

OFFICIAL JOURNAL
OF THE
HOUSE OF
REPRESENTATIVES
OF THE
STATE OF LOUISIANA

ELEVENTH DAY'S PROCEEDINGS

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

House of Representatives
State Capitol
Baton Rouge, Louisiana

Thursday, November 17, 2005

The House of Representatives was called to order at 11:00 A.M., by the Honorable Joe R. Salter, Speaker of the House of Representatives.

Morning Hour

ROLL CALL

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

PRESENT

Mr. Speaker	Frith	Morrish
Alario	Gallot	Odinet
Alexander	Geymann	Pierre
Ansardi	Glover	Pinac
Arnold	Gray	Pitre
Badon	Greene	Powell, M.
Baldone	Guillory, E.	Powell, T.
Barrow	Guillory, M.	Quezairé
Baudoin	Hammitt	Richmond
Baylor	Harris	Ritchie
Beard	Heaton	Robideaux
Bowler	Hebert	Romero
Bruce	Hill	Scalise
Bruneau	Honey	Schneider
Burrell	Hopkins	Smiley
Carter, K.	Hunter	Smith, G.
Carter, R.	Hutter	Smith, J.D.—50th
Cazayoux	Jackson	Smith, J.H.—8th
Crane	Jefferson	Smith, J.R.—30th
Cravins	Johns	St. Germain
Crowe	Katz	Strain
Curtis	Kennard	Thompson
Damico	Kenney	Toomy
Daniel	Kleckley	Townsend
Dartez	LaBruzzo	Trahan
DeWitt	LaFleur	Triche
Doerge	LaFonta	Tucker
Dorsey	Lambert	Waddell
Dove	Lancaster	Walker
Downs	Marchand	Walsworth
Durand	Martiny	White

Erdey	McDonald	Winston
Fannin	McVea	Wooton
Farrar	Montgomery	Wright
Faucheux	Morrell	
Total - 104		
	ABSENT	

Burns
Total - 1

The Speaker announced that there were 104 members present and a quorum.

Prayer

Prayer was offered by Rep. Thompson.

Pledge of Allegiance

Rep. Lambert led the House in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Rep. Hutter, the reading of the Journal was dispensed with.

On motion of Rep. White, and under a suspension of the rules, the Journal of November 16, 2005, was corrected to reflect him as voting nay on final passage of House Bill No. 59.

On motion of Rep. Mike Powell, the Journal of November 16, 2005, was adopted.

**Petitions, Memorials and
Communications**

The following petitions, memorials, and communications were received and read:

Message from the Senate

HOUSE CONCURRENT RESOLUTIONS

November 16, 2005

To the Honorable Speaker and Members of the House of Representatives:

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

House Concurrent Resolution No. 50
Returned without amendments

Respectfully submitted,
GLENN A. KOEPP
Secretary of the Senate

Message from the Senate

**ASKING CONCURRENCE IN
SENATE CONCURRENT RESOLUTIONS**

November 16, 2005

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has adopted and asks your concurrence in the following Senate Concurrent Resolutions:

Senate Concurrent Resolution Nos. 27, 30, and 31

Respectfully submitted,
GLENN A. KOEPP
Secretary of the Senate

Suspension of the Rules

On motion of Rep. Bruneau, the rules were suspended in order to take up and consider Senate Concurrent Resolutions at this time.

Senate Concurrent Resolutions

The following Senate Concurrent Resolutions contained in the message were taken up and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 31—
BY SENATOR MURRAY AND REPRESENTATIVE BRUNEAU
A CONCURRENT RESOLUTION

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

Read by title.

On motion of Rep. Bruneau, and under a suspension of the rules, the resolution was concurred in.

Message from the Senate

SENATE BILLS

November 16, 2005

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has finally passed the following Senate Bills:

Senate Bill Nos. 18, 19, 20, 38, 39, 41, 42, 44, 54, 64, 78, 81, and 96

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

Suspension of the Rules

On motion of Rep. Pinac, the rules were suspended in order to take up the bills contained in the message at this time.

**Senate Bills and Joint Resolutions
on First Reading**

The following Senate Bills and Joint Resolutions on first reading were taken up, read, and placed upon the calendar for their second reading:

SENATE BILL NO. 18—
BY SENATORS MOUNT, N. GAUTREAUX AND MURRAY
A JOINT RESOLUTION

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

Read by title.

SENATE BILL NO. 19—
BY SENATORS MOUNT AND MURRAY
AN ACT

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

Read by title.

SENATE BILL NO. 20—
BY SENATORS MOUNT AND MURRAY
AN ACT

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

Read by title.

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

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

Read by title.

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

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

Read by title.

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

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

Read by title.

SENATE BILL NO. 42—
BY SENATORS MOUNT AND MURRAY
AN ACT

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

Read by title.

