. 65—**  
BY REPRESENTATIVE CROWE  
A CONCURRENT RESOLUTION

To urge and request Governor Kathleen Babineaux Blanco to appoint a representative of St. Tammany Parish as a member of the Louisiana Recovery Authority in order to have a comprehensive and cohesive group working toward regional recovery efforts.

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

**HOUSE CONCURRENT RESOLUTION NO. 66—**  
BY REPRESENTATIVES WALSWORTH, DOWNS, FANNIN, HUNTER, KATZ, KENNEY, MCDONALD, AND THOMPSON  
A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Matthew Ron Barnes of West Monroe, a United States Marine who was killed in action in Iraq.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Dupre	Marionneaux
Adley	Ellington	McPherson
Amedee	Fields	Michot
Bajoie	Fontenot	Mount
Barham	Gautreaux B	Murray
Boasso	Gautreaux N	Nevers

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

Total - 39

NAYS

Total - 0

ABSENT

Total - 0

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

**House Concurrent Resolutions  
on Second Reading**

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

**HOUSE CONCURRENT RESOLUTION NO. 33—**  
BY REPRESENTATIVES JACK SMITH AND ST. GERMAIN AND  
SENATOR B. GAUTREAU  
A CONCURRENT RESOLUTION

To amend HCR No. 85 from the 2005 Regular Session of the Louisiana Legislature, relative to the Wild-Caught Crawfish Task Force, to provide relative to its membership.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

Total - 39

NAYS

Total - 0

ABSENT

Total - 0

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

**HOUSE CONCURRENT RESOLUTION NO. 47—**  
BY REPRESENTATIVE MORRELL  
A CONCURRENT RESOLUTION

To urge and request the United States Postal Service, particularly the Postmaster of New Orleans, to take necessary measures to restore regular mail service to the citizens of New Orleans, including regular home delivery.

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	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

NAYS

Total - 0

ABSENT

Total - 0

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

**HOUSE CONCURRENT RESOLUTION NO. 48—**  
BY REPRESENTATIVE LAFONTA  
A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to reduce by twenty-five percent the amount of outstanding federal student loan debt of any college graduate who resides in certain areas of Louisiana most affected by Hurricane Katrina or Hurricane Rita for at least five consecutive years immediately following graduation and to memorialize congress to provide for the establishment of conditions and requirements for such debt reduction.

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	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

NAYS

Total - 0

ABSENT

Total - 0

February 16, 2006

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

HOUSE CONCURRENT RESOLUTION NO. 51—

BY REPRESENTATIVE ARNOLD

A CONCURRENT RESOLUTION

To urge and request the Louisiana Tax Commission to recognize and honor the legislative intent of Acts 30 and 70 of the 2005 First Extraordinary Session of the Legislature, relative to the homestead exemption and special assessment level.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 39

NAYS

Total - 0

ABSENT

Total - 0

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

FINANCE

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

February 16, 2006

To the President and Members of the Senate:

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

HOUSE BILL NO. 52—

BY REPRESENTATIVES MARTINY, BEARD, DANIEL, DOWNS, KATZ, SCHNEIDER, TUCKER, WOOTON, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BALDONE, BAUDOIN, BOWLER, BRUCE, BRUNEAU, BURNS, CAZAYOUX, CRANE, DAMICO, DEWITT, DORSEY, DOVE, ERDEY, FANNIN, FAUCHEUX, FRITH, M. GUILLORY, HAMMETT, HEATON, HILL, HOPKINS, JOHNS, KLECKLEY, LAMBERT, LANCASTER, MCDONALD, MORRISH, ODINET, PINAC, PITRE, M. POWELL, T. POWELL, RITCHIE, SALTER, SMILEY, GARY SMITH, JANE SMITH, STRAIN, THOMPSON, TOOMY, TRAHAN, WADDELL, WALKER, WALSWORTH, AND WHITE

AN ACT

To amend and reenact R.S. 36:501(B) and (C)(1), 502(A) and (B) and 508.3(A), R.S. 38:291(A)(1), (F)(1)(a), and (L)(1), and R.S.

49:213.1(D), 213.4(A)(3) and (4), and 213.6(D)(1) and (2), to enact R.S. 36:508.4 and 509(B)(5) and Chapter 3-A of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:241 through 250, and to repeal R.S. 38:291(D), (G), (K), (P), (R), (S), (T), and (U), 304.2, 304.3, 307, 326.2, 327, 328, 329, 335, 336, 337, and 338, relative to hurricane flood protection levees; to provide for the creation of the office of hurricane flood protection within the Department of Transportation and Development; to provide for the officers of the office of hurricane flood protection and the appointment, salary, powers, duties, and functions of such office; to create the Hurricane Flood Protection, Construction, and Development Priority Program; to provide relative to certain definitions; to establish a methodology for the submission and evaluation of hurricane flood protection project applications; to authorize the promulgation of rules and regulations under certain circumstances; to authorize the establishment of a Hurricane Flood Protection Commission; to provide relative to the nomination and appointment of commissioners; to provide relative to the duties of such commission; to provide relative to the authority of the East Jefferson, Lake Borgne Basin, Orleans, South Lafourche, West Jefferson, and Grand Isle Independent Levee Districts; to provide relative to the authority of the North Lafourche Conservation, Levee and Drainage District; to repeal laws relative to such levee districts; and to provide for related matters.

Reported without action.

Respectfully submitted, FRANCIS C. HEITMEIER Chairman

House Bills and Joint Resolutions on Second Reading Reported by Committees

Senator Heitmeier 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. 52—

BY REPRESENTATIVES MARTINY, BEARD, DANIEL, DOWNS, KATZ, SCHNEIDER, TUCKER, WOOTON, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BALDONE, BAUDOIN, BOWLER, BRUCE, BRUNEAU, BURNS, CAZAYOUX, CRANE, DAMICO, DEWITT, DORSEY, DOVE, ERDEY, FANNIN, FAUCHEUX, FRITH, M. GUILLORY, HAMMETT, HEATON, HILL, HOPKINS, JOHNS, KLECKLEY, LAMBERT, LANCASTER, MCDONALD, MORRISH, ODINET, PINAC, PITRE, M. POWELL, T. POWELL, RITCHIE, SALTER, SMILEY, GARY SMITH, JANE SMITH, STRAIN, THOMPSON, TOOMY, TRAHAN, WADDELL, WALKER, WALSWORTH, AND WHITE

AN ACT

To amend and reenact R.S. 36:501(B) and (C)(1), 502(A) and (B) and 508.3(A), R.S. 38:291(A)(1), (F)(1)(a), and (L)(1), and R.S. 49:213.1(D), 213.4(A)(3) and (4), and 213.6(D)(1) and (2), to enact R.S. 36:508.4 and 509(B)(5) and Chapter 3-A of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:241 through 250, and to repeal R.S. 38:291(D), (G), (K), (P), (R), (S), (T), and (U), 304.2, 304.3, 307, 326.2, 327, 328, 329, 335, 336, 337, and 338, relative to hurricane flood protection levees; to provide for the creation of the office of hurricane flood protection within the Department of Transportation and Development; to provide for the officers of the office of hurricane flood protection and the appointment, salary, powers, duties, and functions of such office; to create the Hurricane Flood Protection, Construction, and Development Priority Program; to provide relative to certain definitions; to establish a methodology for the submission and evaluation of hurricane flood protection project applications; to authorize the promulgation of rules and regulations under certain circumstances; to authorize the establishment of a Hurricane Flood Protection Commission; to provide relative to the nomination and appointment of commissioners; to provide relative to the duties of such commission; to provide relative to the authority of the East Jefferson, Lake Borgne Basin, Orleans,

South Lafourche, West Jefferson, and Grand Isle Independent Levee Districts; to provide relative to the authority of the North Lafourche Conservation, Levee and Drainage District; to repeal laws relative to such levee districts; and to provide for related matters.

Reported without action by the Committee on Finance. The bill was read by title and referred to the Legislative Bureau.

**Rules Suspended**

Senator N. Gautreaux asked for and obtained a suspension of the rules for the purpose of recalling House Concurrent Resolution No. 15 from the Committee on Health and Welfare.

**HOUSE CONCURRENT RESOLUTION NO. 15—**

BY REPRESENTATIVE HEBERT

**A CONCURRENT RESOLUTION**

To urge and request the Department of Health and Hospitals (DHH) to temporarily ease restrictions on the Sanitary Code for victims of Hurricane Katrina currently living in trailers.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	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	Uilo

Total - 39

**NAYS**

Total - 0

**ABSENT**

Total - 0

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

**Senate Bills and Joint Resolutions Returned from the House of Representatives with Amendments**

The following Senate Bills and Joint Resolutions returned from the House of Representatives with amendments were taken up and acted upon as follows:

**SENATE BILL NO. 22—**

BY SENATOR SHEPHERD

**AN ACT**

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

The bill was read by title. Returned from the House of Representatives with the following amendments:

**HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on House and Governmental Affairs to Reengrossed Senate Bill No. 22 by Senator Shepherd

**AMENDMENT NO. 1**

On page 1, line 2, after "To enact" and before "relative to early voting" change "R.S. 18:1319," to "R.S. 18:401.4,"

**AMENDMENT NO. 2**

On page 1, line 3, after "plan;" delete the remainder of the line and delete lines 4 and 5 and insert the following:

"to allow certain registered voters of an affected area to vote during early voting in the offices of the registrars in certain parishes for certain elections; to provide relative to the manner of conducting the early voting in other parishes; to require the secretary of state to assist the registrars of voters in conducting early voting; to provide relative to the effectiveness"

**AMENDMENT NO. 3**

On page 1, line 8, after "Section 1." and before "is hereby enacted" change "R.S. 18:1319" to "R.S. 18:401.4"

**AMENDMENT NO. 4**

On page 1, delete lines 9 through 17, and on page 2, delete lines 1 through 18, and insert the following:

**"§401.4. Early voting in other parishes**

**A. For an election in an affected area for which the secretary of state has submitted an emergency plan to the legislature pursuant to R.S. 18:401.3(C), and such plan has been approved by the legislature pursuant to R.S. 18:401.3(D), any registered voter of the affected area, who has registered to vote on or before the date of the gubernatorially declared emergency or disaster, may vote during the early voting period for such election at any office of the registrar in any parish that has a population of one hundred thousand or more according to the most recent federal decennial census.**

**B. The registrars of voters shall conduct the early voting authorized by this Section in the same manner as provided in R.S. 18:1309(A). The secretary of state shall assist each registrar of voters, as necessary, in the preparation for and conduct of early voting authorized by this Section. Any expenses associated with compliance with the provisions of this Section shall be borne by any local or municipal entity for which a local or municipal candidate or a local bond, debt, or tax proposition or other question appears on the ballot for such election.**

**C. The provisions of this Section shall be effective until July 16, 2006."**

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Schneider to Reengrossed Senate Bill No. 22 by Senator Shepherd

**AMENDMENT NO. 1**

In House Committee Amendment No. 4 proposed by the House Committee on House and Governmental Affairs and adopted by the House of Representatives on February 14, 2006, on page 1, line 33, after "election," insert the following:

**"Prior to the beginning of early voting pursuant to this Section, the secretary of state shall contact the appropriate election official in each jurisdiction where potential displaced registered voters are currently located to the best of his knowledge, to verify that each such registered voter has not registered to vote in that jurisdiction or, if such jurisdiction has a statewide voter registration database, in that state. If the secretary of state finds that a displaced registered voter has registered in that jurisdiction or state, the registered voter shall not be permitted to vote early pursuant to this Section and the secretary of state shall instruct the appropriate registrar of voters to proceed in accordance with the applicable provisions of Part V of this Chapter."**

February 16, 2006

Senator Shepherd moved to concur in the amendments proposed by the House.

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 38

NAYS

Total - 0

ABSENT

Cain

Total - 1

The Chair declared the amendments proposed by the House were concurred in. Senator Shepherd moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

SENATE BILL NO. 50— BY SENATOR JONES

AN ACT

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

The bill was read by title. Returned from the House of Representatives with the following amendments:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Engrossed Senate Bill No. 50 by Senator Jones

AMENDMENT NO. 1

On page 1, line 17, after "displaced status." and before "The legislature," insert "(1)"

AMENDMENT NO. 2

On page 1, line 17, change "Section" to "Paragraph"

AMENDMENT NO. 3

On page 2, at the end of line 2, change "person" to "registered voter"

AMENDMENT NO. 4

On page 2, at the beginning of line 8, delete "18:115(F)(2)(a), 1303(B), and 1307(C)," and insert "18:1307(C) and 1311(D)(1)(a)"

AMENDMENT NO. 5

On page 2, line 10, after "Section." insert "The provisions of this Paragraph shall not apply to any person who has not previously voted

in his parish of residence either during early voting in the office of the registrar or at the precinct in which he is registered to vote."

AMENDMENT NO. 6

On page 2, delete lines 11 through 18 and insert the following:

"(2)(a) The legislature, therefore, additionally enacts this Paragraph to provide for the following provisions, applicable to members of the United States service or persons residing outside the United States, to apply to any registered voter, who registered to vote by mail on or after October 5, 2004 but prior to September 25, 2005, who is temporarily displaced from his parish of residence when he submits with an application to vote by mail an affidavit attesting that he is temporarily displaced from his parish of residence by reason of the state of emergency, 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: R.S. 18:115(F)(2)(a), 1307(C), and 1311(D)(1)(a), except that the application to vote by mail shall be valid for a period of one year following the effective date of this Section.

(b) Upon expiration of Subparagraph (a) of this Paragraph, any voter who has voted absentee by mail pursuant to Subparagraph (a) who has not voted during early voting at the registrar's office 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 R.S. 18:115(F)(1) and shall be subject to the requirements of R.S. 18:115(F)(1).

B. The provisions of R.S. 18:1308(A)(2) shall not apply to absentee by mail voting conducted pursuant to this Section. The provisions of Subsection B, Paragraph (A)(1), and Subparagraph (A)(2)(a) of this Section shall be effective for a period of one year following the effective date of this Section."

Senator Jones moved to concur in the amendments proposed by the House.

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 38

NAYS

Total - 0

ABSENT

Cain

Total - 1

The Chair declared the amendments proposed by the House were concurred in. Senator Jones moved to reconsider the vote by which the amendments were concurred in 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. 57—**  
BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 33:4720.55(D) and (E), relative to the composition of the board of commissioners of the New Orleans Redevelopment Authority; to provide for the number of commissioners; to provide for the method of appointment of commissioners; to provide for the terms of commissioners; to provide for an effective date; and to provide for related matters.

