

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

EIGHTH 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

Monday, November 14, 2005

The House of Representatives was called to order at 4:00 P.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	Faucheux	Morrell
Alario	Frith	Morrish
Alexander	Gallot	Odinet
Ansardi	Geymann	Pierre
Arnold	Glover	Pinac
Badon	Gray	Pitre
Baldone	Greene	Powell, M.
Barrow	Guillory, E.	Powell, T.
Baudoin	Guillory, M.	Quezaire
Baylor	Hammett	Richmond
Beard	Harris	Ritchie
Bowler	Heaton	Robideaux
Bruce	Hebert	Romero
Bruneau	Hill	Scalise
Burns	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
Erdey
Fannin
Farrar
Total - 105

Martiny
McDonald
McVea
Montgomery

ABSENT

White
Winston
Wooton
Wright

Total - 0

The Speaker announced that there were 105 members present and a quorum.

Prayer

Prayer was offered by Rep. Quezaire.

Pledge of Allegiance

Rep. Beard 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. Harris, the reading of the Journal was dispensed with.

On motion of Rep. Karen Carter, the Journal of November 13, 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 14, 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. 4
Returned without amendments

House Concurrent Resolution No. 12
Returned without amendments

House Concurrent Resolution No. 13
Returned without amendments

House Concurrent Resolution No. 15
Returned without amendments

House Concurrent Resolution No. 23
Returned without amendments

House Concurrent Resolution No. 24
Returned without amendments

House Concurrent Resolution No. 25
Returned without amendments

House Concurrent Resolution No. 27
Returned without amendments

House Concurrent Resolution No. 31
Returned without amendments

House Concurrent Resolution No. 38
Returned without amendments

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

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Message from the Senate

SENATE BILLS

November 14, 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 No. 28

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

Suspension of the Rules

On motion of Rep. Pitre, 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. 28— BY SENATOR DUPRE

AN ACT

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

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 CONCURRENT RESOLUTION NO. 41— BY REPRESENTATIVE ODINET

A CONCURRENT RESOLUTION

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

Read by title.

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

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 42—

BY REPRESENTATIVE LAFONTA

A CONCURRENT RESOLUTION

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

Read by title.

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

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 43—

BY REPRESENTATIVE BOWLER

A CONCURRENT RESOLUTION

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

Read by title.

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

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 44—

BY REPRESENTATIVE K. CARTER

A CONCURRENT RESOLUTION

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

Read by title.

On motion of Rep. Karen Carter, 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 entitled House Bills and Joint Resolutions which were read the first time by their titles and placed upon the calendar for their second reading and, under a suspension of the rules, were referred to committee as follows:

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.

Under the rules, the above bill was referred to the Committee on Commerce.

Senate Bills and Joint Resolutions on Second Reading to be Referred

The following Senate Bills and Joint Resolutions on second reading to be referred were taken up, read, and referred to committees, as follows:

SENATE BILL NO. 1—

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

AN ACT

To amend and reenact R.S. 15:542(A), (C)(2) and (F) and 545(A) and to enact R.S. 15:542(A)(4), relative to registration of sex offenders; to provide for enhanced penalties for failure to register as a sex offender; to provide for registration of offenders housed in emergency housing; to provide for re-registration of sex offenders under certain circumstances; to provide for the police chief or police department to send written notices; and to provide for related matters.

Called from the calendar.

Read by title.

Motion

Rep. Cravins moved that Senate Bill No. 1 be designated as a duplicate of House Bill No. 26.

Which motion was agreed to.