SENATE BILL NO. 44—
BY SENATOR HOLLIS

AN ACT

To enact R.S. 22:1407(J) and Part IV-B of Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1730.21 through 1730.39, and to repeal Part IV-A of Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1725 through 1730.1, relative to state building codes; to provide for public policy of codes; to provide for enforcement; to provide for appointment of building official; to provide for adoption of codes; to provide for the creation of the Louisiana Building Codes Council; to provide for construction of farm structures; to provide for mandamus and injunctive relief; to provide for agreements with other governmental entities; to provide for council's code adoption authority; to provide for adoption of emergency wind and flood provisions; to provide for construction of industrial facilities; to provide for applicable codes for inspections; to provide for application and issuance of certificates of registration; to provide for revocation authority and injunctive relief; to provide for continuing education; to provide for authority of state fire marshal; to repeal the current state uniform construction code; to provide for reduced rates or discounts on insurance premiums for insureds who comply with the state uniform construction code; and to provide for related matters.

Read by title.

Motion

Rep. Pinac moved that Senate Bill No. 44 be designated as a duplicate of House Bill No. 76.

Which motion was agreed to.

SENATE BILL NO. 54—

BY SENATORS ELLINGTON, NEVERS, ADLEY, AMEDEE, BARHAM, BOASSO, BROOME, CAIN, CHEEK, CRAVINS, DARDENNE, DUPLESSIS, DUPRE, FONTENOT, B. GAUTREAUX, N. GAUTREAUX, HINES, HOLLIS, JONES, KOSTELKA, LENTINI, MALONE, MCPHERSON, MICHOT, MOUNT, MURRAY, QUINN, ROMERO, SHEPHERD, SMITH AND THEUNISSEN

AN ACT

To amend and reenact R.S. 47:331(P)(2) and to enact R.S. 47:301(3)(j) and (13)(l), and 302(T), 321(J), and 331(R), relative to state sales and use tax of the state and any political subdivision whose boundaries are coterminous with those of the state; to provide for a limitation on the sale price and cost price of natural gas for certain taxpayers; to provide for an exemption for electricity for certain taxpayers; to provide for an effective date; and to provide for related matters.

Read by title.

SENATE BILL NO. 64—
BY SENATOR HINES

AN ACT

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

Read by title.

SENATE BILL NO. 78—
BY SENATORS MOUNT AND MURRAY

AN ACT

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

Read by title.

SENATE BILL NO. 81—
BY SENATOR HINES

AN ACT

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

Read by title.

SENATE BILL NO. 96—

BY SENATORS SHEPHERD, AMEDEE AND MARIONNEAUX
AN ACT

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

Read by title.

**Introduction of Resolutions,
House and House Concurrent**

The following members introduced the following entitled House and House Concurrent Resolutions, which were read the first time by their titles and placed upon the calendar for their second reading:

HOUSE RESOLUTION NO. 12—

BY REPRESENTATIVE DOERGE
A RESOLUTION

To authorize and request the Louisiana State Law Institute to study parental substance abuse as a form of neglect and as a factor for terminating parental rights and to study the feasibility of providing a reduction in court costs for parties seeking custody and to make specific recommendations for revisions to state laws before the 2006 Regular Session of the Louisiana Legislature.

Read by title.

On motion of Rep. Doerge, and under a suspension of the rules, the resolution was adopted.

HOUSE CONCURRENT RESOLUTION NO. 51—

BY REPRESENTATIVE HEBERT
A CONCURRENT RESOLUTION

To direct the commissioner of administration to freeze the awarding of contracts and the expenditure of State General Fund (Direct) appropriations contained in Act 26 of the 2005 Regular Session of the Legislature.

Read by title.

Lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 52—

BY REPRESENTATIVES BOWLER, TOOMY, ALARIO, ANSARDI, DAMICO, LANCASTER, MARTINY, PITRE, SCALISE, TUCKER, AND WOOTON AND SENATORS HEITMEIER, HOLLIS, LENTINI, QUINN, SHEPHERD, AND ULLO

A CONCURRENT RESOLUTION

To commend Dr. Diane M. Roussel, Superintendent of the Jefferson Parish Public School System, upon being named Superintendent of the Year by the Louisiana Association of School Executives.

Read by title.

On motion of Rep. Bowler, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

Introduction of House Bills and Joint Resolutions

The following named members introduced the following House Bills and Joint Resolutions, which were read the first time by their titles, and placed upon the calendar for their second reading:

HOUSE BILL NO. 168—
BY REPRESENTATIVE SALTER
AN ACT

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

Read by title.

Senate Concurrent Resolutions

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

SENATE CONCURRENT RESOLUTION NO. 28—
BY SENATOR MURRAY AND REPRESENTATIVE BRUNEAU
A CONCURRENT RESOLUTION

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

Read by title.

Motion

On motion of Rep. Bruneau, and under a suspension of the rules, the resolution was concurred in.

Suspension of the Rules

On motion of Rep. Pinac, the rules were suspended in order to take up and consider Reports of Committees at this time.