On motion of Senator Murray, 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. 29—**  
BY REPRESENTATIVES GREENE, BALDONE, GALLOT, MARTINY,  
BAYLOR, BURRELL, JEFFERSON, AND KLECKLEY

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to amend the Federal Rules of Civil Procedure to recognize state law authorizing legal continuances for members of the legislature during legislative sessions and to adopt a substantially similar rule in federal court.

Reported favorably by the Committee on Judiciary A.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

Total - 36

NAYS

Total - 0

ABSENT

Cain	Cravins	Gautreaux B
Total - 3		

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  
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. 59—**

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

AN ACT

To enact R.S. 36:4(H) and Part V of Chapter 2 of Title 49 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 49:220.1 through 220.7, and to repeal R.S. 36:4(H) and Part V of Chapter 2 of Title 49 of the Louisiana Revised Statutes of 1950, comprised of R.S. 49:220.1 through 220.7, relative to the Louisiana Recovery Authority; to establish the Louisiana Recovery Authority in the office of the governor; to provide for the authority and its powers, functions, and duties; to provide for an executive director and the powers, functions, and duties of the executive director; to provide for the Louisiana Recovery Authority Board and its membership, powers, functions, and duties; to provide for the effectiveness of the provisions; to repeal all provisions relative to the Louisiana Recovery Authority; and to provide for related matters.

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

**HOUSE BILL NO. 2—**

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

AN ACT

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

**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. 2 by Representative Pinac

**AMENDMENT NO. 1**

On page 1, at the end of line 14, insert the following:  
"In the event the governing board of the corporation receives federal funds from the United States Department of Housing and Urban Development under the Community Development Block Grant Program, the corporation shall credit such amounts on a pro rata basis to assessable insurers who were subject to an assessment as provided for pursuant to R.S. 22:1430, et seq., and who will thereafter return such amount to the insured."

On motion of Senator Marionneaux, the amendments were adopted.

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

February 16, 2006

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Adley, Amedee, Bajoie, Barham, Boasso, Cain, Chaisson, Cheek, Dardenne, Duplessis, Dupre, Ellington, Fields, Fontenot, Gautreaux B, Gautreaux N, Heitmeier, Hollis, Jackson, Jones, Lentini, Malone, Marionneaux, McPherson, Michot, Mount, Murray, Nevers, Quinn, Romero, Shepherd, Smith, Theunissen, Ullo. Total - 35

NAYS

Total - 0

ABSENT

Table with 2 columns of names: Broome, Cravins, Kostelka, Schedler. 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.

HOUSE BILL NO. 4—

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

AN ACT

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Adley, Amedee, Bajoie, Barham, Boasso, Broome, Cain, Chaisson, Cheek, Cravins, Dardenne, Duplessis, Dupre, Ellington, Fields, Fontenot, Gautreaux B, Gautreaux N, Heitmeier, Hollis, Jackson, Jones, Kostelka, Lentini, Malone, Marionneaux, McPherson, Michot, Mount, Murray, Nevers, Quinn, Romero, Schedler, Shepherd, Smith, Theunissen, Ullo. Total - 39

NAYS

Total - 0

ABSENT

Total - 0

The Chair declared the 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.

HOUSE BILL NO. 17—

BY REPRESENTATIVE LABRUZZO AN ACT

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

Senator Jones in the Chair

Floor Amendments Sent Up

Senator Hollis sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Quinn to Reengrossed House Bill No. 17 by Representative LaBruzzo

AMENDMENT NO. 1

On page 1, line 14, after "days" insert the following:

"The time limit shall not commence as long as a deceleration of emergency is in existence and civil authorities are denying the insured access to the property."

On motion of Senator Hollis, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Adley, Amedee, Bajoie, Barham, Boasso, Broome, Cain, Chaisson, Cheek, Cravins, Dardenne, Duplessis, Dupre, Ellington, Fields, Fontenot, Gautreaux B, Gautreaux N, Heitmeier, Hollis, Jackson, Jones, Kostelka, Lentini, Malone, Marionneaux, McPherson, Michot, Mount, Murray, Nevers, Quinn, Romero, Schedler, Shepherd, Smith, Theunissen, Ullo. Total - 39

NAYS

Total - 0

ABSENT

Total - 0

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

**HOUSE BILL NO. 18—**  
BY REPRESENTATIVE HAMMETT  
AN ACT

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

The bill was read by title. Senator Mount 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	Romero
Cain	Hollis	Schedler
Chaisson	Jackson	Shepherd
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Duplessis	Malone	

Total - 38

**NAYS**

Total - 0

**ABSENT**

Quinn  
Total - 1

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

**HOUSE BILL NO. 21—**  
BY REPRESENTATIVES HAMMETT, DORSEY, SALTER, SCALISE, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BADON, BALDONE, BAUDOIN, BEARD, BOWLER, BRUCE, BRUNEAU, BURNS, R. CARTER, CAZAYOUX, CRANE, CROWE, DAMICO, DANIEL, DARTEZ, DEWITT, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FRITH, GALLOT, GEYMANN, GREENE, E. GUILLORY, M. GUILLORY, HARRIS, HEATON, HEBERT, HILL, HONEY, HUNTER, HUTTER, JACKSON, JOHNS, KATZ, KENNEY, KLECKLEY, LABRUZZO, LAFLEUR, LAFONTA, LANCASTER, MARCHAND, MARTINY, MCDONALD, MONTGOMERY, MORRELL, ODINET, PIERRE, PINAC, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROBIDEAUX, ROMERO, SCHNEIDER, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WINSTON, AND WOOTON AND SENATOR MOUNT

AN ACT

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

**Floor Amendments Sent Up**

Senator Barham sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senators Barham and Nevers to Reengrossed House Bill No. 21 by Representative Hammett

AMENDMENT NO. 1

On page 1, line 2, after "(6)" and before "(f)", insert "(a)(ix) and"

AMENDMENT NO. 2

On page 1, line 5, between "purposes;" and "to" insert "to provide for the deduction of expenses disallowed for federal income tax purposes;"

AMENDMENT NO. 3

On page 2, line 15, after "(6)" and before "(f)", insert "(a)(ix) and"

AMENDMENT NO. 4

On page 2, line 15, change "is" to "are"

AMENDMENT NO. 5

On page 2, delete line 20 in its entirety and insert in lieu thereof the following:

"(6)(a) "Tax Table Income", for resident individuals, means adjusted gross income plus interest on obligations of a state or political subdivision thereof, other than Louisiana and its municipalities, title to which obligations vested with the resident individual on or subsequent to January 1, 1980, and less:

\* \* \*

**(ix) A deduction for expenses disallowed by I.R.C. Section 280(C). In computing net income, a deduction shall be allowed for expenses which would otherwise be deductible under federal law, but for the disallowance provisions of I.R.C. Section 280(C), relative to certain expenses for which federal credits are allowable.**

AMENDMENT NO. 6

On page 2, between lines 23 and 24, insert the following:

"(7) "Tax table income", for nonresident individuals, means the amount of Louisiana income, as provided in this Part, allocated and apportioned under the provisions of R.S. 47:241 through 247, plus the total amount of the personal exemptions and deductions already included in the tax tables promulgated by the secretary under authority of R.S. 47:295, less the proportionate amount of the federal income tax liability, the exclusion provided for in R.S. 47:297.3 for S Bank shareholders, **the deduction for expenses disallowed by I.R.C. Section 280 (C)**, and personal exemptions and deductions provided for in R.S. 47:294. The proportionate amount is to be determined by the ratio of Louisiana income to federal adjusted gross income. When federal adjusted gross income is less than Louisiana income, the ratio shall be one hundred percent."

On motion of Senator Barham, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

Total - 39

February 16, 2006

NAYS

Total - 0

ABSENT

Total - 0

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

HOUSE BILL NO. 27—

BY REPRESENTATIVE LANCASTER  
AN ACT

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

Floor Amendments Sent Up

Senator Mount sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Mount to Engrossed House Bill No. 27 by Representative Lancaster

AMENDMENT NO. 1

On page 1, line 3, after "Legislature" insert "and to direct the Louisiana Tax Commission to take certain actions to protect taxpayers and assessors until such Act is voted on"

AMENDMENT NO. 2

On page 1, between lines 12 and 13, insert:

"Section 2. (1) It is the intention of the Legislature by enacting Act No. 70 of the 2005 First Extraordinary Session of the Legislature that taxpayers whose homes were lost are destroyed in the recent hurricanes should not have to suffer the levy of ad valorem property tax or the loss of their special assessment level because of their temporary inability to occupy their homes. Because of the unavoidable delay until September of submission to voters of Act No. 70 as provided for in this Act, there is a possibility that some taxpayers may be assessed tax without the benefit of those two exemptions.

(2) Therefore, the Legislature of Louisiana hereby directs the Louisiana Tax Commission to provide for the following:

(a) The continuation of the Homestead Exemption and the Special Assessment Level for taxpayers who may not be able to occupy their homes because they were damaged or destroyed by during the disaster or emergency declared by the governor because of the hurricanes until such time as the constitutional amendment proposed in Act No. 70 becomes effective. If Act No. 70 is not approved by the electorate, the authorization provided in this Subparagraph shall cease.

(b) A procedure for and requirement for the keeping of such records by assessors in the event Act No. 70 is not approved by the voters.

(c) Such procedures to insure, insofar as it is possible, that no more than one homestead exemption or special assessment level extend or apply to any person in this state."

AMENDMENT NO. 3

On page 1, line 13, change "Section 2." to "Section 3."

On motion of Senator Mount, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 38

NAYS

Total - 0

ABSENT

McPherson

Total - 1

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

Mr. President in the Chair

HOUSE BILL NO. 28—

BY REPRESENTATIVE LANCASTER  
AN ACT

To repeal Act No. 24 of the 2005 First Extraordinary Session of the Legislature, to remove provisions for the holding and conduct of a special statewide election on the fifth Saturday in April of 2006 for the purpose of submitting constitutional amendments to the electors of the state.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	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	Shepherd
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Duplessis	Malone	

Total - 38

NAYS

Total - 0

ABSENT

Schedler

Total - 1

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

**HOUSE BILL NO. 90—**

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

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

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total - 0

**ABSENT**

Cravins	Schedler
Total - 2	

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

**HOUSE BILL NO. 93—**

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

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

**Floor Amendments Sent Up**

Senator Mount sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Mount to Reengrossed House Bill No. 93 by Representative Hammett

AMENDMENT NO. 1

In Senate Committee Amendment No. 3, proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate

on February 13, 2006, on page 1, line 12, after "small businesses" insert ", including any child care business,"

On motion of Senator Mount, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total - 0

**ABSENT**

Cravins	Schedler
Total - 2	

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

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

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

**AN ACT**

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

The bill was read by title. Senator Broome 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

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Broome	Heitmeier	Quinn
Cain	Hollis	Romero
Chaisson	Jackson	Shepherd
Cheek	Jones	Smith
Dardenne	Lentini	Theunissen
Duplessis	Malone	Ullo
Total - 36		

NAYS

Total - 0

ABSENT

Cravins	Kostelka	Schedler
Total - 3		

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

**Senator Marionneaux in the Chair**

**HOUSE BILL NO. 1—**  
BY REPRESENTATIVES BURRELL AND GLOVER  
AN ACT

To amend and reenact R.S. 33:2891.3(C), relative to acquisition of abandoned property by a parish or municipality; to change the period of time for owners or other interested parties to contest the acquisition of property adjudicated more than five years; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Cravins	Hollis	Malone
Ellington	Kostelka	Schedler
Total - 6		

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

**HOUSE BILL NO. 3—**  
BY REPRESENTATIVE ALARIO  
AN ACT

To amend and reenact Sections 9(A) and 13 of Act 465 of the 2005 Regular Session of the Legislature, relative to revenue sharing; to provide for certain parish allocations for Fiscal Year 2005-2006; to provide with respect to the distribution of revenue sharing allocations in Orleans, Jefferson, Plaquemines, and St. Bernard parishes; to provide for an effective date; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Ellington	McPherson
Adley	Fields	Michot
Amedee	Fontenot	Mount
Bajoie	Gautreaux B	Murray
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 - 37		

NAYS

Total - 0

ABSENT

Cravins	Shepherd
Total - 2	

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

**HOUSE BILL NO. 11—**  
BY REPRESENTATIVES SCHNEIDER AND BEARD  
A JOINT RESOLUTION

Proposing to amend Article VI, Section 38(A)(1) of the Constitution of Louisiana, to provide relative to the residency requirement for levee district commissioners; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

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

**HOUSE BILL NO. 29—**  
BY REPRESENTATIVE LANCASTER AND SENATOR DUPRE  
AN ACT

To amend and reenact Section 3 of Act No. 69 of the 2005 First Extraordinary Session of the Legislature, relative to the proposed constitutional amendment to change the name of the Wetlands Conservation and Restoration Fund to the Coastal Protection and Restoration Fund and to provide relative to such fund; to change the date on which the proposed amendment shall be submitted to the electors; 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	Fields	Michot
Adley	Fontenot	Mount
Amedee	Gautreaux B	Murray
Bajoie	Gautreaux N	Nevers
Boasso	Heitmeier	Quinn
Broome	Hollis	Romero

Cain	Jackson	Schedler
Chaisson	Jones	Shepherd
Cheek	Kostelka	Smith
Dardenne	Lentini	Theunissen
Duplessis	Malone	Ullo
Dupre	Marionneaux	
Ellington	McPherson	
Total - 37		

NAYS

Total - 0

ABSENT

Barham	Cravins
Total - 2	

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.

**HOUSE BILL NO. 40—**  
BY REPRESENTATIVE RICHMOND  
AN ACT

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

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Ellington	McPherson
Adley	Fields	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
Dardenne	Lentini	Theunissen
Duplessis	Malone	Ullo
Dupre	Marionneaux	
Total - 38		

NAYS

Total - 0

ABSENT

Cravins  
Total - 1

The Chair declared the 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.