Rep. Cravins moved that Senate Bill No. 1 be amended to conform with House Bill No. 26 and sent up the following floor amendments:

HOUSE FLOOR AMENDMENTS

Conforming Amendments proposed by Representative Cravins to Reengrossed Senate Bill No. 1 by Senator Amedee (Duplicate of House Bill No. 26)

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 15:542" delete the remainder of the line and on line 3 delete "15:542(A)(4)," and insert "(C)(2)(a) and (b) and (F)(1),"

AMENDMENT NO. 2

On page 1, line 3, after "relative to" delete the remainder of the line

AMENDMENT NO. 3

On page 1, line 4, after "offender;" delete the remainder of the line and delete lines 5 and 6 in their entirety and on line 7, delete "department to send written notices;" and insert the following:

"to provide that penalties for failure to register as a sex offender shall apply to sex offenders who fail to notify appropriate law enforcement officials when they are temporarily displaced from their residence due to an evacuation order or declaration of an emergency; to amend the criminal penalties for a first conviction of failure to register as a sex offender;"

AMENDMENT NO. 4

On page 1, line 9, after "R.S. 15:542" delete "(A), (C)(2) and (F) and 545(A)" and insert "(C)(2)(a) and (b) and (F)(1)"

AMENDMENT NO. 5

On page 1, line 10, delete "and "R.S. 15:542(A)(4) is hereby enacted"

AMENDMENT NO. 6

On page 1, delete lines 12 through 17 in their entirety and on page 2, delete lines 1 through 23 in their entirety

AMENDMENT NO. 7

On page 2, line 28, after "parish" and before the comma "," insert "or is temporarily displaced from his residence due to an evacuation order or declaration of emergency issued by the governor or the local governing authority"

AMENDMENT NO. 8

On page 3, line 4, after "the sheriff" delete the remainder of the line and on line 5, delete "in excess of four hundred fifty thousand, the police department"

AMENDMENT NO. 9

On page 3, at the beginning of line 9, after "parish" and before the comma "," insert "or is temporarily displaced from his residence due to an evacuation order or declaration of emergency issued by the governor or the local governing authority"

AMENDMENT NO. 10

On page 3, at the end of line 16, delete "and the police" and delete line 17 in its entirety and on line 18, delete "hundred fifty thousand, the police department"

AMENDMENT NO. 11

On page 3, line 22, after "conviction, be" delete the remainder of the line and delete lines 23 through 25 in their entirety and insert the following:

"imprisoned with or without hard labor for not less than one year thirty days nor more than five years, or both, with at least thirty days imposed without benefit of probation, parole, or suspension of sentence, and may be fined not less than five hundred dollars nor more than one thousand dollars."

AMENDMENT NO. 12

On page 3, delete lines 26 through 29 in their entirety and on page 4, delete lines 1 through 17 in their entirety

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

Motion

On motion of Rep. Cravins, the above bill, as amended, was referred to the Legislative Bureau.

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. 156—

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

AN ACT

To appropriate funds and to make and otherwise provide for certain reductions in appropriations from certain sources to be allocated to designated agencies and purposes in specific amounts for the making of supplemental appropriations and reductions for said agencies and purposes for the 2005-2006 Fiscal Year; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Appropriations.

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The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Appropriations to Original House Bill No. 156 by Representative Alario

AMENDMENT NO. 1

On page 1, line 13, change "\$1,048,294" to "\$99,835"

AMENDMENT NO. 2

On page 1, delete lines 14 through 16 in their entirety

AMENDMENT NO. 3

On page 1, delete line 18, and insert "\$290,219."

AMENDMENT NO. 4

On page 1, line 19, after "Program by" delete the remainder of the line, delete line 20 in its entirety, and insert "\$500,000."

AMENDMENT NO. 5

On page 1, delete line 21 in its entirety

AMENDMENT NO. 6

On page 1, line 22, change "\$284,279" to "\$27,073"

AMENDMENT NO. 7

On page 1, delete line 23 in its entirety

AMENDMENT NO. 8

On page 2, delete lines 3 through 16 in their entirety

AMENDMENT NO. 9

On page 2, line 17, change "(3)" to "(2)"

AMENDMENT NO. 10

On page 2, line 18, after "State" and the hyphen "-" delete the remainder of the line, delete lines 19 through 22 in their entirety, and insert "Elections Program by \$227,771."