Reports of Committees

The following reports of committees were received and read:

Report of the Committee on Commerce

November 17, 2005

To the Speaker and Members of the House of Representatives:

Pursuant to a meeting held on November 16, 2005, I am directed by your Committee on Commerce to submit the following report:

House Bill No. 76, by Pinac
Reported with amendments. (16-0) (Regular)

House Bill No. 163, by Crowe
Reported with amendments. (14-4) (Regular)

House Bill No. 167, by Gray
Reported with amendments. (18-0) (Regular)

GIL J. PINAC
Chairman

Suspension of the Rules

On motion of Rep. Pinac, the rules were suspended in order to take up House Bills contained in the committee report at this time.

House Bills and Joint Resolutions on Second Reading Reported by Committee

The following House Bills and Joint Resolutions on second reading reported by committee were taken up and acted upon as follows:

HOUSE BILL NO. 76—
BY REPRESENTATIVE PINAC
AN ACT

To enact Part IV-B of Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1730.21 through 1730.39, and to repeal Part IV-A of Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1725 through 1730.1, relative to the state building codes; to provide for public policy; to provide for the creation of the Louisiana State Uniform Construction Code Council; to provide for enforcement; to provide for agreements with other governmental entities; to provide for appointment of building official; to provide for council's code adoption authority; to provide for adoption of emergency wind and flood provisions; to provide for adoption of state uniform construction code; to provide for construction of industrial facilities; to provide for construction of farm structures; to provide for mandamus and injunctive relief; to provide for applicable codes for inspections; to provide for application and issuance of certificates of registration; to provide for revocation authority and injunctive relief; to provide for continuing education; to provide for authority of state fire marshal; to repeal the current state uniform construction code; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Commerce.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Commerce to Original House Bill No. 76 by Representative Pinac

AMENDMENT NO. 1

On page 1, line 2, at the beginning of line 2 delete "To enact" and insert "To amend and reenact R.S. 33:4773(D) and to enact"

AMENDMENT NO. 2

On page 1, line 5, after "codes;" insert "to provide for scope of building codes;"

AMENDMENT NO. 3

On page 1, line 6, after "creation" insert "and authority"

AMENDMENT NO. 4

On page 1, line 8, after "entities" and before the semicolon ";" insert "or certified-third party providers" and on line 8, after "building" delete "official" and insert "officials"

AMENDMENT NO. 5

On page 1, line 11, after "farm" insert "or recreational"

AMENDMENT NO. 6

On page 1, between lines 17 and 18 insert the following:

"Section 1. R.S. 33:4773(D) is hereby amended and reenacted to read as follows:

§4773. Scope of building codes

* * *

~~D. The performance of any enforcement procedure in connection with any building code shall be deemed to be a discretionary act and shall be subject to the provisions of R.S. 9:2798.1.~~ In connection with the construction of any building, structure, or other improvement to immovable property, neither the performance of any enforcement procedure nor any provision of a building code shall constitute or be construed as a warranty or guarantee by an enforcement agency as to durability or fitness, or as a warranty or guarantee by an enforcement agency that said building, structure, or other improvement to immovable property or any material, equipment, or method or type of construction used therein is or will be free from defects, will perform in a particular manner, is fit for a particular purpose, or will last in any particular way.

* * *

AMENDMENT NO. 7

On page 1, line 18, change "Section 1." to "Section 2."

AMENDMENT NO. 8

On page 2, line 9, after "therein" delete the comma "," and the remainder of the line and on line 10 delete "buildings"

AMENDMENT NO. 9

On page 2, line 12, after "security" delete "of" and insert "balanced with affordability for"

AMENDMENT NO. 10

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

"The state uniform construction code will encourage the use of construction materials of the greatest durability, lower long-term costs, and provide greater storm resistance."

AMENDMENT NO. 11

On page 3, at the end of line 2, insert "; immunity"

AMENDMENT NO. 12

On page 3, line 3, after "Council," change "hereafter" to "hereinafter"

AMENDMENT NO. 13

On page 3, line 4, after "created" and before the period "." insert "and shall consist of nineteen members"

AMENDMENT NO. 14

On page 3, line 5, after "Governor" insert a comma "," and insert "subject to Senate confirmation."

AMENDMENT NO. 15

On page 3, line 6, after "qualifies." delete the remainder of the line and insert the following:

"No member of the council shall receive per diem or other compensation for their duties on the commission."

AMENDMENT NO. 16

On page 3, delete lines 7 through 29 in their entirety

AMENDMENT NO. 17

On page 4, delete lines 1 through 3 in their entirety

AMENDMENT NO. 18

On page 4, line 9, after "Code" and before the period "." insert "[Part XIV (Plumbing) of the State Sanitary Code]"

AMENDMENT NO. 19

On page 4, line 9, after "Code." delete the remainder of the line, delete lines 10 and 11 in their entirety, and insert the following:

"Specifically, the council shall establish the requirements and process for the certification and continuing education of code enforcement officers, code enforcement inspectors, and building officials and determine if any amendments to the state uniform construction code are justified. If the council determines that an amendment is justified, it may enact such an amendment after a finding on the record that the modification provides a reasonable degree of public health, safety, and welfare. The council shall adopt rules in accordance with the Administrative Procedure Act in order to implement the provisions of this Part."