**HOUSE BILL NO. 44—**  
BY REPRESENTATIVE BURNS  
AN ACT

To enact R.S. 38:291.1, 291.2, 291.3, 291.4, 291.5, and 291.6 and to repeal R.S. 38:291(D) and (K), 304.3, 307, 326.2, 327, 328, 335, 336, 337, and 421(F), relative to levee districts; to consolidate the East Jefferson and Orleans levee districts into the Southeast Louisiana Levee District; to create the Southeast Louisiana Levee District; to provide relative to such district's jurisdiction and purpose; to establish a board of commissioners; to provide relative to the nomination, appointment, qualifications, terms, vacancies, and compensation of such commissioners; to provide

relative to the powers and duties of the board; to provide relative to the management of non-flood protection functions and activities of certain districts; to establish a Flood Control Priority Program; to provide relative to priority program project applications and evaluation; to authorize the board to employ an executive director; to authorize the promulgation of rules and regulations; to repeal all rights, powers, and authority of the East Jefferson and Orleans levee districts; to provide relative to the debts, assets, property, and employees of the East Jefferson, and Orleans levee districts; 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.

**Mr. President in the Chair**

**HOUSE BILL NO. 47—**  
BY REPRESENTATIVE TRICHE  
AN ACT

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

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	Ellington	McPherson
Adley	Fields	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
Dardenne	Lentini	Theunissen
Duplessis	Malone	Ullo
Dupre	Marionneaux	
Total - 38		

NAYS

Total - 0

ABSENT

Cravins  
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.

**HOUSE BILL NO. 49—**  
BY REPRESENTATIVES ANSARDI AND TOOMY  
AN ACT

To enact R.S. 38:85, relative to contracts for hurricane protection and flood control projects in Jefferson Parish; to authorize the parish governing authority to let a single contract combining the design and construction phases of any such project; to provide

procedures, requirements, and limitations; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 37

NAYS

Total - 0

ABSENT

Cravins Kostelka

Total - 2

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

HOUSE BILL NO. 61—

BY REPRESENTATIVES THOMPSON, DORSEY, HAMMETT, SALTER, ALARIO, ANSARDI, CAZAYOUX, DAMICO, DOERGE, DURAND, GALLOT, HILL, KENNEY, LAFLEUR, MARTINY, MCDONALD, MONTGOMERY, PIERRE, PINAC, QUEZAIRE, JACK SMITH, JOHN SMITH, ST. GERMAIN, AND WOOTON AND SENATORS HINES, MOUNT, AND NEVERS

AN ACT

To amend and reenact R.S. 29:1(B), 722(A)(1), 724(B)(3), 725, 726(A), (E)(introductory paragraph), and (F), 727(A), 728(A) and (C), 730(C), 731.1(A), 737(C), 764(A)(1), 766(B), and 767, R.S. 30:2458(A)(9), R.S. 36:4(B)(1)(n), R.S. 40:2841, 2842(3), and 2844(B)(6), and R.S. 49:1055(D) and to enact R.S. 36:4(B)(1)(g), relative to reorganization of governmental powers, functions, and responsibilities regarding homeland security and emergency preparedness; to abolish the office of homeland security and emergency preparedness in the Military Department and to create the Governor's Office of Homeland Security and Emergency Preparedness as an agency in the office of the governor reporting directly to the governor; to provide for the powers, duties, organization, and responsibilities of such office; to provide for a director of such office; to provide that the new office is the successor to the abolished office; to provide for the transfer of powers, duties, functions, responsibilities, property, and employees and to otherwise provide for implementation; and to provide for related matters.

Floor Amendments Sent Up

Senator Jones sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Jones to Reengrossed House Bill No. 61 by Representative Thompson

AMENDMENT NO. 1

In Senate Committee Amendments No. 1 and 2 proposed by the Senate Committee on Senate and Governmental Affairs and adopted by the Senate on February 15, 2006, change "525" to "725"

AMENDMENT NO. 2

Delete Senate Committee Amendment No. 6 proposed by the Senate Committee on Senate and Governmental Affairs and adopted by the Senate on February 15, 2006

AMENDMENT NO. 3

On page 11, delete lines 18, 19, and 20 and insert the following: "office and shall continue to perform the duties heretofore performed, subject to laws, rules, and regulations governing employees in unclassified state service. Such employees shall remain in unclassified state service."

On motion of Senator Jones, 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 Reengrossed House Bill No. 61 by Representative Thompson

AMENDMENT NO. 1

On page 1, line 2, after "724(B)(3)" and before "725" insert ", (C) and (D)"

AMENDMENT NO. 2

On page 1, line 10, after "to the governor;" and before "to provide" insert "to provide for the power of the governor;"

AMENDMENT NO. 3

On page 2, between lines 32 and 33 insert the following: "C. The declaration of an emergency or disaster by the governor shall:

(1) activate the state's emergency response and recovery program under the command of the director of the state office of homeland security and emergency preparedness.

(2) Direct and compel the evacuation of all or part of the population from any stricken or threatened area within the state if he deems this action necessary for the preservation of life or other disaster mitigation, response, or recovery.

(3) Control ingress and egress to and from a disaster area, the movement of persons within the area, and the occupancy of premises therein.

D. In addition to any other powers conferred upon the governor by law, he may do any or all of the following:

(1) Suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency.

(2) Utilize all available resources of the state government and of each political subdivision of the state as reasonably necessary to cope with the disaster or emergency.

(3) Transfer the direction, personnel, or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency services.

(4) Subject to any applicable requirements for compensation, commandeer or utilize any private property if he finds this necessary to cope with the disaster or emergency.

(5) Direct and compel the evacuation of all or part of the population from any stricken or threatened area within the state if he deems this action necessary for the preservation of life or other disaster mitigation, response, or recovery.

(6) Prescribe routes, modes of transportation, and destination in connection with evacuation.

~~(7)~~ Control ingress and egress to and from a disaster area, the movement of persons within the area, and the occupancy of premises therein.

~~(8)~~ **(6)** Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles.

~~(9)~~ **(7)** Make provision for the availability and use of temporary emergency housing.

\* \* \*

On motion of Senator Adley, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Barham sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Barham to Reengrossed House Bill No. 61 by Representative Thompson

AMENDMENT NO. 1

In Senate Committee amendments proposed by the Senate Committee on Governmental Affairs and adopted February 15, 2006, at the beginning of line 11, after "Committee" delete the remainder of the line and line 12, and insert in lieu of "on Homeland Security and the House Committee on Homeland Security."

On motion of Senator Barham, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

NAYS

Dardenne	Fontenot	Malone
Total - 3		

ABSENT

Cravins	Schedler
Total - 2	

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

**HOUSE BILL NO. 70—**

BY REPRESENTATIVES JEFFERSON, BURRELL, DORSEY, FAUCHEUX, GALLOT, GREENE, M. POWELL, RICHMOND, SMILEY, AND WHITE  
AN ACT

To amend and reenact R.S. 29:726(E)(13) and to enact R.S. 29:726(E)(14), (15), and (16), relative to the duties of the office of homeland security and emergency preparedness; to require the office to promulgate standards and requirements for local governments to follow relative to mandatory evacuations; to

require the office to give priority consideration to the evacuation of certain designated special needs persons; to require the office to promulgate standards and requirements for local governments to follow for the evacuation or safe housing of essential workers; to provide for time limitations for the office to comply; to provide for reporting by the office to legislative committees; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Fields sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Fields to Engrossed House Bill No. 70 by Representative Jefferson

AMENDMENT NO. 1

On page 2, after line 21, insert the following:

"Section 2. The standards and regulations promulgated by the office shall be in accordance with guidelines issued by the United States Department of Homeland Security or the Federal Emergency Management Agency."

On motion of Senator Fields, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Cravins	Duplessis
Total - 2	

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

**HOUSE BILL NO. 71—**

BY REPRESENTATIVES ALARIO AND SCALISE  
AN ACT

To provide for a special capital outlay authorization to enable the Department of Military Affairs to expend state and federal funds for the planning, repair, rebuilding, reconstruction, and replacement of Department of Military Affairs infrastructure, and otherwise to provide with respect thereto.

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

February 16, 2006

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total - 0

**ABSENT**

Barham	Cain	Cravins
Total - 3		

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

**HOUSE BILL NO. 72—**

BY REPRESENTATIVES SCHNEIDER, BEARD, DOWNS, ERDEY, GREENE, KATZ, KENNARD, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BALDONE, BAUDOIN, BOWLER, BRUCE, BRUNEAU, BURNS, CRANE, CROWE, DAMICO, DANIEL, DARTEZ, DEWITT, DOVE, DURAND, FANNIN, FARRAR, FAUCHEUX, FRITH, M. GUILLORY, HEATON, HEBERT, HOPKINS, JOHNS, KLECKLEY, LAMBERT, LANCASTER, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRISH, ODINET, PINAC, PITRE, M. POWELL, T. POWELL, RITCHIE, SCALISE, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, STRAIN, THOMPSON, TOOMY, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, AND WOOTON

**A JOINT RESOLUTION**

Proposing to amend Article VI, Section 39 of the Constitution of Louisiana, to prohibit the governing authority of certain levee districts from levying a tax without voter approval; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

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

**HOUSE BILL NO. 78—**

BY REPRESENTATIVES MONTGOMERY, HUTTER, BEARD, BURNS, DOVE, DOWNS, FANNIN, M. GUILLORY, KATZ, ODINET, PITRE, AND ST. GERMAIN AND SENATOR CHEEK

**AN ACT**

To enact R.S. 29:42, relative to contracts let by the adjutant general and the Military Department; to authorize the adjutant general and the Military Department to utilize the design-build method to construct projects under certain circumstances; 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	Fields	McPherson
Adley	Fontenot	Michot
Amedee	Gautreaux B	Mount
Bajoie	Gautreaux N	Murray

Boasso	Heitmeier	Nevers
Broome	Hollis	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Shepherd
Dardenne	Kostelka	Smith
Duplessis	Lentini	Theunissen
Dupre	Malone	Ullo
Ellington	Marionneaux	
Total - 35		

**NAYS**

Total - 0

**ABSENT**

Barham	Cravins
Cain	Quinn
Total - 4	

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. 82—**

BY REPRESENTATIVE SCHNEIDER

**AN ACT**

To amend and reenact R.S. 38:291(D)(2) and (K), 301(B), 304(A) and (B), and 305, R.S. 42:808(A)(10), and R.S. 49:213.1(C), 213.4(A)(2), 213.5(A)(10), and 213.6(A)(2)(b), to enact R.S. 38:291(V), 304(D), and Part 3-A of Chapter 4 of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:330.1 through 330.12, and to repeal R.S. 38:291(D)(3) and 304.3, relative to flood protection; to establish the Pontchartrain Basin Levee Authority; to provide for its powers, duties, jurisdiction, and members; to provide for appointments to the board of commissioners of the authority; to provide for qualifications of commissioners; to provide for meetings of the board; to provide for the management of certain levee districts in areas of southeast Louisiana; to retain the territorial limits of such levee districts; to terminate the terms of commissioners on certain levee boards and to reorganize the governance of such levee districts; to transfer authority, duties, powers, functions, and responsibilities from such levee boards to the authority; to provide for obligations, tax proceeds, and property of the district; to provide for a regional director; to create and provide for the St. Tammany Levee District; to provide for funding; to transfer and provide for the management and control of certain facilities and improvements of levee districts within the authority that are not related to flood protection and to provide for the allocation of revenue derived therefrom; to provide for applicability; 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.

**HOUSE BILL NO. 88—**

BY REPRESENTATIVES GRAY, BURRELL, DORSEY, FAUCHEUX, GALLOT, GREENE, HEBERT, M. POWELL, RICHMOND, SMILEY, AND WHITE

**AN ACT**

To amend and reenact R.S. 29:726(E)(13) and to enact R.S. 29:726(E)(14), (15), (16), and (17), relative to the duties of the office of homeland security and emergency preparedness; to require the office to prepare and maintain a homeland security and state emergency operations plan to include components providing for evacuation, shelter, post-disaster response and recovery, and lead and support responsibilities of state agencies; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total - 0

**ABSENT**

Barham	Cravins
Total - 2	

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

**Senator Marionneaux in the Chair**

**House Bills and Joint Resolutions on Third Reading and Final Passage, Subject to Call**

The following House 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 Mount asked that House Bill No. 46 be called from the Calendar at this time for its final passage.

**HOUSE BILL NO. 46—**  
BY REPRESENTATIVE ARNOLD  
AN ACT

To amend and reenact R.S. 47:1978.1(A)(1)(b) and (3)(b), (B)(1) and (2), and (C)(1)(a), to enact R.S. 47:1978.1(C)(4), and to repeal R.S. 47:1978.1(D), relative to the assessment of land and property damaged or destroyed during a disaster or emergency declared by the governor; to provide for assessment procedures; to limit the application of certain assessment procedures; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Mount sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Mount to Engrossed House Bill No. 46 by Representative Arnold

**AMENDMENT NO. 1**

On page 1, line 5, after "procedures" insert:  
"to authorize taxpayers to elect the treatment of certain ad valorem property taxes for certain tax purposes;"

**AMENDMENT NO. 2**

On page 3, after line 10 insert the following:

"Section 4. For purpose of R.S. 47:6006, 6006.1, and 6014, a taxpayer may elect to treat payments of ad valorem taxes described in R.S. 47:6006(A), 6006.1(A), and 6014(A) that are paid after December 31, 2005, but before April 16, 2006, as being paid on December 31, 2005. This provision shall be effective for all taxable periods beginning after December 31, 2004."

On motion of Senator Mount, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total - 0

**ABSENT**

Cravins	Jones
Total - 2	

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

**Rules Suspended**

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

**Introduction of Resolutions, Senate and Concurrent**

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

**SENATE RESOLUTION NO. 21—**

BY SENATOR FONTENOT  
A RESOLUTION

To commend Russell Starns for being named the City of Central's 2005 Man of the Year.

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

**SENATE RESOLUTION NO. 22—**

BY SENATOR JACKSON  
A RESOLUTION

To commend the nine top African American army generals who are graduates of Southern University and Agricultural and Mechanical College.

February 16, 2006

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

SENATE RESOLUTION NO. 23—

BY SENATOR SHEPHERD

A RESOLUTION

To commend Mayor Herbert Gears and city of Irving, Texas for the outstanding assistance extended to those citizens of south Louisiana and New Orleans displaced by Hurricane Katrina.

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

SENATE CONCURRENT RESOLUTION NO. 24—

BY SENATOR HOLLIS

A CONCURRENT RESOLUTION

To commend Tom Benson and the New Orleans Saints and Paul Tagliabue and the National Football League for their commitment to the city of New Orleans and the state of Louisiana.