AMENDMENT NO. 11

On page 2, delete lines 23 and 24 in their entirety

AMENDMENT NO. 12

On page 2, line 26, change "\$123,710" to "\$11,782"

AMENDMENT NO. 13

On page 2, line 27, change "\$74,806" to "\$7,124"

AMENDMENT NO. 14

On page 2, line 28, after "Forestry by" delete the remainder of the line and delete line 29 and insert "\$210,098."

AMENDMENT NO. 15

On page 2, delete lines 30 through 32 in their entirety

AMENDMENT NO. 16

On page 2, line 33, change "(5)" to "(3)"

AMENDMENT NO. 17

On page 2, line 34, change "\$3,364,745" to "\$320,444"

AMENDMENT NO. 18

On page 2, line 35, change "(6)" to "(4)"

AMENDMENT NO. 19

On page 2, line 36, after "\$2,200,729" and before the period "." insert "and sixty-two (62) positions"

AMENDMENT NO. 20

On page 3, line 1, change "(7)" to "(5)"

AMENDMENT NO. 21

On page 3, line 3, change "\$95,699,640" to "\$25,000,000"

AMENDMENT NO. 22

On page 3, between lines 3 and 4, insert the following:

"09-306 Medical Vendor Payments - Private Providers Program by \$350,000.

09-306 Medical Vendor Payments - Private Providers Program by \$129,179."

AMENDMENT NO. 23

On page 3, delete lines 4 and 5 in their entirety

AMENDMENT NO. 24

On page 3, line 7, after "\$7,243,165" and before the period "." insert a comma "," and "provided, however such reduction shall not be applicable to payments to rural hospital providers"

AMENDMENT NO. 25

On page 3, line 8, after "Health" delete the remainder of the line and insert a hyphen "-" and "Personal Health Services Program by \$750,000."

AMENDMENT NO. 26

On page 3, delete lines 9 through 12 in their entirety

AMENDMENT NO. 27

On page 3, line 13, change "(8)" to "(6)"

AMENDMENT NO. 28

On page 3, delete line 14 in its entirety

AMENDMENT NO. 29

On page 3, line 15, change "\$4,517,220" to "\$882,102"

AMENDMENT NO. 30

On page 3, line 17, change "\$3,094,522" to "\$294,709"

AMENDMENT NO. 31

On page 3, line 19, change "\$2,727,642" to "\$2,177,521"

AMENDMENT NO. 32

On page 4, line 20, change "(9)" to "(7)"

AMENDMENT NO. 33

On page 3, line 21, after "Secretary" and the hyphen "-" delete the remainder of the line, delete lines 22 through 25 in their entirety, and insert "Management and Finance Program by \$26,942 and Atchafalaya Basin Program by \$42,812."

AMENDMENT NO. 34

On page 3, line 26, after "Conservation" delete the remainder of the line, delete lines 27 and 28 in their entirety, and insert "by \$22,052."

AMENDMENT NO. 35

On page 3, delete lines 29 through 32 in their entirety

AMENDMENT NO. 36

On page 3, line 33, change "(11)" to "(8)"

AMENDMENT NO. 37

On page 3, delete lines 34 through 39 in their entirety

AMENDMENT NO. 38

On page 4, line 2, change "\$376,632" to "\$35,869"

AMENDMENT NO. 39

On page 4, delete lines 3 through 13 in their entirety

AMENDMENT NO. 40

On page 4, line 14, change "(14)" to "(9)"

AMENDMENT NO. 41

On page 4, line 16, change "\$10,247,894" to "\$350,000"

AMENDMENT NO. 42

On page 4, delete lines 17 through 20 in their entirety

AMENDMENT NO. 43

On page 4, line 21, after "Arts by" delete the remainder of the line, delete line 22 in its entirety, and insert "\$500,000."

AMENDMENT NO. 44

On page 4, line 23, change "(15)" to "(10)"

AMENDMENT NO. 45

On page 4, delete lines 24 and 25 in their entirety

AMENDMENT NO. 46

On page 4, line 26, after "Assistance" delete the remainder of the line, delete lines 27 through 29 in their entirety, and insert "by \$1,000,000."