AMENDMENT NO. 20

On page 4, line 16, after "council" and before the period "." insert "within fourteen days of such request"

AMENDMENT NO. 21

On page 4, at the end of line 17 delete "A", delete lines 18 through 20 in their entirety and insert the following:

"Each meeting shall be open to the public and any official decision of the council may be made only by a vote of at least two-thirds of those members in attendance at the meeting provided that a quorum is established prior to a vote. A majority of members of the council shall constitute a quorum."

AMENDMENT NO. 22

On page 4, between lines 20 and 21 insert the following:

"E. The council and its members shall be immune from personal liability for actions taken in good faith in the discharge of their responsibilities. The state shall hold the council and its members harmless from all costs, damages, and attorney fees arising from claims and suits against them with respect to matters to which such immunity applies."

AMENDMENT NO. 23

On page 4, line 22, after "A." delete "All" and insert "Notwithstanding any other law to the contrary, all"

AMENDMENT NO. 24

On page 4, line 22, after "enforce" delete "only" and insert "the"

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AMENDMENT NO. 25

On page 4, line 24, after "B." delete the remainder of the line, and at the beginning of line 25, delete "nothing" and insert "Nothing"

AMENDMENT NO. 26

On page 4, line 26, after "construction" and before the period "." insert "or the provisions of R.S. 51:912.21 et seq. as it relates to manufactured housing installation"

AMENDMENT NO. 27

On page 4, between lines 26 and 27 insert the following:

"C. The provisions of this Part do not limit the authority of parishes or municipalities to enact and enforce stricter building codes as long as they do not diminish the requirements established in this Part.

D. In connection with the construction of any building, structure, or other improvement to immovable property, neither the performance of any enforcement procedure nor any provision of a building code shall constitute or be construed as a warranty or guarantee by a governmental enforcement agency as to durability or fitness, or as a warranty or guarantee by a governmental enforcement official that said building, structure, or other improvement to immovable property or any materials, equipment, or method or type of construction used therein is or will be free from defects, will perform in a particular manner, is fit for a particular purpose, or will last in any particular way."

AMENDMENT NO. 28

On page 4, at the end of line 27, insert "; private agreements" and at the beginning of line 28 insert "A."

AMENDMENT NO. 29

On page 5, between lines 5 and 6 insert the following:

"B. Commercial and residential contractors may establish agreements with certified third-party providers to conduct plans review and inspections and to enforce the state uniform construction code. A third-party provider shall be certified by the International Code Council for purposes of the emergency provisions of R.S. 40:1730.27. Thereafter, a third-party provider shall meet the requirements imposed by the council for certificates of registration. During the time period that the provisions of R.S. 40:1730.27 of this Part are in effect, every certified third-party provider doing business within the state shall notify the Department of Public Safety and Corrections of their intention to do business within the state and the department shall maintain a listing of the name of the provider and the name and location of the person or entity with whom the provider has contracted to provide enforcement services. Once the council meets for the first time, certified third-party providers shall notify the council of their intention to do business within the state and the council shall maintain a listing of all certified third-party providers."

AMENDMENT NO. 30

On page 5, line 11, after "official." delete the remainder of the line, delete line 12 in its entirety, and on line 13 delete "within the municipal limits." and insert the following:

"A parish or municipality may use a certified building inspector in lieu of a certified building official for a period not to exceed four years from the date the state uniform construction code becomes effective in the parish or municipality."

AMENDMENT NO. 31

On page 5, line 19, after "council" delete "is authorized to" and insert "shall"

AMENDMENT NO. 32

On page 6, delete lines 3 through 10 in their entirety and insert the following:

"A. The wind and flood mitigation requirements prescribed by the 2003 International Building Code and the 2003 International Residential Code, as modified in R.S. 40:1730.28(A)(3), and amending Section 301.2.1.1(2) to replace "Southern Building Code Congress International Standard for Hurricane Resistant Residential Construction (SSTD 10)" with the Guidelines for Hurricane Resistant Construction as published by the Institute for Business and Home Safety, 2005 shall apply to the parishes of Calcasieu, Cameron, Vermilion, Iberia, St. Tammany, Orleans, Jefferson, St. Bernard, Plaquemines, Terrebonne, and Lafourche."

AMENDMENT NO. 33

On page 6, at the beginning of line 17, delete "Section 1730.23" and insert "R.S. 40:1730.23 and 1730.24"

AMENDMENT NO. 34

On page 6, at the end of line 18, delete "within", and on line 19 delete "thirty days of the effective date of this Part." and insert "on the effective dates provided for in Subsection D of this Section."