The resolution was read by title. Senator Hollis 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
Bajoie	Gautreaux B	Murray
Barham	Gautreaux N	Nevers
Broome	Heitmeier	Quinn
Cain	Hollis	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Shepherd
Dardenne	Kostelka	Smith
Duplessis	Lentini	Theunissen
Dupre	Malone	Ullo
Total - 36		

NAYS

Marionneaux  
Total - 1

ABSENT

Boasso  
Total - 2  
Cravins

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

SENATE CONCURRENT RESOLUTION NO. 25—

BY SENATOR JACKSON AND REPRESENTATIVE MARTINY

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to take such actions as are necessary to provide funding for Louisiana's indigent defense system and to amend the Stafford Act or any other appropriate legislation to permit funding for Louisiana's indigent defense system.

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

Reports of Committees

The following reports of committees were received and read:

SUPPLEMENTAL REPORT OF COMMITTEE ON  
TRANSPORTATION, HIGHWAYS AND PUBLIC  
WORKS

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

February 15, 2006

To the President and Members of the Senate:

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

HOUSE BILL NO. 25—

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

AN ACT

To amend and reenact R.S. 38:291(K)(1) and (R), to enact Part IV-A of Chapter 4 of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:350.1 through 350.24, and to repeal Chapter 2-B of Title 38 of the Louisiana Revised Statutes of 1950, comprised of R.S. 38:100 through 104, 304.2, and 328, relative to certain levee districts; to redefine the territorial limits of the Orleans Levee District; to consolidate the West Jefferson Levee District and a portion of the Orleans Levee District into the Barataria Basin Flood Authority; to provide for the purpose and jurisdictional boundaries of the authority; to provide for a board of commissioners to manage the authority; to provide for powers and duties of the authority and board; to provide for cooperative endeavor agreements with other entities including but not limited to Plaquemines and St. Charles parishes; to provide relative to the authority's relationship with the Department of Transportation and Development; to provide for penalties; to provide for emergency procedures; to provide for transfer of certain property belonging to the Orleans Levee District to the authority; to provide for the completion, operation, and maintenance of the West Bank and Vicinity, New Orleans, Louisiana – Hurricane Protection Project and other such hurricane protection projects and related matters; to provide for oversight by the Coastal Protection and Restoration Authority; to provide for reporting requirements; to provide for an inspection program; to provide for compliance with the Coastal Protection and Restoration Authority master and annual plans; to provide for funding of certain flood protection projects; to provide for local activities within the jurisdictional boundaries of the authority; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
NOBLE E. ELLINGTON  
Chairman

House Bills and Joint Resolutions  
on Second Reading  
Reported by Committees

Senator Ellington 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. 25—

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

AN ACT

To amend and reenact R.S. 38:291(K)(1) and (R), to enact Part IV-A of Chapter 4 of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:350.1 through 350.24, and to repeal Chapter 2-B of Title 38 of the Louisiana Revised Statutes of 1950, comprised of R.S. 38:100 through 104, 304.2, and 328, relative to certain levee districts; to redefine the territorial limits of the Orleans Levee District; to consolidate the West Jefferson Levee District and a portion of the Orleans Levee District into the Barataria Basin Flood Authority; to provide for the purpose and jurisdictional boundaries of the authority; to provide for a

board of commissioners to manage the authority; to provide for powers and duties of the authority and board; to provide for cooperative endeavor agreements with other entities including but not limited to Plaquemines and St. Charles parishes; to provide relative to the authority's relationship with the Department of Transportation and Development; to provide for penalties; to provide for emergency procedures; to provide for transfer of certain property belonging to the Orleans Levee District to the authority; to provide for the completion, operation, and maintenance of the West Bank and Vicinity, New Orleans, Louisiana - Hurricane Protection Project and other such hurricane protection projects and related matters; to provide for oversight by the Coastal Protection and Restoration Authority; to provide for reporting requirements; to provide for an inspection program; to provide for compliance with the Coastal Protection and Restoration Authority master and annual plans; to provide for funding of certain flood protection projects; to provide for local activities within the jurisdictional boundaries of the authority; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Reengrossed House Bill No. 25 by Representative Tucker

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 38:291" delete the remainder of the line and delete lines 3 through 20 and on page 2, delete lines 1 through 3 and insert in lieu thereof the following:

"(K)(2) and (R)(2), 301(B), 304(A) and (B), 305, and 313(C), R.S. 42:808(A)(10), and R.S. 49:213.1(C), 213.4(A)(2), 213.5(A)(10), and 213.6(A)(2)(b), to enact R.S. 38:304(D), Part 3-A of Chapter 4 of Title 38 of the Louisiana Revised Statutes of 1950, comprised of R.S. 38:330.1 through 330.12, R.S. 49:213.1(E) and 213.4(A)(7), and to repeal R.S. 38:304.2, relative to flood protection; to establish the Southeast Louisiana Flood Protection Authority-West Bank; to provide for its powers, duties, jurisdiction, and members; to provide for appointments to the board of commissioners of the authority; to provide for qualifications of commissioners; to provide for meetings of the board; to provide for the management of certain levee districts in areas of southeast Louisiana; to retain the territorial limits of such levee districts; to terminate the terms of commissioners on certain levee boards and to reorganize the governance of such levee districts; to transfer authority, duties, powers, functions, and responsibilities from such levee boards to the authority; to provide for obligations, tax proceeds, and property of the district; to provide for a regional director for each authority; to provide for funding; to transfer and provide for the management and control of certain facilities and improvements of levee districts within the authority that are not related to flood protection and to provide for the allocation of revenue derived therefrom; to provide for applicability; and to provide for related matters."

AMENDMENT NO. 2

On page 2, line 5, after "R.S. 38:291" delete the remainder of the line and delete lines 6 and 7 and insert as follows:

"(K)(2) and (R)(2), 301(B), 304(A) and (B), 305, and 313(C) are hereby amended and reenacted and R.S. 38:304(D), and Part 3-A of Chapter 4 of Title 38 of the Louisiana Revised Statutes of 1950, comprised of R.S. 38:330.1 through 330.12, are hereby enacted to read as follows:"

AMENDMENT NO. 3

On page 2, delete lines 8 through 29 and delete pages 3 through 18 and insert in lieu thereof the following:

"§291. Naming; limits of districts; composition of boards

K. Orleans Levee District.

(2) The board shall consist of eight members. The governor shall appoint six persons to serve as levee commissioners, who shall possess the qualifications provided in R.S. 38:304. The terms of all such commissioners whether heretofore or hereafter appointed, shall, after July 10, 1986, be subject to Senate confirmation and serve at the pleasure of the governor making the appointment. Two commissioners shall be ex officio the mayor of the city of New Orleans, or his designee and one member appointed by the mayor from a list of three city councilmen selected by the members of the city council of New Orleans. **On and after January 1, 2007, for the territory on the west side of the Mississippi River, the district shall be governed by the board of commissioners of the Southeast Louisiana Flood Protection Authority-West Bank, pursuant to authority granted by Article VI, Sections 38 of the Constitution of Louisiana and as provided in this Chapter.**

R. West Jefferson Levee District.

(2) ~~The governor shall appoint in accordance with the provisions of R.S. 38:304 nine persons to serve as levee commissioners: **On and after January 1, 2007, the district shall be governed by the board of commissioners of the Southeast Louisiana Flood Protection Authority-West Bank pursuant to authority granted by Article VI, Section 38 of the Constitution of Louisiana and as provided in this Chapter.**~~

§301. Construction and maintenance of levees and drainage; care and inspection of levees; measure of compensation; right of entry; bicycle paths and walkways

B. ~~The **Except as provided in R.S. 38:330.2(I), the** care and inspection of levees shall devolve on resident commissioners, assisted by such inspectors and watchmen as may be appointed pursuant to regulations, which the boards are hereby authorized to adopt. Each resident commissioner and any inspector or watchman who may be appointed shall attend once during his term of office an educational training program conducted by the office of public works or its successor **Department of Transportation and Development.**~~

§304. Appointment of members; residency requirements; filling of vacancies

A. Any person appointed a levee commissioner or levee and drainage commissioner must have resided in this state the preceding two years, resided in the levee district the preceding year, be a qualified voter of one of the parishes included in the district, and reside in the district while serving as a member of the board, ~~except as provided in R.S. 38:304.1.~~

B.(1) Notwithstanding any law to the contrary, every vacancy now or hereafter created whether by reason of death, resignation, expiration of term, or any other cause occurring in any levee district or levee and drainage district shall be filled by the governor from panels of names submitted as follows: each member of the House of Representatives representing a parish or part of a parish lying within a levee district or levee and drainage district shall submit one name for each vacancy to be filled from the parish, which he represents in the legislature within said levee district or levee and drainage district, and each member of the Senate shall submit one name for each vacancy to be filled from the parish or parishes, which he represents in the legislature within said levee district or levee and drainage district, except as provided in R.S. 38:291(P), 291(T), ~~304.2 and 304.3.~~

(2) In making appointments the governor shall not appoint any person to the board of commissioners to represent a specific parish who was not recommended by one or more of the legislators who represent that specific parish in the legislature except as provided in R.S. 38:291(P), 291(T), ~~304.2 and 304.3.~~ All members of the boards of commissioners of levee districts or levee and drainage districts shall be appointed by the governor to serve at the pleasure of the governor making the appointment.

**D. This Section shall not apply to the Southeast Louisiana Flood Protection Authority-West Bank.**

§305. Employment of attorney

February 16, 2006

Each Except as provided in R.S. 38:330.5, each levee board and levee and drainage board for a levee district or levee and drainage district may employ one or more attorneys to represent it and to offer advice and assistance of a legal nature and one or more engineers. The salary of each attorney shall be determined by the board.

\* \* \*  
§313. Cessation of activities  
\* \* \*

C. The provisions of this Section shall not apply to districts created with multiple objectives listed as conservation, levee, and drainage districts. The provisions of this Section shall not apply to the West Jefferson Levee District, the Lafourche Levee Basin District, the Pontchartrain Levee Basin District, Red River, Atchafalaya, and Bayou Beouf Levee District, Orleans Levee District, Amite River Basin Drainage and Water Conservation District, Grand Isle Independent Levee District, and the Atchafalaya Levee District, and the Southeast Louisiana Flood Protection Authority-West Bank.

\* \* \*  
**PART 3-A. SOUTHEAST LOUISIANA  
FLOOD PROTECTION AUTHORITIES**

§330.1. Southeast Louisiana Flood Protection Authority-West Bank; territorial jurisdiction; board of commissioners; appointments; terms; compensation; vacancy; officers; meetings; domicile

A.(1)(a) The Southeast Louisiana Flood Protection Authority-West Bank, referred to herein as "flood protection authority" or "authority," is established as a levee district pursuant to Article VI, Section 38 of the Constitution of Louisiana.

(b) The flood protection authority is also established as a special district pursuant to Article VI, Section 19 of the Constitution of Louisiana which grants to the legislature the authority to establish such districts and define their powers, including the power to tax. It is the intention of the legislature that the authority established in this Section is essential for regional coordination of the local levee districts and is therefore also performing a purpose different from that of levee districts.

(2) The authority shall be subject to Part II of Chapter 2 of Title 49 of the Louisiana Revised Statutes of 1950.

B.(1) On and after January 1, 2007, each Southeast Louisiana Flood Protection Authority-West Bank, through its board of commissioners as provided for in this Section, shall exercise all authority over and have management, oversight, and control of the following territories as provided by law for the boards of commissioners of such levee districts to which the authority is a successor and to the extent provided for in this Part. The following levee districts and parts of levee districts and parishes shall be included within the Southeast Louisiana Flood Protection Authority-West Bank:

(a) West Jefferson Levee District.

(b) That portion of the Orleans Levee District on the west side of the Mississippi River.

(2) These lands and all property thereon situated, not exempt from taxation, shall be subject to the provisions of this Chapter.

C.(1) There is hereby created a board of commissioners of Southeast Louisiana Flood Protection Authority-West Bank.

(a) The board of commissioners of the Southeast Louisiana Flood Protection Authority-West Bank shall be composed of seven members of whom there shall be at least, and not more than, two members from each parish within the territorial jurisdiction of the authority. All members shall be residents of the within the territorial jurisdiction of the authority unless a constitutional amendment is adopted authorizing non-resident commissioners. The members shall be appointed by the governor from nominations submitted by the nominating committee as follows:

(i) Three members who shall be either an engineer or a professional in a related field such as geotechnical, hydrological, or environmental science. Of the three members, one member shall be a civil engineer and one shall be a geologist or a hydrologist.

(ii) Two members who shall be a professional in a discipline other than that occurring in (i) with at least ten years of professional experience in that discipline. One of these members shall be a person residing in Orleans Parish on the west side of the Mississippi River.

(iii) Two members who shall be at-large. One of these members shall be a person residing in Orleans Parish on the west side of the Mississippi River.

(2)(a) The nominating committee for the board shall be composed as follows:

(i) A member designated by the Public Affairs Research Council of Louisiana.

(ii) A member designated by the Council for A Better Louisiana.

(iii) A representative of the Louisiana Geological Survey at Louisiana State University.

(iv) A member of the Association of State Floodplain Managers designated by the association.

(v) A member of the National Academy of Engineering designated by the academy.

(vi) A member of the National Society of Black Engineers designated by the society.

(vii) A member of the American Institute of Hydrology designated by the institute.

(viii) The dean of the College of Engineering at the University of New Orleans, or his designee.

(ix) The dean of the School of Science and Engineering at Tulane University, or his designee.

(x) The dean of the College of Engineering at Southern University and Agricultural and Mechanical College, or his designee.

(xi) The dean of the College of Engineering at Louisiana State University, or his designee.

(xii) A member of the National Society of Professional Engineers designated by the society.

(xiii) A member of the American Society of Civil Engineers designated by the society.

(xiv) A member of the Harvey Canal Industrial Association.

(xv) The president of Our Lady of Holy Cross College, or his designee.

(c) The secretary of state shall be the custodian of the records of the nominating committee. The chairman of the committee, or in his absence, the secretary of state, shall call the meeting of the nominating committee. The secretary of state or his designee shall serve as secretary for the nominating committee.

(3)(a) Within ten days after the effective date of this Section, the governor shall advise the secretary of state of the vacancies on the board. Within ten days after the occurrence of a vacancy on the board, the authority shall advise the secretary of state of the vacancy. Within fourteen days after being advised of a vacancy on the board, the secretary of state shall publish notice of the vacancy in the official journal of the state and of each parish within the territorial jurisdiction of the authority.