AMENDMENT NO. 47

On page 4, delete lines 33 and 34 in their entirety

AMENDMENT NO. 48

On page 4, line 35, change "(16)" to "(11)"

AMENDMENT NO. 49

On page 5, delete line 1 through 3 in their entirety

AMENDMENT NO. 50

On page 5, delete lines 10 through 13 in their entirety

AMENDMENT NO. 51

On page 5, line 19, change "\$224,366,045" to "\$58,612,040"

AMENDMENT NO. 52

On page 5, delete lines 20 and 21 in their entirety

AMENDMENT NO. 53

On page 5, line 23, after "\$16,732,885" and before the period "." insert a comma "," and "provided, however such reduction shall not be applicable to payments to rural hospital providers"

AMENDMENT NO. 54

On page 5, delete line 25 in its entirety

AMENDMENT NO. 55

On page 5, line 26, change "\$7,697,076" to "\$2,163,830"

AMENDMENT NO. 56

On page 5, line 28, change "\$872,086" to "\$126,304"

AMENDMENT NO. 57

On page 5, line 30, change "\$10,078,188" to "\$8,045,582"

AMENDMENT NO. 58

On page 5, delete lines 31 and 32 in their entirety and on page 6, delete lines 1 through 7 in their entirety

AMENDMENT NO. 59

On page 6, line 8, change "Section 1.E." to "Section 1.D."

AMENDMENT NO. 60

On page 6, at the beginning of line 12, delete "(1)"

AMENDMENT NO. 61

On page 6, delete lines 13 and 14 in their entirety

AMENDMENT NO. 62

On page 6, delete lines 17 through 36 in their entirety

AMENDMENT NO. 63

On page 7, delete lines 1 through 25 in their entirety

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AMENDMENT NO. 64

On page 7, delete line 28, and insert the following:

"Regular Session of the Legislature for the following agencies of the state and for public and quasi-public entities or agencies other than the state, whether subject to or exempted from Section 18(B) of that Act, which are either unexpended or unencumbered or are not required to satisfy any outstanding unsettled claims in the following amounts, provided that the commissioner is authorized to satisfy such unsettled claims from such amounts and is further authorized to reduce the amount of any reduction as provided in this Section in order to accomplish such settlement:"

AMENDMENT NO. 65

On page 8, delete lines 3 through 21 in their entirety

AMENDMENT NO. 66

On page 8, line 22, change "(4)" to "(3)"

AMENDMENT NO. 67

On page 8, delete lines 29 and 30 in their entirety and insert the following:

"of the 2005 Regular Session of the Legislature for the following agencies of the state and for public and quasi-public entities or agencies other than the state, whether subject to or exempted from Section 18(B) of that Act, which are either unexpended or unencumbered or are not required to satisfy any outstanding unsettled claims in the following amounts, provided that the commissioner is authorized to satisfy such unsettled claims from such amounts and is further authorized to reduce the amount of any reduction as provided in this Section in order to accomplish such settlement:"

AMENDMENT NO. 68

On page 8, line 34, after "Supervisors" delete the remainder of the line, delete lines 35 through 42 in their entirety, and insert "out of the Fireman's Training Fund by \$275,000."

AMENDMENT NO. 69

On page 8, line 43, after "Supervisors" delete the remainder of the line, delete lines 44 and 45, and on page 9, delete lines 1 through 6, and insert "out of the Southern University Agricultural Program Fund by \$712,500."

AMENDMENT NO. 70

On page 8, after line 45, insert the following:

"19-649 Louisiana Community and Technical College Board of Supervisors out of the Higher Education Initiatives Fund by \$200,000."