AMENDMENT NO. 35

On page 6, between lines 20 and 21 insert the following:

"D. The provisions of this Section shall go into effect thirty days from the effective date of this Part for parishes and municipalities that have code enforcement procedures in place on the effective date of this Part. For those parishes and municipalities without code enforcement procedures, the provisions of this Section shall be applied no later than ninety days from the effective date of this Part."

AMENDMENT NO. 36

On page 6, line 23, after "adopt" delete "by reference"

AMENDMENT NO. 37

On page 6, line 25, after "Code" delete "and the standards referenced in that code" and insert the following:

," not including Chapter 27-Electrical and Chapter 29-Plumbing Systems. The applicable standards referenced in that code are included"

AMENDMENT NO. 38

On page 7, line 5, after "I-Administrative." delete "IV-" and on line 6 delete "Energy Conservation."

AMENDMENT NO. 39

On page 7, delete lines 14 through 18 in their entirety

AMENDMENT NO. 40

On page 7, line 19 change "(b)" to "(a)"

AMENDMENT NO. 41

On page 7, line 23 change "(c)" to "(b)"

AMENDMENT NO. 42

On page 7, line 24 change "(d)" to "(c)"

AMENDMENT NO. 43

On page 7, line 26 change "(e)" to "(d)"

AMENDMENT NO. 44

On page 7, line 28 change "(f)" to "(e)"

AMENDMENT NO. 45

On page 8, delete lines 5 and 6 in their entirety and insert the following:

"(5) The Louisiana State Plumbing Code [Part XIV (Plumbing) of the State Sanitary Code] as amended by the state health officer acting through the office of public health of the Department of Health and Hospitals. Nothing in this Part shall be construed so as to prevent the state health officer from enforcing Part XIV (Plumbing) of the State Sanitary Code, the enforcement of which is his statutory and regulatory responsibility."

AMENDMENT NO. 46

On page 8, at the beginning of line 15, delete "The" and insert the following:

"Excluding the applicable requirements of the Louisiana State Plumbing Code, the"

AMENDMENT NO. 47

On page 8, between lines 25 and 26, insert the following:

- "(8) 562211/562212 hazardous and solid waste landfills.
- (9) 422710 bulk stations and terminals.
- (10) 486110 crude oil pipelines.
- (11) 486910 refined petroleum products pipelines.
- (12) 486210 natural gas pipelines.
- (13) 486990 other pipelines.
- (14) 211112 natural gas processing plants."

AMENDMENT NO. 48

On page 8, line 26, after "farm" insert "or recreational"

AMENDMENT NO. 49

On page 9, at the end of line 7 and before the period "." insert "or private outdoor recreational structure, other than a residence or structure attached to a residence, such as a hunting or fishing camp"

AMENDMENT NO. 50

On page 9, delete lines 11 through 16 in their entirety

AMENDMENT NO. 51

On page 9, line 17, change "E." to "D."

AMENDMENT NO. 52

On page 9, line 19, after "farm" insert "or private outdoor recreational"

AMENDMENT NO. 53

On page 10, line 1, after "fees" delete "; Parish and municipal authority", at the beginning of line 2 delete "A."

AMENDMENT NO. 54

On page 10 delete lines 5 through 7 in their entirety

AMENDMENT NO. 55

On page 10, line 28, after "council." insert the following:

"The council and its members shall be subject to the open meetings law, the public records law, and the code of governmental ethics, provided however, that when any member of the council has a real or perceived conflict of interest upon an issue before the council, he shall recuse himself from participation in that issue by providing a verbal explanation of the real or perceived conflict to the council."

AMENDMENT NO. 56

On page 11, line 16, after "testing agency" insert "that is prescribed by the council"

AMENDMENT NO. 57

On page 11, line 23, after "without" delete "examination" and insert "certification by a recognized code organization or testing agency"

AMENDMENT NO. 58

On page 11, line 26, after "valid for" change "two" to "three"

AMENDMENT NO. 59

On page 11, line 26, after "years" delete "and may be renewed" and insert the following:

"for building officials and six months for building inspectors and plans reviewers. The certificates of registration provided for in this Subsection may not be renewed except as provided in Subsection B of this Section"

AMENDMENT NO. 60

On page 11, on line 29, after "without" delete "examination which" and insert "certification by a recognized code organization or testing agency, provided that such individual is under the supervision of a code enforcement officer who is certified by the International Code Council. Such provisional certificate of registration"

AMENDMENT NO. 61

On page 12, line 2, after "renewed" and before the period "." insert "except as provided in Subsection B of this Section"

AMENDMENT NO. 62

On page 12, line 25, after "registration" insert "issued under Section 1730.35(B)"

AMENDMENT NO. 63

On page 12, line 25, after "valid for" change "two years" to "one year"

AMENDMENT NO. 64

On page 12, line 27, after "participation in" insert "council"

AMENDMENT NO. 65

On page 13, line 2, after "new registrants" insert "under Section 1730.35(B)"

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AMENDMENT NO. 66

On page 13, line 6, after "provide" delete "permitting and"

AMENDMENT NO. 67

On page 13, line 15, change "Section 2." to "Section 3."