(b) No sooner than thirty days after the latest date of publication in any of the journals set forth in (a) of this Paragraph nor later than sixty days after that date, the nominating committee shall meet to determine the nominations to send to the governor to fill each vacancy. The committee shall consider each name submitted to the committee from whatever source and the committee members may propose names of persons to be considered. After review, the committee shall select the nominees for each vacancy who meet the requirements of this Section. The committee shall submit one nominee for a vacancy in a position provided for in R.S. 38:330.1(C)(1)(a)(i) and shall submit two nominees for each vacancy in a position provided for in R.S. 38:330.1(C)(1)(a)(ii) or (iii). A majority vote of the total membership of the nominating committee shall be required to nominate persons to positions on the board. The committee shall submit its nominations for each vacancy to the governor for consideration no later than ninety days after the occurrence of the vacancy. The governor shall appoint one of the nominees submitted by the committee.

(c) If the nominating committee fails to submit a nominee within ninety days after the occurrence of a vacancy, the governor shall appoint a person meeting the requirements of this Section.

(4) Each appointment made to the board shall be subject to confirmation by the Senate.

D.(1) The members of the board initially appointed shall at their first meeting determine by lot their terms of office, which terms shall commence immediately upon their appointment and shall expire, respectively, one member in one year, two members in two years, two members in three years, and two members in four years, from the first day of July immediately succeeding such appointment.

(2) All commissioners thereafter appointed, except a commissioner appointed to fill an unexpired term, shall be appointed as provided in Subsection C of this Section for staggered terms of four years. No member shall serve more than two consecutive four-year terms.

E. Immediately after the members of the board of commissioners have been appointed, or as soon as thereafter is practicable, they shall meet and organize by electing from their number a president, vice president, and secretary who shall perform the duties normally required of such officers. In case of death or resignation of the president, the vice president shall call the board together to fill the vacancy. In case of absence, inability, or failure to act of the president, the vice president shall perform all the duties of the president.

F.(1) A majority of the commissioners of the board shall constitute a quorum to do business. They shall designate the time and select the place for holding their regular sessions, which shall be convened each month. Special meetings may be convened at any time upon the call of the president. Regular monthly meetings of the board shall be convened on a rotating basis at a place to be determined by the board in a levee district under the jurisdiction of the authority.

(2)(a) In recognition that the primary purpose of the authority is regional coordination of flood protection and in order to promote such coordination over parochial concerns, approval of a proposed project shall require the favorable vote of at least two-thirds of the total voting membership of the board, regardless of whether the project is limited to one or more levee districts within the territorial jurisdiction of the authority.

(b) As used in this Paragraph, "project" means a program or engineering activity, either new or continuing that will be planned and implemented with the primary goal being the reduction of existing flood damages. "Program" means the flood control system which may include, but not be limited to, floodproofing, waterproofing, ring dikes, relocation assistance, information programs, formulation of codes, and engineering studies. "Engineering activities" means functions which may include, but not be limited to, dams, reservoirs, levees, dikes, floodwalls, diversions, channel alterations such as snagging and channel straightening, on site detention, spillways, and land treatment.

(3) Except as provided in Paragraph (2) of this Subsection, a favorable vote of a majority of the total voting membership of the board shall be required to take action.

(4) The members of the board of the Southeast Louisiana Flood Protection Authority-West Bank appointed as residents of Orleans Parish from the west side of the Mississippi River shall be nonvoting except for any project which includes Orleans Parish or a portion of the parish. When these members are eligible to vote, they shall be included in the total voting membership for such purposes.

G. In case of neglect of duty by any board member or of his failure, without good cause, to attend three successive regular meetings, on request of the board, the governor shall remove the commissioner.

H. A vacancy created by reason of death, resignation, expiration of term, removal, or any other cause shall be filled in the same manner as the original appointment.

I.(1) The official domicile of the authority shall be determined by the board. The authority shall maintain an office at its domicile for the transaction of its business.

(2) The flood protection authority may also maintain branch offices within the territorial jurisdiction of the authority.

J. No member of the board, or any of the immediate family of the member, shall own or have any interest or part in any business, company, or entity conducting business of any kind with the authority or with any region established by this Part or levee district within the territorial jurisdiction of the authority or any of the facilities controlled by the authority or any such region or district. "Immediate family" as used in this Subsection means his children, the spouses of his children, his brothers and their spouses, his sisters and their spouses, his parents, his spouse, the parents of his spouse, his spouse's brothers and their spouses, his spouse's sisters and their spouses, and his spouse's children.

K.(1) No former board member may qualify as a candidate for any elected office within twelve months of the termination of his term on the board.

(2) No elected official or former elected official may serve as a member of the board within twenty-four months of the termination of his term.

(3) No public employee or former public employee shall serve as a member of the board within twelve months of the termination of his employment other than as a member of the board.

(4) No person shall be eligible for selection who has been registered as a lobbyist before the legislature within two calendar years of the date of appointment. Should any member serving on the board thereafter register as a lobbyist, he shall immediately resign his position on the board.

(5) No member of the board and no officer or employee of the board shall participate or engage in an effort to support or oppose the election of a candidate for political office or to support a particular party or issue in an election; be a member of any national, state, or local committee of any political party or faction; make or solicit contributions for any political party, faction, candidate, or issue; or take active part in the management of the affairs of a political party, faction, candidate, or any political campaign, except to exercise his right as a citizen to express his opinion privately and to cast his vote as he desires.

(6) Notwithstanding any provision of law to the contrary, no member of the board shall serve at the same time on any other board or commission, the membership of which is appointed in whole or in part by an elected official or by a public body the majority of the membership of which consists of elected officials. "Elected official" as used in this provision means any person holding an office in a governmental entity which is filled by the vote of the appropriate electorate and includes any person appointed to fill a vacancy in such offices.

(7) No person shall be eligible for selection who is a party to any contract with the authority or levee district within the territorial jurisdiction of the authority.

L. In lieu of the compensation provided in R.S. 38:308, the members of the board shall receive a per diem equal to the rate allowable for per diem deduction under Section 162(h)(1)(B)(ii) of Title 26 of the United States Code for its official domicile during their attendance on that body. In addition to the per diem, each member shall be paid a mileage allowance for going to and from meetings and for other travel authorized by the board equal to the rate established as the standard mileage rate for business travel for purposes of Section 162(a) of Title 26 of the United States Code.

#### §330.2. Board of commissioners, powers and duties

A.(1)(a) The flood protection authority shall be governed by a board of commissioners.

(b) The board of commissioners of the Southeast Louisiana Flood Protection Authority-West Bank shall be the successor to the board of commissioners of the West Jefferson Levee District and, for territory in Orleans Parish on the west side of the Mississippi River, the Orleans Levee District.

(2)(a) The board may, in addition to any other powers and duties provided by law for the boards of commissioners of levee districts, establish on its own behalf or for the areas or the levee districts under its authority adequate drainage, flood control, and water resources development, including but not limited to the planning, maintenance, operation, and construction of reservoirs,

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diversion canals, gravity and pump drainage systems, erosion control measures, marsh management, coastal restoration, and other flood control works as such activities, facilities, and improvements relate to tidewater flooding, hurricane protection, and saltwater intrusion. Neither the authority nor any levee district within the territorial jurisdiction of the authority shall own, operate, or control any facility or improvement not directly related to such purposes, except as provided in R.S. 38:330.12.

(b) Nothing in this Paragraph shall transfer authority to operate flood control pump operations from any public entity authorized by law to conduct such activities.

B. The board may enter into contracts and agreements of any nature on behalf of the authority or on behalf of any levee districts within the territorial jurisdiction of the authority for the purposes of this Chapter with any person or persons, corporation, association, or other entity, including public corporations, port authorities, the state and agencies thereof, levee districts, parishes, other political subdivisions, the United States government and agencies thereof, or any combination thereof, or with instrumentalities of any kind to carry out the purposes of and the powers granted in this Chapter.

C. The board may enter into contracts or other agreements on behalf of the authority or on behalf of any levee districts within the territorial jurisdiction of the authority with any person or entity concerning the providing of lands, servitudes, rights-of-way, and relocations, and may engage the levee districts under its authority jointly with any person or entity in the exercise of any power to include the construction, operation, and maintenance of any facilities and improvements for the purpose of the projects under this Chapter.

D. The board on behalf of the authority or behalf of any levee district within the territorial jurisdiction of the authority may construct and maintain drainage works of all types as such works relate to tidewater flooding, hurricane protection, and saltwater intrusion, either in cooperation with one or more parishes, municipalities, drainage districts, or other special districts within its territorial jurisdiction, or upon its own undertaking.

E. The board may buy and sell property of the authority or of any levee district within its territorial jurisdiction, make and execute all contracts on behalf of the authority or on behalf of any such levee district, and perform any and all things necessary to carry out the objects of this Chapter, subject to the limitations and duties provided in this Section.

F. Subject to any local ordinance for the construction, erection, and maintenance of back and side levees to protect any area or portion of a levee district within the territorial jurisdiction of the authority from tidal overflow, the board shall work in conjunction with the appropriate parish governing authority to manage the construction and maintenance of the levees, pursuant to R.S. 38:143.

G. The board shall adopt bylaws for the management and regulation of its affairs, for the governance of the board and its officers and employees, and for the operation and governance of the flood protection authority in accordance with the Administrative Procedure Act and subject to legislative rule oversight by the Senate and House committees on transportation, highways, and public works. It shall devise and adopt rules and regulations for the carrying into effect and perfecting of a comprehensive levee system, having for its object the protection of the entire territory of the authority from overflow. Such bylaws may include the establishment of any standing committees of the board as may be necessary to carry out the functions of the board.

H. The authority and each levee district within the territorial jurisdiction of the authority shall comply with all applicable federal and state law and regulations, particularly regarding federal rehabilitation assistance for flood control works damaged by flood or coastal storm.

I.(1) For each levee district within the territorial jurisdiction of the authority, care and inspection of levees shall devolve on commissioners and assisted by such inspectors and watchmen as may be appointed pursuant to regulations, which the board is hereby authorized to adopt. Each commissioner and any

inspector or watchman who may be appointed shall attend once during his term of office an educational training program conducted by the Department of Transportation and Development.

(2) Each commissioner and appointed inspector or watchman, upon presenting appropriate credentials, may enter any private premises within the territorial jurisdiction of the authority to care for and inspect levees. If the owner of the premises or his agent refuses to admit the commissioner, inspector, or watchman, the authority may obtain from any state court of competent jurisdiction and venue an appropriate order to submit the premises to entry for such purpose.

§330.3. Levee district and board reorganization; transfer of authority; obligations; taxes; lands

A.(1)(a) Any legal proceeding to which West Jefferson Levee District and the Orleans Levee Board is a party and which is filed, initiated, or pending before any court on January 1, 2007, and all documents involved in or affected by said legal proceeding, shall retain its effectiveness and shall be continued in the name of the district. Other than the district or districts originally named as party to the proceedings, neither the authority or district within the territorial jurisdiction of the authority shall have any liability for actions pending or claims arising prior to the effective date of this Section.

(b) Neither the authority nor any district within the territorial jurisdiction of the authority shall have any liability for actions or claims other than the district against which the actions or claims arise.

(c) No provision of law providing the Southeast Louisiana Flood Protection Authority-West Bank with any authority over and management, oversight, and control of the areas and levee districts provided for in R.S. 38:330.2(A) shall be construed or interpreted to make the taxes levied by, or other revenue of, a levee district within the territorial jurisdiction of the authority payable for the liability of another levee district, or for any liability of the authority when acting on behalf of another levee district.

(2) All obligations and unfinished business of the Orleans Levee District pertaining to the area west of the Mississippi River and the West Jefferson Levee District shall be managed on behalf of the districts by the authority.

(3) All outstanding indebtedness of the Orleans Levee District and the West Jefferson Levee District shall remain with the district and shall not be a liability of any authority.

B.(1) The proceeds of all taxes collected on all property taxed in the parishes Jefferson and in Orleans Parish west of the Mississippi River for the purpose of constructing and maintaining levees, levee drainage, flood protection, hurricane flood protection and for all other purposes incidental thereto, by or on behalf of the Orleans Levee District or West Jefferson Levee District and, except as provided in R.S. 38:330.12, any other revenue from operations of such districts shall be administered by the board of commissioners of the flood protection authority; however, the taxes and other revenues of each such levee district shall only be used and expended for the purposes of such district.

(2)(a) The proceeds from a tax levied, or revenue received, by the authority, a levee district, or by a levee district in Orleans Parish west of the Mississippi River may only be used or expended for a purpose of the authority or levee district or portion of a levee district where the tax is levied and revenue is collected.

(b) Proceeds of a tax levied in Orleans Parish east of the Mississippi pledged to the payment of bonds or other indebtedness of the Orleans Parish Levee District prior to January 1, 2007 shall continue to be paid to such district until the debt is extinguished.

(3) The proceeds of such taxes collected shall be deposited into a separate account established in the name of the authority or district or portion of a district in which the taxes are levied and collected. There shall be no commingling of funds in such accounts.

C.(1) Any books, records, documents, funds, movable property, lands or immovable property owned by the Orleans

Levee District in Orleans Parish west of the Mississippi River and West Jefferson Levee District shall be retained as property of the respective levee district or portion of a levee district in which such property is situated, but shall be managed by the applicable flood protection authority, except as provided in R.S. 38:330.12.

(2) Except as provided in R.S. 38:330.12, any property acquired or improvements constructed with funds of a levee district within the territorial jurisdiction of the authority and all income derived from property or improvements owned by the levee district shall belong to the levee district, but shall be managed by the authority.

§330.4. Executive director

A. The board may employ an executive director who shall serve at the pleasure of the board. The board shall fix the qualifications, duties, and salary of the executive director.

B. In addition to the qualifications fixed by the board pursuant to Subsection A of this Section, the executive director shall:

(1) No later than ninety days after and for the remainder of his appointment, reside within the territorial jurisdiction of the authority.

(2) Have a bachelor's degree, at a minimum, in the area of business, engineering, geology, hydrology, natural sciences, environmental sciences, renewable resources, or any similar academic field.

(3) Have a minimum of ten years senior executive experience in business, engineering or hydrology, or in the performance of public works functions, related to flood and drainage control, flood plain management, water resources, soil conservation, land surveying and mapping, disaster relief, or any related function.

C. In addition to the duties prescribed by the board, the executive director shall keep records of all proceedings, preserve all books, maps, documents, papers, records, and reports entrusted to its care, and keep them open for public inspection.