AMENDMENT NO. 71

On page 9, line 8, after "Legislature for" delete the remainder of the line, delete lines 9 through 12 in their entirety, and insert the following:

"the state and for public and quasi-public entities or agencies other than the state, whether subject to or exempted from Section 18(B) of that Act, which are either unexpended or unencumbered or are not required to satisfy any outstanding unsettled claims shall be null, void, and of no effect on the effective date of this Act, provided that the commissioner is authorized to satisfy such unsettled claims from such amounts:"

AMENDMENT NO. 72

On page 9, line 14, change "by" to a hyphen "-"

AMENDMENT NO. 73

On page 9, line 16, change "by" to a hyphen "-"

AMENDMENT NO. 74

On page 9, line 18, change "by" to a hyphen "-"

AMENDMENT NO. 75

On page 9, line 20, change "by" to a hyphen "-"

AMENDMENT NO. 76

On page 9, line 21, change "by" to a hyphen "-"

AMENDMENT NO. 77

On page 9, line 22, change "by" to a hyphen "-"

AMENDMENT NO. 78

On page 9, line 24, change "by" to a hyphen "-"

AMENDMENT NO. 79

On page 9, line 25, change "by" to a hyphen "-"

AMENDMENT NO. 80

On page 9, line 27, change "by" to a hyphen "-"

AMENDMENT NO. 81

On page 9, line 29, change "by" to a hyphen "-"

AMENDMENT NO. 82

On page 9, line 30, change "by" to a hyphen "-"

AMENDMENT NO. 83

On page 9, line 31, change "by" to a hyphen "-"

AMENDMENT NO. 84

On page 9, line 33, change "by" to a hyphen "-"

AMENDMENT NO. 85

On page 10, line 2, change "by" to a hyphen "-"

AMENDMENT NO. 86

On page 10, line 4, change "by" to a hyphen "-"

AMENDMENT NO. 87

On page 10, line 6, change "by" to a hyphen "-"

AMENDMENT NO. 88

On page 10, between lines 7 and 8, insert the following:

"19-600 Louisiana State University Board of Supervisors - \$2,324,344.

19-615 Southern University Board of Supervisors - \$100,000."

AMENDMENT NO. 89

On page 10, line 8, change "by" to a hyphen "-"

AMENDMENT NO. 90

On page 10, delete line 10, and insert "\$114,000."

AMENDMENT NO. 91

On page 10, line 12, change "by" to a hyphen "-"

AMENDMENT NO. 92

On page 10, line 13, change "by" to a hyphen "-"

AMENDMENT NO. 93

On page 10, line 14, change "Section 3." to "Section 3.A."

AMENDMENT NO. 94

On page 10, at the end of line 18, insert "The Table of Organization for the Office of Emergency Preparedness Program is increased by thirty (30) positions."

AMENDMENT NO. 95

On page 10, between lines 18 and 19, insert the following:

"Section 3.B. The commissioner of administration is hereby authorized and directed to adjust the means of finance for 09-306 Medical Vendor Payments - Private Providers Program contained in Act 16 of the 2005 Regular Session of the Legislature by increasing the appropriation from State General Fund by Statutory Dedications out of the Health Excellence Fund by \$350,000 and increasing the appropriations from State General Fund by Statutory Dedications out of the Louisiana Fund by \$129,179.

Section 3.C. The commissioner of administration is hereby authorized and directed to adjust the means of finance for 19-661 Louisiana Office of Student Financial Assistance contained in Act 16 of the 2005 Regular Session of the Legislature by increasing the appropriation from State General Fund by Statutory Dedications out of the TOPS Fund by \$350,000.

Section 4.A. The sum of One Hundred Eighty-nine Million Three Hundred Thirty-nine Thousand and No/100 (\$189,339,000.00) Dollars is hereby appropriated from nonrecurring revenues out of the General Fund of the state of Louisiana for Fiscal Year 2004-2005 and designated by the Revenue Estimating Conference for deposit in and credit to the Budget Stabilization Fund. Provided, that the state treasurer is authorized and directed to promptly classify and deposit into the Budget Stabilization Fund or State General Fund all revenues which are received as a result of the production of or exploration for minerals, including severance taxes, royalty payments, bonus payments, or rentals as such revenues are specified in Article VII, Section 10.3 of the Constitution of Louisiana.