AMENDMENT NO. 68

On page 13, line 17, change "Section 3." to "Section 4."

On motion of Rep. Pinac, the amendments were adopted.

On motion of Rep. Pinac, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 163—

BY REPRESENTATIVE CROWE

AN ACT

To enact R.S. 51:1422, relative to unfair trade practices; to prohibit contracts with displaced persons for less advantageous terms than with consumers who are domiciled in the vicinity of the persons' or entities' principal place of business; to provide for penalties; to provide for an effective date; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Commerce.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Commerce to Original House Bill No. 163 by Representative Crowe

AMENDMENT NO. 1

On page 1, delete lines 9 through 11 and insert the following:

"A. During a state of emergency declared by the governor, it shall be unlawful for any person or entity to contract for services with a person, including a displaced person, for no less than the most advantageous terms than those existing immediately prior to the declared state of emergency."

AMENDMENT NO. 2

On page 1, line 18, between "contract" and the period "." insert "or reformation of the contract to the same terms that existed immediately prior to the declared emergency"

On motion of Rep. Pinac, the amendments were adopted.

On motion of Rep. Pinac, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 167—

BY REPRESENTATIVE GRAY

AN ACT

To enact R.S. 51:1425, relative to unfair trade practices; to provide that unfair residential rent increases in hurricane-devastated areas is an unfair trade practice; to provide for the attorney general to promulgate rules; to provide for remedies; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Commerce.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Commerce to Original House Bill No. 167 by Representative Gray

AMENDMENT NO. 1

On page 1, line 2, between "that" and "unfair" insert "an"

AMENDMENT NO. 2

On page 1, line 3, after "rent" delete "increases in hurricane-devastated" and insert in lieu thereof "increase in declared disaster"

AMENDMENT NO. 3

On page 1, line 10, after "increase in" insert "declared disaster"

AMENDMENT NO. 4

On page 1, line 11, delete "affected by the devastation and evacuations"

AMENDMENT NO. 5

On page 1, line 16, after "costs" insert a comma "," and insert "including mortgage payments not covered by rent or business interruption insurance."

AMENDMENT NO. 6

On page 1, line 16, after "incurred" delete "by the property owner"

AMENDMENT NO. 7

On page 2, at the end of line 7 insert the following:

"However, the attorney general shall give notice to a lessor that a complaint has been received and the lessor shall be given ten days to respond before a cease and desist order is issued."

On motion of Rep. Pinac, the amendments were adopted.

On motion of Rep. Pinac, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

Senate Instruments on Second Reading Returned from the Legislative Bureau

The following Senate Instruments on second reading, returned from the Legislative Bureau, were taken up and acted upon as follows:

SENATE BILL NO. 27—

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

A JOINT RESOLUTION

Proposing to amend Article VII, Sections 10.2 and 10.5(B) and (C) of the Constitution of Louisiana, relative to the Wetlands Conservation and Restoration Fund; to change the name of the

fund to the Coastal Protection and Restoration Fund; to provide relative to deposits and uses of the fund; to provide relative to certain federal revenues received by the state generated from Outer Continental Shelf oil and gas activity; to provide for the depositing and crediting of such monies into the fund, and for the uses of such federal revenues; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Read by title.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Alario, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

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

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

Read by title.

Reported with amendments by the Committee on Administration of Criminal Justice.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Administration of Criminal Justice to Engrossed Senate Bill No. 68 by Senator Chaisson

AMENDMENT NO. 1

On page 1, line 10, after "possesses" delete the remainder of the line and on line 11, delete "required by law." and insert in lieu thereof "the applicable licenses and permits as required by state law including but not limited to the provisions of Title 37 of the Revised Statutes of 1950 (Professions and Occupations) and the requirements for conducting business in this state as provided by Title 12 of the Revised Statutes of 1950 (Corporations and Associations)."

Reported without amendments by the Legislative Bureau.

On motion of Rep. Martiny, the amendments were adopted.

On motion of Rep. Martiny, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 71—
BY SENATORS DUPRE, AMEDEE, BAJOIE, CAIN, CHAISSON, CHEEK, CRAVINS, DUPLESSIS, FONTENOT, B. GAUTREAUX, N. GAUTREAUX, HEITMEIER, HINES, HOLLIS, JONES, LENTINI, MALONE, MARIONNEAUX, MICHOT, MOUNT, MURRAY, NEVERS, ROMERO, SHEPHERD AND ULLO

AN ACT

To amend and reenact R.S. 49:213.1, 213.2, 213.3, 213.4, 213.5, 213.6, 213.7, 214.11, 214.12(A)(1) and 214.13, and to enact R.S. 49:213.11, relative to coastal protection, conservation, restoration and management; to authorize and provide for the development and implementation of a comprehensive coastal protection plan; to provide powers, duties, terms, procedures, definitions, conditions, and requirements; to provide relative to hurricane protection and coastal restoration; to provide relative

to enforcement; to provide relative to certain authorities, commissions, and departments; to change the name of the Wetlands Conservation and Restoration Authority to the Coastal Protection and Restoration Authority and set forth its powers, duties and members; to change the name of the Governor's Advisory Commission on Coastal Restoration and Conservation to the Governor's Advisory Commission on Coastal Protection, Restoration and Conservation and set forth its powers, duties, and members; and to provide for related matters.