§330.5. Employees

A. The authority may employ such employees as it deems necessary for its proper functioning. All employees of the authority and each levee district within the territorial jurisdiction of the authority shall be considered civil service employees for the purpose of Article X of the Constitution of Louisiana. Each employee of a levee district within the territorial jurisdiction of the authority who is in the unclassified civil service on December 31, 2006 shall remain in the unclassified civil service as long as the employee remains in the same position.

B. Any person employed by the Orleans Levee District and located in or employed for purposes of such district on the east side of the Mississippi River or the West Jefferson Levee District on January 1, 2007, may, insofar as practicable, continue as an employee of the levee district at the pleasure of the flood protection authority created in this Part and may, insofar as practicable, retain all rights, privileges, and benefits.

§330.6. Counsel to authority

The state attorney general and his assistants shall be and are hereby designated as counsel for the flood protection authority in the execution of the purposes of this Chapter and are hereby charged with the responsibility of representing each authority in any and all matters when called upon to do so.

§330.7. Police officers

The authority shall not directly employ police security personnel. However, the authority may enter into cooperative endeavor agreements with appropriate local law enforcement agencies or local governmental subdivisions to provide necessary police security services for levees, or the authority may assume the rights and responsibilities of any existing cooperative endeavor agreements for police security services.

§330.8. Funding; appropriations

A. The authority or levee district within the territorial jurisdiction of the authority, for the purpose of constructing and maintaining levees, levee drainage, flood protection, hurricane flood protection, or for any other purpose incidental thereto, or for any other purpose related to its authorized powers and functions as specified by law, may levy or increase a tax. However, the necessity, purpose, and the rate of the levy or increase shall be submitted to the electors of the authority or

district within which the levy or increase will apply, and the levy or tax increase shall take effect only if approved by (1) a majority of the electors voting thereon within that authority, and (2) each of the parishes in that authority, by a majority of the electors voting thereon in each parish, in an election held for that purpose. Proceeds from taxes levied and collected pursuant to this Subsection shall only be used as provided in the tax proposition and only within the authority or district in which the tax is levied.

B. The authority may seek, accept, and expend funds from any source, including private business, industry, foundations, and other groups as well as any federal or other governmental funding available for any of the purposes set forth in Subsection A of this Section.

§330.9. Defense and indemnification of commissioners, officers, or employees

A. The authority may defend, indemnify against loss or liability and save harmless any of its commissioners, officers or employees whenever a claim or demand is made or threatened, or whenever proceeded against in any investigation or before any court, board, commission or other public body to defend or maintain his official position or a position taken in the course of the execution of his duties or because of any act or omission arising out of the performance of his official duties if it is determined that the commissioner, officer or employee acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the authority. Such determination shall be made by the board of commissioners by a majority vote of the board who were not parties to such action, suit, proceeding, investigation or claim. The provisions of this Subsection shall not apply in each event a commissioner, officer or employee is adjudged liable for malfeasance in office or an intentional tort.

B. To the extent that a commissioner, officer or employee of the authority has been successful on the merits or otherwise in defense of any action, suit, or proceeding referred to in or in defense of any claim, issue or matter therein, he shall be indemnified against expenses, including attorneys' fees, actually and reasonably incurred by him in connection therewith.

C. Expenses, including attorneys' fees, incurred in defending a civil action, suit or proceeding may be paid by the authority in advance of the final disposition of such action, suit, or proceeding as authorized in the manner provided in this Section upon receipt of an undertaking by or on behalf of the commissioner, officer or employee, to repay such amount unless it shall ultimately be determined that he is entitled to be indemnified by the authority as authorized in this Section.

D. The indemnification provided by this Section shall not be deemed exclusive of any other rights to which those indemnified may be entitled, both as to action in his official capacity and as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be a commissioner, officer or employee, and shall inure to the benefit of the heirs, executors and administrators of such a person.

E. The authority may purchase and maintain insurance on behalf of any person who is or was a commissioner, officer or employee of the authority against any liability asserted against him and incurred by him in any such capacity or arising out of his status as such, whether or not the authority would have the power to indemnify him against such liability under the provisions of this Section.

§330.10. Statutory reference

A.(1) Subject to the limitations of liability as set forth in R.S. 38:330.3, whenever a reference to the "board of commissioners," "levee board" or "board of levee commissioners" of the West Jefferson Levee District appears in any statute, or in a contract, or a legal pleading, or in any other document, that reference shall be deemed to be a reference to the board of commissioners of the Southeast Louisiana Flood Protection Authority-West Bank.

(2) Subject to the limitations of liability as set forth in R.S. 38:330.3, whenever a reference to the "board of commissioners," "levee board" or "board of levee commissioners" appears in any statute, or in a contract, or a legal pleading, or in any other document, any of which is pertain to matters provided for in this

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Part which are related to Orleans Parish east of the Mississippi River, that reference shall be deemed to be a reference to the board of commissioners of the Southeast Louisiana Flood Protection Authority-West Bank.

B. Subject to the limitations of liability as set forth in R.S. 38:330.3, whenever a reference to the "board of commissioners," "levee board" or "board of levee commissioners" or "levee district" appears in any statute, that reference shall be deemed to include the board of commissioners of the Southeast Louisiana Flood Protection Authority-West Bank.

§330.11. Exception to jurisdiction of authorities

Notwithstanding any provision of law to the contrary, this Part shall not apply to any levee district or board that has been reorganized, merged into, or consolidated with a parish pursuant to Article VI, Sections 16 and 38 of the Constitution of Louisiana. Such levee district shall continue to have any rights, revenues, resources, jurisdiction, powers, authority, functions, and duties, including the levy and collection of any local assessment or forced contribution, authorized by law at the time of the reorganization, merger, and consolidation with a parish.

§330.12. Management of non-flood protection functions and activities

A. On and after the effective date of this Section, any facility or improvement within a levee district or portion of a levee district within the territorial jurisdiction of the authority, which facility or improvement is not directly related to providing adequate drainage, flood control, or water resources development pertaining to tidewater flooding, hurricane protection, or saltwater intrusion, that is owned or operated by a board of commissioners of a levee district, including all land, rights-of-way, servitudes, and improvements situated thereon, or connected therewith, for such purpose, shall be managed and controlled by the state, through the division of administration, without the necessity of any other act or instrument. For the purpose of this Section only, the division of administration shall be the successor to the board of commissioners of such levee district. The levee district or the authority shall continue the routine maintenance of all properties or facilities within its jurisdiction until the division of administration receives responsibility for such maintenance.

B.(1) The division of administration may enter into contracts, agreements, or cooperative endeavors of any nature, on behalf of the state with a state agency, political subdivision, or other legal entity or person, or any combination thereof, for the operation and maintenance of any facility or improvement, which it manages or controls pursuant to Subsection A of this Section.

(2) The division of administration may sell, lease, or otherwise transfer any such property and perform any and all things necessary to carry out the objects of this Section. If the division of administration determines that the sale, lease or transfer of such property is appropriate, it shall first offer the property to political subdivisions in the parish in which the property is located and state agencies conducting operations in that parish, other than levee districts, political subdivisions, or agencies responsible for flood control. If any such public entity is interested in acquiring the property, the division of administration shall evaluate proposals submitted by those entities. If no such proposal is received, or if such proposals are not determined to be in the best interest of the state, the property may be offered for sale or lease as otherwise provided by law.

C. Except as required by federal law or regulation or state constitution, the expense of operating any facility or improvement referred to in Subsection A of this Section, which produces revenue for the levee district shall be collected by the division of administration and, after deducting an amount for the expense of managing and controlling such facility or improvement, the remaining revenues therefrom shall be disbursed to the Orleans Levee District if the facility or improvement is located on the west bank of the Mississippi River, or to the authority to the credit of the West Jefferson Levee District if the facility or improvement is located therein.

D. The division of administration may otherwise provide for the implementation of this Section by the adoption of rules and regulations pursuant to the Administrative Procedure Act.

E. No action taken pursuant to this Section or to any provision of this Part shall do any of the following:

(1) Impair the obligation of outstanding bonded indebtedness or of any other contract of any levee district.

(2) Impair the ability of any levee district to satisfy any legal action or claim pending against the district on the effective date of this Section.

Section 2. R.S. 42:808(A)(10) is hereby amended and reenacted to read as follows:

§808. Eligibility in group programs

A. For the purposes of participating in life, health, or other programs sponsored by the Office of Group Benefits, an employee is defined as:

\* \* \*

(10) Notwithstanding any other provision of law to the contrary, any official holding an appointed position with the West Jefferson Levee District for more than eight years prior to January 1, 2007.

\* \* \*

Section 3. R.S. 49:213.1(C), 213.4(A)(2), 213.5(A)(10), and 213.6(A)(2)(b) are hereby amended and reenacted and R.S. 49:213.1(E) and 213.4(A)(7) are hereby enacted to read as follows: §213.1. Statement of intent

\* \* \*

C. The state must act to develop, implement, and enforce a comprehensive coastal protection plan. The state must act to ensure that the plan integrates hurricane protection and coastal restoration efforts in order to achieve long-term and comprehensive coastal protection. Comprehensive coastal protection must proceed in a manner that recognizes that the proper functioning of each protective element is critical to the overall success of the plan and that without such proper functioning the safety of the state and its citizens and the viability of the entire plan are threatened. Further, comprehensive coastal protection must further proceed in a manner that recognizes the powers and duties of political subdivisions, including flood protection authorities, and levee districts, to fund and manage local activities that are consistent with the goals of a comprehensive coastal protection plan. The state must act to conserve, restore, create, and enhance wetlands and barrier shorelines or reefs in coastal Louisiana while encouraging use of coastal resources and recognizing that it is in the public interest of the people of Louisiana to establish a responsible balance between development and conservation. Management of renewable coastal resources must proceed in a manner that is consistent with and complementary to the efforts to establish a proper balance between development and conservation.

\* \* \*

E. Notwithstanding any other provision of state law and in accordance with the requirements of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act of 2006, the Coastal Protection and Restoration Authority is established, authorized, and empowered to carry out any and all functions necessary to serve as the single entity responsible to act as the local sponsor for construction, operation and maintenance of all of the hurricane, storm damage reduction and flood control projects in areas under its jurisdiction, including the greater New Orleans and southeast Louisiana area.

\* \* \*

§213.4. Powers and duties

A. The authority shall:

\* \* \*

(2) Develop, coordinate, make reports on, and provide oversight for a comprehensive coastal protection master plan and annual coastal protection plans, working in conjunction with state agencies, political subdivisions, including flood protection authorities, levee districts, and federal agencies. The master plan shall include a comprehensive strategy addressing the protection, conservation, and restoration of the coastal area through the construction and management of hurricane protection projects and coastal restoration projects and programs, all consistent with the legislative intent as expressed in R.S. 49:213.1. The annual coastal protection plan shall be developed as the annual implementation of the comprehensive master plan and shall be submitted to the legislature for approval as set forth in R.S. 49:213.6. The annual coastal protection plan shall

include a description and status of all projects and programs pertaining to hurricane protection and coastal restoration, including privately funded wetland enhancement projects or plans, and addressing those activities requiring a coastal use permit which significantly affect projects set forth in the plan, all consistent with the legislative intent as expressed in R.S. 49:213.1.

**(7) Enter into any contract with the federal government or any federal agency or any political subdivision of the state or private individual for the construction, operation, or maintenance of any coastal restoration, hurricane, storm damage reduction, or flood control project and to this end, may contract for the acceptance of any grant of money upon the terms and conditions, including any requirement of matching the grants in whole or part, which may be necessary.**

§213.5. Coastal Protection and Restoration Authority; members  
 A. The Coastal Protection and Restoration Authority shall consist of the following members:

(10) ~~Three~~ **Four** members selected from among and by the presidents of the ~~twelve~~ **following** levee districts in the Louisiana coastal zone grouped in ~~three~~ **four** regions as follows: Region 1 - Pontchartrain Levee District, Orleans Levee District and East Jefferson Levee District. Region 2 - Atchafalaya Levee District, Lafourche Basin Levee District, North Lafourche Conservation, Levee and Drainage 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 the Plaquemine Parish Government **South Louisiana Flood Protection Authority- East. Region 2- The Southeast Louisiana Flood Protection Authority-West Bank. Region 3- Pontchartrain Levee District, Atchafalaya Levee District, Lafourche Basin Levee District, North Lafourche Conservation, Levee and Drainage District. Region 4- Terrebonne Levee and Conservation District, South Lafourche Levee District, Grand Isle Independent Levee District, and the Plaquemines Parish Government.** The member from each region shall serve as a member for a term of one year. The members serving under the provisions of this Paragraph may designate a person to serve as a proxy.

§213.6. Coastal protection annual plans; development; priorities  
 A.  
 (2) The authority shall develop the plans in accordance with the following procedure:

(b) At least two weeks prior to each public hearing the authority shall contact the parish governing authorities, **regional flood protection authorities**, levee districts, and the state legislators of the parishes in the coastal zone for the purpose of soliciting their comments and recommendations and notifying them of the public hearing to be held in their area.

Section 4. R.S. 38:304.2 is hereby repealed.  
 Section 5. The terms of the boards of commissioners of the West Jefferson Levee District serving on December 31, 2006 shall terminate on that date.  
 Section 6. The board of commissioners of the Southeast Louisiana Flood Protection Authority-West Bank shall conduct a study of pump drainage systems operated by public entities within the territorial boundaries of the authority to determine the challenges, benefits, and opportunities of developing a plan to fully coordinate the systems and shall submit a written report of its findings and recommendations to the Senate and House committees on transportation, highways and public works by April 1, 2007.  
 Section 7. Except as provided for in Section 9 of this Act, R.S. 38:330.1(A)(1), (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), and (L), 330.2(G), 330.4, 330.5, 330.6, 330.8(B), 330.9, and 330.12 as amended and reenacted or enacted in Section 1 of this Act and Sections 5, 6, 7, and 8 of this Act shall take effect and become operative on September 30, 2006.

Section 8. Except as provided in Section 9 of this Act, Sections 1, 2, 3, and 4 of this Act shall take effect and become operative on January 1, 2007.

Section 9. This Act shall be null, void, and shall not take effect if the proposed constitutional amendment of Article VI, Sections 38(A)(1) and 39(A) and the addition of Article VI, Section 38.1 of the Constitution of Louisiana contained in the Act, which originated as Senate Bill No. 9 or House Bill 11 of the 2006 First Extraordinary Session of the Legislature is adopted at the statewide election to be held on September 30, 2006 and if Senate Bill 8 of the 2006 First Extraordinary Session of the Legislature passes and becomes law."