Section 4.B. The sum of Seven Million Two Hundred Thousand and No/100 (\$7,200,000.00) Dollars is hereby appropriated from the State General Fund from Fees and Self-generated Revenues from prior year collections of license fees collected from the International Registration Plan pursuant to R.S. 47:511 for deposit in and credit to the Budget Stabilization Fund.

Section 5. The sum of One Million Two Hundred Forty-seven Thousand Three Hundred Nineteen and No/100 (\$1,247,319.00) Dollars is hereby appropriated from the State General Fund by Interagency Transfers, be it more or less estimated, to 20-XXX FUNDS for deposit into the Rural Development Fund. Provided, however the amount of such appropriation shall be limited to the extent that the Federal Emergency Management Agency reimburses the Office of Emergency Preparedness for costs incurred by the Office of Rural Development.

Notwithstanding any provision of law to the contrary, the commissioner of administration is hereby authorized and directed to reduce the State General Fund (Direct) appropriated to the Rural Development Fund by \$1,247,319, be it more or less estimated, to the extent the Federal Emergency Management Agency reimburses Office of Emergency Preparedness for costs incurred by the Office of Rural Development."

AMENDMENT NO. 96

On page 10, line 19, change "Section 4." to "Section 6."

AMENDMENT NO. 97

On page 10, between lines 24 and 25, insert the following:

"Section 7. Notwithstanding any provision of law to the contrary, the state treasurer is hereby authorized and directed to transfer to the State General Fund (Direct) the amounts of any reduction in State General Fund by Fees and Self-generated Revenues, Statutory Dedications, or Interagency Transfers reduced as provided in this Act and by Executive Orders KBB 2005-38 and 2005-82.

Section 8. The legislature hereby recognizes the intention of the House of Representatives thereof as represented by the Honorable Joe R. Salter, Speaker, to reduce its expenditures during Fiscal Year 2005-2006 so as to produce a savings to the state of Louisiana of one million dollars.

Section 9. The legislature hereby recognizes the intention of the Judicial Branch as represented by the Honorable Catherine D. Kimball, Justice of the Supreme Court, to reduce the expenses of the judiciary during Fiscal Year 2005-2006 so as to produce a savings to the state of Louisiana of one million nine hundred thousand dollars."

AMENDMENT NO. 98

On page 10, line 25, change "Section 5." to "Section 10."

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

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

Under the rules, placed on the regular calendar.

Suspension of the Rules

On motion of Rep. Toomy, the rules were suspended in order to take up and consider House Bills and Joint Resolutions on Third Reading and Final Passage at this time.

House Bills and Joint Resolutions on Third Reading and Final Passage

The following House Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

Regular Calendar

HOUSE BILL NO. 4—

BY REPRESENTATIVE TOOMY
AN ACT

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

Read by title.

Rep. Toomy moved the final passage of the bill.

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ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 101

NAYS

Total - 0

ABSENT

Crowe	Lambert
Hutter	Marchand

Total - 4

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Toomy moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 83—

BY REPRESENTATIVE ALARIO AND SENATOR HEITMEIER

AN ACT

To appropriate funds out of the Budget Stabilization Fund of the state of Louisiana for Fiscal Year 2005-2006 for deposit into the General Fund of the state of Louisiana; to provide for an effective date; and to provide for related matters.

Read by title.

Motion

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

Notice of Intention to Call

Pursuant to House Rule No. 8.26(A), Rep. Alario gave notice of his intention to call House Bill No. 83 from the calendar for future action.

HOUSE BILL NO. 127—

BY REPRESENTATIVE MARTINY

AN ACT

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

Read by title.

Rep. Martiny moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Alario	Greene	Richmond
Alexander	Harris	Ritchie
Ansardi	Heaton	Robideaux
Arnold	Hebert	Romero
Badon	Hutter	Scalise
Baldone	Jefferson	Schneider
Barrow	Johns	Smiley
Beard	Kennard	Smith, G.
Bowler	Kleckley	Smith, J.D.—50th
Bruneau	LaBruzzo	St. Germain
Burns	LaFonta	Strain
Crane	Lambert	Toomy
Crowe	Lancaster	Townsend
Curtis	Marchand	Trahan
Damico	Martiny	Triche
Daniel	Morrell	Tucker
Dartez	Morrish	Walker
DeWitt	Odinet	White
Dorsey	Pierre	Winston
Durand	Pinac	Wooton
Erdey	Pitre	Wright
Geymann	Powell, M.	
Glover	Powell, T.	