Read by title.

Reported with amendments by the Legislative Bureau.

The Legislative Bureau amendments were read as follows:

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed Senate Bill No. 71 by Senator Dupre

AMENDMENT NO. 1

In House Floor Conforming Amendment No. 8, on page 1, line 21, following "line" and before the ",", change "11" to "22"

AMENDMENT NO. 2

In House Floor Conforming Amendment No. 13, on page 2, line 7, change "including levee districts" to "including levee districts."

AMENDMENT NO. 3

In House Floor Conforming Amendment No. 24, on page 3, line 3, at the end of the line, insert " " and on line 23 change "and" to "or"

AMENDMENT NO. 4

In House Floor Conforming Amendment No. 99, on page 8, line 31, following "16," and before "after" insert "line 7"

AMENDMENT NO. 5

In House Floor Conforming Amendment No.100, on page 9, line 2, at the end of the line, change "delete "of" " to "change of the" to "a" "

AMENDMENT NO. 6

In House Floor Conforming Amendment No.103, on page 9, line 9, change "afte" to "after"

AMENDMENT NO. 7

In House Floor Conforming Amendment No.117, on page 10, line 26, at the end of the line, insert "and on line 21, change "Fund" to "fund"

AMENDMENT NO. 8

In House Floor Conforming Amendment No.122, on page 11, line 21, at the end of the line, change "through 24 in their entirety" to "and 22 in their entirety and on line 23, delete "Lafourche Parish" "

AMENDMENT NO. 9

On page 8, line 25, following "Restoration" and before "Fund" delete "Trust"

AMENDMENT NO. 10

On page 10, line 1, following "the" delete the remainder of the line and on line 2 change "transportation, highways, and public works" to "legislature"

AMENDMENT NO. 11

On page 11, line 18, before "The" insert "A."

On motion of Rep. Alario, the amendments were adopted.

On motion of Rep. Alario, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

House and House Concurrent Resolutions on Third Reading for Final Consideration

The following House and House Concurrent Resolutions on third reading for final consideration were taken up and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 39—
BY REPRESENTATIVES SCALISE AND SCHNEIDER
A CONCURRENT RESOLUTION

To urge and request that the governor include within the call of the 2006 First Extraordinary Session an item to authorize legislation to protect the inherent rights of citizens recognized under the constitutions of Louisiana and the United States and to rectify the denial of these rights in the wake of Hurricane Katrina.

Read by title.

Rep. Scalise moved the adoption of the resolution.

Rep. Hunter objected.

By a vote of 78 yeas and 1 nay, the resolution was adopted.

Ordered to the Senate.

Senate Concurrent Resolutions on Third Reading for Final Consideration

The following Senate Concurrent Resolutions on third reading for final consideration were taken up and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 8—
BY SENATOR ADLEY
A CONCURRENT RESOLUTION

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

Read by title.

On motion of Rep. Montgomery, the resolution was concurred in.

House Concurrent Resolutions Returned from the Senate with Amendments

The following House Concurrent Resolutions returned from the Senate with amendments to be concurred in by the House were taken up and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 45—
BY REPRESENTATIVE CROWE
A CONCURRENT RESOLUTION

To encourage the state attorney general and state treasurer to request all records or other appropriate documentation from charitable organizations relative to any monetary donations collected on behalf of Louisiana's hurricane victims in the effort to ensure

accountability as well as the state's timely receipt of such donations as it strives to meet the needs of Louisiana's citizens.

Read by title.

The above resolution was taken up with the amendments proposed by the Senate.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Boasso to Original House Concurrent Resolution No. 45 by Representative Crowe

AMENDMENT NO. 1

On page 1, line 3, after "organizations" and before "relative" insert ", with the exception of local churches and their affiliates,"

AMENDMENT NO. 2

On page 2, line 11, after "organizations" and before "relative" insert ", with the exception of local churches and their affiliates,"

Motion

On motion of Rep. Crowe, the above resolution was withdrawn from the files of 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:

Regular Calendar

HOUSE BILL NO. 141—
BY REPRESENTATIVES ALARIO, DEWITT, DORSEY, DOVE, FRITH, HAMMETT, HILL, ODINET, SALTER, JACK SMITH, ST. GERMAIN, AND WOOTON AND SENATORS HEITMEIER, HINES, AND MOUNT
AN ACT