On motion of Senator Ellington, 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.

**Reports of Committees**

The following reports of committees were received and read:

**Privilege Report of the Legislative Bureau**

February 16, 2006

To the President and Members of the Senate:

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

The following bills are approved as to construction and duplication.

**HOUSE BILL NO. 25—**  
 BY REPRESENTATIVES TUCKER, ARNOLD, ALARIO, DAMICO, ERDEY, GREENE, HARRIS, KATZ, KENNARD, TOOMY, WOOTON, AND BEARD

**AN ACT**

To amend and reenact R.S. 38:291(K)(1) and (R), to enact Part IV-A of Chapter 4 of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:350.1 through 350.24, and to repeal Chapter 2-B of Title 38 of the Louisiana Revised Statutes of 1950, comprised of R.S. 38:100 through 104, 304.2, and 328, relative to certain levee districts; to redefine the territorial limits of the Orleans Levee District; to consolidate the West Jefferson Levee District and a portion of the Orleans Levee District into the Barataria Basin Flood Authority; to provide for the purpose and jurisdictional boundaries of the authority; to provide for a board of commissioners to manage the authority; to provide for powers and duties of the authority and board; to provide for cooperative endeavor agreements with other entities including but not limited to Plaquemines and St. Charles parishes; to provide relative to the authority's relationship with the Department of Transportation and Development; to provide for penalties; to provide for emergency procedures; to provide for transfer of certain property belonging to the Orleans Levee District to the authority; to provide for the completion, operation, and maintenance of the West Bank and Vicinity, New Orleans, Louisiana - Hurricane Protection Project and other such hurricane protection projects and related matters; to provide for oversight by the Coastal Protection and Restoration Authority; to provide for reporting requirements; to provide for an inspection program; to provide for compliance with the Coastal Protection and Restoration Authority master and annual plans; to provide for funding of certain flood protection projects; to provide for local activities within the jurisdictional boundaries of the authority; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 52—**

BY REPRESENTATIVES MARTINY, BEARD, DANIEL, DOWNS, KATZ, SCHNEIDER, TUCKER, WOOTON, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BALDONE, BAUDOIN, BOWLER, BRUCE, BRUNEAU, BURNS, CAZAYOUX, CRANE, DAMICO, DEWITT, DORSEY, DOVE, ERDEY, FANNIN, FAUCHEUX, FRITH, M. GUILLORY, HAMMETT, HEATON, HILL, HOPKINS, JOHNS, KLECKLEY, LAMBERT, LANCASTER, MCDONALD, MÖRRISH, ODINET, PINAC, PITRE, M. POWELL, T. POWELL, RITCHIE, SALTER, SMILEY, GARY SMITH, JANE SMITH, STRAIN, THOMPSON, TOOMY, TRAHAN, WADDELL, WALKER, WALSWORTH, AND WHITE

**AN ACT**

To amend and reenact R.S. 36:501(B) and (C)(1), 502(A) and (B) and 508.3(A), R.S. 38:291(A)(1), (F)(1)(a), and (L)(1), and R.S. 49:213.1(D), 213.4(A)(3) and (4), and 213.6(D)(1) and (2), to enact R.S. 36:508.4 and 509(B)(5) and Chapter 3-A of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:241 through 250, and to repeal R.S. 38:291(D), (G), (K), (P), (R), (S), (T), and (U), 304.2, 304.3, 307, 326.2, 327, 328, 329, 335, 336, 337, and 338, relative to hurricane flood protection levees; to provide for the creation of the office of hurricane flood protection within the Department of Transportation and Development; to provide for the officers of the office of hurricane flood protection and the appointment, salary, powers, duties, and functions of such office; to create the Hurricane Flood Protection, Construction, and Development Priority Program; to provide relative to certain definitions; to establish a methodology for the submission and evaluation of hurricane flood protection project applications; to authorize the promulgation of rules and regulations under certain circumstances; to authorize the establishment of a Hurricane Flood Protection Commission; to provide relative to the nomination and appointment of commissioners; to provide relative to the duties of such commission; to provide relative to the authority of the East Jefferson, Lake Borgne Basin, Orleans, South Lafourche, West Jefferson, and Grand Isle Independent Levee Districts; to provide relative to the authority of the North Lafourche Conservation, Levee and Drainage District; to repeal laws relative to such levee districts; 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.

**Senator Ellington in the Chair**

**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, Subject to Call**

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

**Called from the Calendar**

Senator Bajoie asked that House Bill No. 59 be called from the Calendar at this time for its final passage.

**HOUSE BILL NO. 59—**

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

**AN ACT**

To enact R.S. 36:4(H) and Part V of Chapter 2 of Title 49 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 49:220.1 through 220.7, and to repeal R.S. 36:4(H) and Part V of Chapter 2 of Title 49 of the Louisiana Revised Statutes of 1950, comprised of R.S. 49:220.1 through 220.7, relative to the Louisiana Recovery Authority; to establish the Louisiana Recovery Authority in the office of the governor; to provide for the authority and its powers, functions, and duties; to provide for an executive director and the powers, functions, and duties of the executive director; to provide for the Louisiana Recovery Authority Board and its membership, powers, functions, and duties; to provide for the effectiveness of the provisions; to repeal all provisions relative to the Louisiana Recovery Authority; and to provide for related matters.

**Mr. President in the Chair**

**Floor Amendments Sent Up**

Senator Dardenne sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Dardenne to Reengrossed House Bill No. 59 by Representative Alario

**AMENDMENT NO. 1**

On page 7, between lines 18 and 19, insert the following:

"(4) The authority and the office of community development within the division of administration shall establish a clear and effective process for implementation of action plans for the CDBG program, including but not limited to, providing for the preparation and review of draft plans, fiscal management, reporting, technical support, and all other support activities necessary to administration and complying with any other federal or state requirements."

On motion of Senator Dardenne, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Jones sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Jones to Reengrossed House Bill No. 59 by Representative Alario

**AMENDMENT NO. 1**

On page 8, on lines 21 and 22, delete "the division of administration, in"

**AMENDMENT NO. 2**

In Senate Committee Amendment No. 4, proposed by the Senate Committee on Senate and Governmental Affairs and adopted by the Senate on February 13, 2006 on page 1, line 11, delete "existing" and after "members" insert "servicing on the Louisiana Recovery Authority as it was established by executive order prior to the effective date of this Part"

**AMENDMENT NO. 3**

In Senate Committee Amendment No.6, proposed by the Senate Committee on Senate and Governmental Affairs and adopted by the Senate on February 13, 2006 on page 1, line 29, after "shall be" insert "not less than"

AMENDMENT NO. 4

In Senate Committee Amendment No. 14, proposed by the Senate Committee on Senate and Governmental Affairs and adopted by the Senate on February 13, 2006, on page 2, line 29, after "2008" insert "or every two years thereafter, until July 1, 2016,"

On motion of Senator Jones, 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 Reengrossed House Bill No. 59 by Representative Alario

AMENDMENT NO. 1

On page 5, line 26, after "(6)" insert "(a)"

AMENDMENT NO. 2

On page 5, after line 29, insert:

"b. No performance-based energy efficiency contract for any state or non-state purpose shall be made or executed by or on behalf of the authority, and no Community Development Block Grant Funds shall be expended, unless the contract complies with the provisions of R.S. 39:1496.1 and any rules or regulations promulgated thereunder and any evaluation of a contract proposal and the recommendation of the commissioner of administration is first approved by both the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means."

On motion of Senator Adley, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Ellington sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Ellington to Reengrossed House Bill No. 59 by Representative Alario

AMENDMENT NO. 1

Delete Senate Committee Amendments No. 1 and 2 proposed by the Senate Committee on Senate and Governmental Affairs and adopted by the Senate on February 12, 2006

Senator Ellington moved adoption of the amendments.

Senator Bajoie objected.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Amedee	Gautreaux N	Murray
Cain	Heitmeier	Nevers
Cheek	Hollis	Romero
Cravins	Kostelka	Schedler
Dupre	Lentini	Smith
Ellington	Malone	Ullo
Fontenot	Marionneaux	
Gautreaux B	McPherson	
Total - 22		

**NAYS**

Bajoie	Duplessis	Mount
Barham	Fields	Quinn
Broome	Jackson	Shepherd
Chaisson	Jones	Theunissen
Dardenne	Michot	

Total - 14

ABSENT

Mr. President	Adley	Boasso
Total - 3		

The Chair declared the amendments were adopted.

**Floor Amendments Sent Up**

Senator Heitmeier sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Heitmeier to Reengrossed House Bill No. 59 by Representative Alario

AMENDMENT NO. 1

Delete Senate Committee Amendment Nos. 12 and 13 proposed by the Senate Committee on Senate and Governmental Affairs and adopted by the Senate on February 12, 2006

AMENDMENT NO. 2

On page 6, line 24, change "C.(1)" to "C.(1)(a)"

AMENDMENT NO. 3

On page 7, line 6, change "If the" to "(b) If the"

AMENDMENT NO. 4

On page 7, delete line 8 and insert the following:

"Budget. Whenever any proposal amounts to ten million dollars or more and is approved by the Joint Legislative Committee on the Budget, the authority shall submit the proposal for approval of a majority of the elected members of each house of the legislature. If the legislature is in session, the approval shall be by resolution. If the legislature is not in session, approval shall be obtained using the same mail ballot procedure used to obtain such approval of action of the interim emergency boards.

(c) If a proposal is approved as provided by Subparagraphs (a) and (b) of this Paragraph."

AMENDMENT NO. 5

On page 7, at the beginning of line 8, delete "Budget."

On motion of Senator Heitmeier, 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 Reengrossed House Bill No. 59 by Representative Alario

AMENDMENT NO. 1

On page 8, between lines 2 and 3, insert the following:

"E. The Louisiana Recovery Authority shall work in partnership with the Coastal Protection and Restoration Authority, which has responsibilities for directing coastal protection and restoration efforts. The Coastal Protection and Restoration Authority shall be required to participate actively in the Louisiana Recovery Authority long term planning process so that community and coastal protection plans are developed in a coordinated manner. The Louisiana Recovery Authority and the Coastal Protection and Restoration Authority shall jointly support requests for federal funding for the state's coastal protection and restoration needs."

On motion of Senator Dupre, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Hines sent up floor amendments which were read.

February 16, 2006

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Hines to Reengrossed House Bill No. 59 by Representative Alario

AMENDMENT NO. 1

In Senate Floor Amendment No. 4 proposed by Senator Heitmeier and adopted by the Senate on February 16, 2006, on page 1, line 10, change "ten" to "fifty"

Senator Hines moved adoption of the amendments.

Senator Amedee objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Bajoi Broome Chaisson Dupre Ellington Total - 18

Fields Gautreaux B Heitmeier Jones Lentini Marionneaux

Mount Murray Nevers Quinn Schedler Ullo

NAYS

Adley Amedee Barham Cain Cheek Cravins Dardenne Total - 19

Duplessis Fontenot Gautreaux N Hollis Jackson Kostelka Malone

Michot Romero Shepherd Smith Theunissen

ABSENT

Boasso Total - 2 McPherson

The Chair declared the amendments were rejected.

Floor Amendments Sent Up

Senator Jones sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Jones to Reengrossed House Bill No. 59 by Representative Alario

AMENDMENT NO. 1

Delete Senate Floor Amendment No. 1 proposed by Senator Jones and adopted by the Senate on February 16, 2006.

On motion of Senator Jones, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Adley Amedee Bajoi Barham Boasso Dupre Ellington Fields Fontenot Gautreaux B Dupre Ellington Fields Fontenot Gautreaux B Dupre Ellington Fields Fontenot Gautreaux N

Marionneaux Michot Mount Murray Nevers Quinn

Broome Cain Chaisson Cheek Cravins Dardenne Duplessis Total - 38

Heitmeier Hollis Jackson Jones Kostelka Lentini Malone

Romero Schedler Shepherd Smith Theunissen Ullo

NAYS

Total - 0

ABSENT

McPherson Total - 1

The Chair declared the amended bill was passed. The title was read and adopted. Senator Bajoi 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 reverting to the Morning Hour.

Messages from the House

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

Message from the House

CONCURRING IN SENATE CONCURRENT RESOLUTIONS

February 16, 2006

To the Honorable President and Members of the Senate:

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

SENATE CONCURRENT RESOLUTION NO. 23— BY SENATORS N. GAUTREAUX AND MICHOT A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the passing of Warren L. "Rusty" Brown, Jr., of Lafayette, Louisiana.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 24— BY SENATOR HOLLIS A CONCURRENT RESOLUTION

To commend Tom Benson and the New Orleans Saints and Paul Tagliabue and the National Football League for their commitment to the city of New Orleans and the state of Louisiana.

Reported without amendments.