Total - 67

NAYS

Mr. Speaker	Farrar	Kenney
Baudoin	Faucheux	LaFleur
Baylor	Frith	McDonald
Bruce	Gallot	McVea
Burrell	Guillory, E.	Montgomery
Carter, R.	Guillory, M.	Quezaire
Cazayoux	Hill	Smith, J.R.—30th
Cravins	Honey	Thompson
Doerge	Hunter	Walsworth
Downs	Jackson	
Fannin	Katz	

Total - 31

ABSENT

Carter, K.	Hammett	Waddell
Dove	Hopkins	
Gray	Smith, J.H.—8th	

Total - 7

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Martiny moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 140—

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

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

Read by title.

Motion

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

Notice of Intention to Call

Pursuant to House Rule No. 8.26(A), Rep. Alario gave notice of his intention to call House Bill No. 140 from the calendar for future action.

Notice of Intention to Call

Pursuant to House Rule No. 8.26(A), Rep. Hebert gave notice of his intention to call House Bill No. 31 from the calendar for future action.

Suspension of the Rules

On motion of Rep. Jane Smith, the rules were suspended to limit the author or proponent handling the legislative instrument to ten minutes for opening remarks and all subsequent speakers on the instrument to five minutes.

HOUSE BILL NO. 161—

BY REPRESENTATIVE K. CARTER
AN ACT

To enact R.S. 51:1422, relative to cease and desist orders of the attorney general; to provide for authorization for the attorney general to issue a cease and desist order to stop a charter school from operating under specified circumstances; and to provide for related matters.

Read by title.

Rep. Karen Carter moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Badon	Farrar	Jackson
Barrow	Gallot	Jefferson
Baylor	Glover	LaFonta
Burrell	Gray	Marchand
Carter, K.	Guillory, E.	Morrell
Carter, R.	Harris	Pierre
Cravins	Hebert	Quezaire
Curtis	Hill	Richmond
Dartez	Honey	St. Germain
Dorsey	Hunter	Wright
Total - 30		

NAYS

Mr. Speaker	Faucheux	Powell, T.
Alario	Frith	Ritchie
Alexander	Geymann	Robideaux
Ansardi	Greene	Scalise

Arnold	Guillory, M.	Schneider
Baldone	Hammett	Smiley
Baudoin	Heaton	Smith, G.
Beard	Hopkins	Smith, J.D.—50th
Bowler	Katz	Smith, J.H.—8th
Bruce	Kennard	Smith, J.R.—30th
Bruneau	Kenney	Strain
Burns	Kleckley	Thompson
Cazayoux	LaBruzzo	Toomy
Crane	LaFleur	Trahan
Crowe	Lambert	Triche
Damico	Martiny	Tucker
Daniel	McDonald	Waddell
DeWitt	McVea	Walker
Doerge	Montgomery	Walsworth
Dove	Morrish	White
Downs	Odinot	Winston
Durand	Pinac	Wooton
Erdey	Pitre	
Fannin	Powell, M.	
Total - 70		

ABSENT

Hutter	Lancaster	Townsend
Johns	Romero	
Total - 5		

The Chair declared the above bill failed to pass.

Rep. Arnold moved to reconsider the vote by which the above bill failed to pass, and, on his own motion, the motion to reconsider was laid on the table.

Suspension of the Rules

On motion of Rep. Smiley, and under a suspension of the rules, the following bill was taken up out of its regular order at this time.