To amend and reenact R.S. 49:213.1 through 213.8, 214.3(1), 214.11, 214.12(A)(1), and 214.13, to enact R.S. 49:213.11, and to repeal Act No. 300 of the 2005 Regular Session of the Louisiana Legislature, relative to coastal protection, conservation, restoration, and management; to authorize and provide for the development and implementation of a comprehensive coastal protection plan; to provide powers, duties, terms, procedures, definitions, conditions, and requirements; to provide relative to hurricane protection and coastal restoration; to provide relative to enforcement; to provide relative to certain authorities, commissions, and departments; to change the name of the Wetlands Conservation and Restoration Authority to the Coastal Protection and Restoration Authority and to set forth its powers, duties, and members; to change the name of the Wetlands Conservation and Restoration Fund to the Coastal Protection and Restoration Fund and to provide relative to deposits and expenditures of the fund; to change the name of the Governor's Advisory Commission on Coastal Restoration and Conservation to the Governor's Advisory Commission on Coastal Protection, Restoration, and Conservation and to set forth its powers, duties, and members; and to provide for related matters.

Read by title.

Motion

On motion of Rep. Alario, the bill was returned to the calendar.

Petitions, Memorials and Communications

The following petitions, memorials, and communications were received and read:

Message from the Senate

SIGNED SENATE BILLS AND JOINT RESOLUTIONS

November 17, 2005

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the President of the Senate has signed the following Senate Bills:

Senate Bill No. 8

and ask the Speaker of the House of Representatives to affix his signature to the same.

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

The Senate Bills and Joint Resolutions contained herein were signed by the Speaker of the House.

Message from the Senate

SIGNED SENATE CONCURRENT RESOLUTIONS

November 17, 2005

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the President of the Senate has signed the following Senate Concurrent Resolutions:

Senate Concurrent Resolution Nos. 5, 11, 12, 14, 19, 21, and 22

and ask the Speaker of the House of Representatives to affix his signature to the same.

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

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

Privileged Report of the Committee on Enrollment

November 17, 2005

To the honorable Speaker and Members of the House of Representatives:

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

The following House Resolutions have been properly enrolled:

HOUSE RESOLUTION NO. 11—

BY REPRESENTATIVE TUCKER

A RESOLUTION

To commend the Leukemia and Lymphoma Society for addressing the needs and services of blood cancer patients who have been displaced from devastated portions of the state.

Respectfully submitted,

DONALD RAY KENNARD
Chairman

The above House Resolutions contained in the report were signed by the Speaker of the House and taken by the Clerk of the House to the Secretary of State in accordance with the rules of the House.

Privileged Report of the Committee on Enrollment

November 17, 2005

To the honorable Speaker and Members of the House of Representatives:

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

The following House Concurrent Resolutions have been properly enrolled:

HOUSE CONCURRENT RESOLUTION NO. 34—

BY REPRESENTATIVES ODINET, DORSEY, FANNIN, M. GUILLORY, HUTTER, KATZ, QUEZAIRE, SALTER, SMILEY, AND ST. GERMAIN AND SENATOR BOASSO

A CONCURRENT RESOLUTION

To memorialize the United States Congress and the Louisiana congressional delegation to direct the United States Army Corps of Engineers not to engage in dredging activities on the Mississippi River Gulf Outlet and to begin the necessary process to return the waterway to wetlands marsh status.

HOUSE CONCURRENT RESOLUTION NO. 36—

BY REPRESENTATIVES JEFFERSON, DORSEY, FANNIN, M. GUILLORY, HUTTER, KATZ, QUEZAIRE, AND ST. GERMAIN

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to waive the nonfederal or local portion of any cost-sharing agreement for the funding of a levee reconstruction and improvement project.

HOUSE CONCURRENT RESOLUTION NO. 47—

BY REPRESENTATIVE LAFONTA

A CONCURRENT RESOLUTION

To urge and request congress to encourage the banking industry to assist senior citizens and disabled persons without identification due to Hurricanes Katrina and Rita with negotiating their Social Security Supplemental Security Income checks.

HOUSE CONCURRENT RESOLUTION NO. 48—

BY REPRESENTATIVE WALKER

A CONCURRENT RESOLUTION

To commend and express support for Louisiana: Vision 2020.

HOUSE CONCURRENT RESOLUTION NO. 49—

BY REPRESENTATIVE BALDONE

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to forgive the 3.7 billion dollars that the Federal Emergency Management Agency (FEMA) estimates that Louisiana owes FEMA for hurricane relief.

Respectfully submitted,

DONALD RAY KENNARD
Chairman

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The above House Concurrent Resolutions contained in the report were signed by the Speaker of the House and taken to the Senate by the Clerk of the House and were signed by the President of the Senate and taken by the Clerk of the House to the Secretary of State in accordance with the rules of the House.

Leave of Absence

Rep. Burns - 1 day

Rep. Triche - 1/2 day

Adjournment

On motion of Rep. Wright, at 11:46 A.M., the House agreed to adjourn until Sunday, November 20, 2005, at 5:00 P.M.

The Speaker of the House declared the House adjourned until 5:00 P.M., Sunday, November 20, 2005.

ALFRED W. SPEER
Clerk of the House