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

Message from the House

PASSED SENATE BILLS AND JOINT RESOLUTIONS

February 16, 2006

To the Honorable President and Members of the Senate:

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

**SENATE BILL NO. 8—**

BY SENATORS BOASSO, ADLEY, AMEDEE, BAJIOIE, BARHAM, BROOME, CAIN, CHAISSON, CHEEK, CRAVINS, DARDENNE, DUPLESSIS, DUPRE, ELLINGTON, FONTENOT, B. GAUTREAUX, N. GAUTREAUX, HEITMEIER, HINES, HOLLIS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, QUINN, ROMERO, SCHEDLER, SHEPHERD, SMITH AND THEUNISSEN AND REPRESENTATIVES K. CARTER, DORSEY, JACKSON, JEFFERSON, SALTER AND SCALISE

**AN ACT**

To amend and reenact R.S. 38:291(D)(2), (G)(2), (K)(2), and (R)(2), 301(B), 304(A) and (B), 305, and 313(C), R.S. 42:808(A)(10), and R.S. 49:213.1(C), 213.4(A)(2), 213.5(A)(10), and 213.6(A)(2)(b), to enact R.S. 38:291(V) and (W), 304(D), Part 3-A of Chapter 4 of Title 38 of the Louisiana Revised Statutes of 1950, comprised of R.S. 38:330.1 through 330.12, and R.S. 49:213.1(E) and 213.4(A)(7), and to repeal R.S. 38:291(D)(3), 304.2, and 304.3, relative to flood protection; to establish the Southeast Louisiana Flood Protection Authority-East; to establish the Southeast Louisiana Flood Protection Authority-West Bank; to provide for its powers, duties, jurisdiction, and members; to provide for appointments to the board of commissioners of each authority; to provide for qualifications of commissioners; to provide for meetings of the board; to provide for the management of certain levee districts in areas of southeast Louisiana; to retain the territorial limits of such levee districts; to terminate the terms of commissioners on certain levee boards and to reorganize the governance of such levee districts; to transfer authority, duties, powers, functions, and responsibilities from such levee boards to an authority; to provide for obligations, tax proceeds, and property of the district; to provide for a regional director for each authority; to create and provide for the St. Tammany Levee District; to create and provide for the Tangipahoa Levee District; to provide for the inclusion of parishes and portions of parishes in the authority; to provide for funding; to transfer and provide for the management and control of certain facilities and improvements of levee districts within an authority that are not related to flood protection and to provide for the allocation of revenue derived therefrom; to provide for applicability; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 9—**

BY SENATOR BOASSO AND REPRESENTATIVE K. CARTER AND SENATOR MOUNT AND REPRESENTATIVES DORSEY AND SALTER AND SENATORS ADLEY, AMEDEE, BAJIOIE, BARHAM, BROOME, CAIN, CHAISSON, CHEEK, DARDENNE, DUPLESSIS, DUPRE, ELLINGTON, FONTENOT, B. GAUTREAUX, N. GAUTREAUX, HINES, HOLLIS, JACKSON, KOSTELKA, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MURRAY, NEVERS, QUINN, ROMERO, SCHEDLER, SHEPHERD, SMITH, THEUNISSEN AND ULLO AND REPRESENTATIVE JEFFERSON

**A JOINT RESOLUTION**

Proposing to amend Section 38(A)(1) and Section 39(A) and to add Section 38.1 of Article VI of the Constitution of Louisiana and to redesignate the title to Part III of said Article, relative to flood protection; to provide for the establishment of regional flood protection authorities and its governing authority, powers, duties, functions; to provide for the governing authority of levee districts within the territorial jurisdiction of a regional flood protection authority; to provide for taxing authority; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Reported with amendments.

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

**Message from the House****ASKING CONCURRENCE IN  
HOUSE CONCURRENT RESOLUTIONS**

February 16, 2006

To the Honorable President and Members of the Senate:

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

**HOUSE CONCURRENT RESOLUTION NO. 67—**

BY REPRESENTATIVE SCALISE

**A CONCURRENT RESOLUTION**

To memorialize the United States Congress to take such actions as are necessary, due to the many problems that have occurred in Jefferson Parish with the ZIP codes 70121 and 70123, to enact legislation to change the ZIP code in Jefferson Parish in the area currently covered by the United States Postal Service ZIP code 70121 to 70021 and to change the ZIP code in Jefferson Parish in the area currently covered by the United States Postal Service ZIP code 70123 to 70023 and also to assign the new ZIP codes to the main post office in Metairie.

**HOUSE CONCURRENT RESOLUTION NO. 68—**

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

**A CONCURRENT RESOLUTION**

To commend Tulane University Hospital and Clinic upon the occasion of their grand reopening on Tuesday, February 14, 2006.

**HOUSE CONCURRENT RESOLUTION NO. 69—**

BY REPRESENTATIVES GRAY, BADON, K. CARTER, HARRIS, JEFFERSON, LAFONTA, MARCHAND, MORRELL, QUEZAIRE, AND RICHMOND AND SENATORS BAJIOIE, DUPLESSIS, MURRAY, AND SHEPHERD

**A CONCURRENT RESOLUTION**

To commend the volunteers of the Commonwealth of Virginia and the Virginia Dental Association for their generosity in providing free health and dental care services to Louisiana citizens following Hurricane Katrina through their Mission of Mercy.

**HOUSE CONCURRENT RESOLUTION NO. 70—**

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

**A CONCURRENT RESOLUTION**

To commend Sister to Sister for their generosity in providing handbags and other personal items to Louisiana citizens following Hurricane Katrina through their Handbags of Hope relief project.

**HOUSE CONCURRENT RESOLUTION NO. 71—**

BY REPRESENTATIVE GRAY

**A CONCURRENT RESOLUTION**

To commend B Company, 54<sup>th</sup> Massachusetts Volunteer Infantry Civil War Reenactors for their kind and generous contribution to the Louisiana Legislative Black Caucus for the Katrina Disaster Relief Fund.

**HOUSE CONCURRENT RESOLUTION NO. 72—**

BY REPRESENTATIVE ALARIO

**A CONCURRENT RESOLUTION**

To express sincere and heartfelt condolences upon the death of Camille F. Gravel, Jr. and to recognize his outstanding accomplishments and singular contributions to the state of Louisiana.

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 of Representatives with a view of acting on same:

**HOUSE CONCURRENT RESOLUTION NO. 67—**  
BY REPRESENTATIVE SCALISE  
A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary, due to the many problems that have occurred in Jefferson Parish with the ZIP codes 70121 and 70123, to enact legislation to change the ZIP code in Jefferson Parish in the area currently covered by the United States Postal Service ZIP code 70121 to 70021 and to change the ZIP code in Jefferson Parish in the area currently covered by the United States Postal Service ZIP code 70123 to 70023 and also to assign the new ZIP codes to the main post office in Metairie.

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

**HOUSE CONCURRENT RESOLUTION NO. 68—**  
BY REPRESENTATIVES GRAY, BADON, BARROW, BAYLOR, BURRELL, K. CARTER, CRAVINS, CURTIS, DORSEY, GALLOT, GLOVER, E. GULLORY, HARRIS, HONEY, HUNTER, JACKSON, JEFFERSON, LAFONTA, MARCHAND, MORRELL, PIERRE, QUEZAIRE, AND RICHMOND AND SENATORS BAJOEI, BROOME, CRAVINS, DUPLESSIS, FIELDS, JACKSON, JONES, MURRAY, AND SHEPHERD  
A CONCURRENT RESOLUTION

To commend Tulane University Hospital and Clinic upon the occasion of their grand reopening on Tuesday, February 14, 2006.

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

**HOUSE CONCURRENT RESOLUTION NO. 69—**  
BY REPRESENTATIVES GRAY, BADON, K. CARTER, HARRIS, JEFFERSON, LAFONTA, MARCHAND, MORRELL, QUEZAIRE, AND RICHMOND AND SENATORS BAJOEI, DUPLESSIS, MURRAY, AND SHEPHERD  
A CONCURRENT RESOLUTION

To commend the volunteers of the Commonwealth of Virginia and the Virginia Dental Association for their generosity in providing free health and dental care services to Louisiana citizens following Hurricane Katrina through their Mission of Mercy.

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

**HOUSE CONCURRENT RESOLUTION NO. 70—**  
BY REPRESENTATIVES GRAY, BADON, BARROW, BAYLOR, BURRELL, K. CARTER, CRAVINS, CURTIS, DORSEY, GALLOT, GLOVER, E. GULLORY, HARRIS, HONEY, HUNTER, JACKSON, JEFFERSON, LAFONTA, MARCHAND, MORRELL, PIERRE, QUEZAIRE, AND RICHMOND AND SENATORS BAJOEI, BROOME, CRAVINS, DUPLESSIS, FIELDS, JACKSON, JONES, MURRAY, AND SHEPHERD  
A CONCURRENT RESOLUTION

To commend Sister to Sister for their generosity in providing handbags and other personal items to Louisiana citizens following Hurricane Katrina through their Handbags of Hope relief project.

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

**HOUSE CONCURRENT RESOLUTION NO. 71—**  
BY REPRESENTATIVE GRAY  
A CONCURRENT RESOLUTION

To commend B Company, 54<sup>th</sup> Massachusetts Volunteer Infantry Civil War Reenactors for their kind and generous contribution to the Louisiana Legislative Black Caucus for the Katrina Disaster Relief Fund.

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

**HOUSE CONCURRENT RESOLUTION NO. 72—**  
BY REPRESENTATIVE ALARIO  
A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Camille F. Gravel, Jr. and to recognize his outstanding accomplishments and singular contributions to the state of Louisiana.

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

**Message from the House**

**SIGNED HOUSE CONCURRENT RESOLUTIONS**

February 16, 2006

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. 14—**  
BY REPRESENTATIVES FAUCHEUX, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BADON, BALDONE, BARROW, BAUDOIN, BAYLOR, BEARD, BOWLER, BRUCE, BRUNEAU, BURNS, BURRELL, K. CARTER, R. CARTER, CAZAYOUX, CRANE, CRAVINS, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEWITT, DOERGE, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FRITH, GALLOT, GEYMANN, GLOVER, GRAY, GREENE, E. GULLORY, M. GULLORY, HAMMETT, HARRIS, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUNTER, HUTTER, JACKSON, JEFFERSON, JOHNS, KATZ, KENNARD, KENNEY, KLECKLEY, LABRUZZO, LAFLEUR, LAFONTA, LAMBERT, LANCASTER, MARCHAND, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MORRISH, ODINET, PIERRE, PINAC, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHE, ROBIDEAUX, ROMERO, SALTER, SCALISE, SCHNEIDER, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WINSTON, AND WOOTON  
A CONCURRENT RESOLUTION

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

**HOUSE CONCURRENT RESOLUTION NO. 41—**  
BY REPRESENTATIVES BRUCE AND MONTGOMERY  
A CONCURRENT RESOLUTION

To commend Brian Joseph Toups of Mansfield for his outstanding accomplishments which include earning appointment to the United States Military Academy at West Point, New York.

**HOUSE CONCURRENT RESOLUTION NO. 43—**  
BY REPRESENTATIVE SALTER  
A CONCURRENT RESOLUTION

To commend the Public Administration Institute Student Association (PAISA) at Louisiana State University and to recognize April 13, 2006, as the eighth annual PAISA Day in the state of Louisiana.

**HOUSE CONCURRENT RESOLUTION NO. 36—**  
BY REPRESENTATIVES DOWNS, GALLOT, AND MONTGOMERY  
A CONCURRENT RESOLUTION

To commend Richard David "Rick" Huckabay for his outstanding accomplishments, to recognize his achievements as a renowned basketball coach, and to extend to him the best wishes of the legislature for recovery, health, and happiness.

**HOUSE CONCURRENT RESOLUTION NO. 37—**  
BY REPRESENTATIVE TRICHE  
A CONCURRENT RESOLUTION

To commend Danny Cavell upon being named recipient of the 2005 Thibodaux Chamber of Commerce Frank Kennedy Citizen of the Year Award.

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.

**Privilege Report of the Committee on  
Senate and Governmental Affairs**

**ENROLLMENTS**

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

February 16, 2006

To the President and Members of the Senate:

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

The following Senate Bills have been properly enrolled:

**SENATE BILL NO. 1— (Duplicate of House Bill No. 89)**  
BY SENATORS NEVERS AND HINES AND COAUTHORED BY SENATORS JACKSON AND SCHEDLER  
AN ACT

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

**SENATE BILL NO. 2—**  
BY SENATOR THEUNISSEN  
AN ACT

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

**SENATE BILL NO. 3—**  
BY SENATOR FIELDS AND REPRESENTATIVE DORSEY  
AN ACT

To amend and reenact R.S. 13:992.1(D), relative to the judicial building fund; to provide for an extension of the deadline for letting public bids for construction of a new facility for the Nineteenth Judicial District Court; and to provide for related matters.

**SENATE BILL NO. 4—**  
BY SENATORS B. GAUTREAU, AMEDEE, CAIN, DUPRE, N. GAUTREAU, HEITMEIER, THEUNISSEN AND ULLO AND REPRESENTATIVE JACK SMITH  
AN ACT

To enact R.S. 38:331, relative to levees; to reorganize the structure of certain coastal levee boards; to create and provide for the Coastal Louisiana Levee Consortium; to provide for its purposes; to provide for membership; to provide for its duties and functions; and to provide for related matters.

**SENATE BILL NO. 5— (Duplicate of House Bill No. 5)**  
BY SENATOR N. GAUTREAU AND REPRESENTATIVE HEBERT AND COAUTHORED BY REPRESENTATIVE FRITH  
AN ACT

To amend and reenact R.S. 40:1730.24(B), relative to state building codes; to provide for certain inspections and inspectors; to allow commercial and residential contractors to establish agreements

with certain licensed contractors to conduct plan review and inspections; to provide for an effective date; and to provide for related matters.

**SENATE BILL NO. 31—**  
BY SENATOR SCHEDLER AND REPRESENTATIVES CROWE AND SCHNEIDER  
AN ACT

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

**SENATE BILL NO. 32—**  
BY SENATOR MOUNT  
AN ACT

To amend and reenact R.S. 33:1395.4, relative to the organization or reorganization of local governmental subdivisions; to provide for amending a home rule charter; to provide for an effective date; and to provide for related matters.

**SENATE BILL NO. 22—**  
BY SENATOR SHEPHERD AND REPRESENTATIVES ALARIO, ARNOLD, BALDONE, CAZAYOUX, CRAVINS, M. GUILLORY, LAFLEUR, PINAC, ROMERO, SALTER AND ST. GERMAIN  
AN ACT

To enact R.S. 18:401.4, relative to early voting in an election conducted pursuant to an emergency plan; to allow certain registered voters of an affected area to vote during early voting in the offices of the registrars in certain parishes for certain elections; to provide relative to the manner of conducting the early voting in other parishes; to require the secretary of state to assist the registrars of voters in conducting early voting; to provide relative to the effectiveness of this provision; and to provide for related matters.

**SENATE BILL NO. 50—**  
BY SENATOR JONES  
AN ACT

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

Respectfully submitted,  
CHARLES D. JONES  
Chairman

The foregoing Senate Bills were signed by the President of the Senate.

**Privilege Report of the Committee on  
Senate and Governmental Affairs**

**ENROLLMENTS**

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

February 16, 2006

To the President and Members of the Senate:

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

The following Senate Concurrent Resolution has been properly enrolled:

February 16, 2006

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**SENATE CONCURRENT RESOLUTION NO. 12—**  
BY SENATORS SHEPHERD AND QUINN  
A CONCURRENT RESOLUTION

To urge and request the Jefferson Parish School Board to provide transportation to each public school student within the parish including those who choose to attend magnet or charter schools at no cost to the student or his family.

Respectfully submitted,  
CHARLES D. JONES  
Chairman

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

**Adjournment**

Senator Bajoie moved that the Senate adjourn until Friday, February 17, 2006, at 11:00 o'clock A.M.

The President of the Senate declared the Senate adjourned until 11:00 o'clock A.M. on Friday, February 17, 2006.

GLENN A. KOEPP  
Secretary of the Senate

GAYE F. HAMILTON  
Journal Clerk