HOUSE BILL NO. 11—

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

To amend and reenact R.S. 32:706.1 and to enact R.S. 32:702(14) and (15) and 707.3, relative to vehicles sustaining water damage from a declared disaster; to provide for definitions; to provide for disclosure before transfer; to provide for certificates of destruction; to provide for restrictions on transfer and registration; to provide for dismantling or crushing; to provide for rules and regulations; to provide for penalties; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Smiley sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Smiley to Engrossed House Bill No. 11 by Representative Smiley

AMENDMENT NO. 1

On page 3, delete lines 11 through 15 in their entirety

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AMENDMENT NO. 2

On page 3, line 16, change "D.(1)" to "C.(1)"

AMENDMENT NO. 3

On page 3, line 22, change "E.(1)" to "D.(1)"

AMENDMENT NO. 4

On page 3, line 28, after "sold for" insert "any usable" and after "crushed" delete the remainder of the line, and delete line 29 in its entirety and insert a period "."

AMENDMENT NO. 5

On page 4, line 1, change "F.(1)" to "E.(1)"

AMENDMENT NO. 6

On page 4, line 4, after "for" delete the remainder of the line and delete line 5 in its entirety and insert the following:

"the vehicle to be dismantled, crushed, and scrapped by a person licensed under Chapter 4-A of this Title."

AMENDMENT NO. 7

On page 4, line 10, change "G." to "F."

AMENDMENT NO. 8

On page 4, line 12, change "H." to "G."

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

Rep. Karen Carter sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative K. Carter to Engrossed House Bill No. 11 by Representative Smiley

AMENDMENT NO. 1

On page 2, at the end of line 8 insert "; penalties"

AMENDMENT NO. 2

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

"C. Whoever knowingly violates the provisions of this Section shall be guilty of a misdemeanor and, upon conviction, shall be punished by imprisonment of not more than six months or by a fine not less than five hundred dollars nor more than five thousand dollars, or both. In addition, the violator shall be sentenced to not less than eighty hours of community service."

On motion of Rep. Karen Carter, the amendments were adopted.

Rep. Smiley moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Alario	Guillory, E.	Quezaire
Alexander	Harris	Richmond

Ansardi	Heaton	Ritchie
Arnold	Hill	Robideaux
Badon	Honey	Romero
Baldone	Hopkins	Scalise
Bruce	Hutter	Schneider
Bruneau	Jackson	Smiley
Burns	Jefferson	Smith, G.
Cravins	Katz	Smith, J.H.-8th
Crowe	Kennard	Smith, J.R.-30th
Damico	Kenney	Thompson
Daniel	Kleckley	Toomy
Doerge	LaBruzzo	Trahan
Dove	LaFonta	Triche
Downs	Martiny	Tucker
Durand	McDonald	Waddell
Fannin	McVea	Walker
Faucheux	Montgomery	Walsworth
Frith	Morrish	White
Gallot	Odinot	Winston
Geymann	Pinac	Wooton
Glover	Pitre	
Greene	Powell, M.	

Total - 70

NAYS

Mr. Speaker	Dartez	Lambert
Barrow	DeWitt	Lancaster
Baudoin	Dorsey	Marchand
Baylor	Erdey	Morrell
Beard	Farrar	Pierre
Bowler	Gray	Powell, T.
Burrell	Guillory, M.	Smith, J.D.-50th
Carter, K.	Hammett	St. Germain
Carter, R.	Hebert	Strain
Cazayoux	Hunter	Townsend
Crane	Johns	
Curtis	LaFleur	

Total - 34

ABSENT

Wright
Total - 1

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Smiley moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Suspension of the Rules

On motion of Rep. Beard, and under a suspension of the rules, the above roll call was corrected to reflect him as voting nay.

Suspension of the Rules

On motion of Rep. Scalise, and under a suspension of the rules, the following bill was taken up out of its regular order at this time.

HOUSE BILL NO. 93—

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

AN ACT

To amend and reenact R.S. 17:10.5(A)(1), (B), (C)(1)(a) and (2)(a)(iii) and (b)(i), and (D) and to enact R.S. 17:3973(2)(b)(v)(cc); to provide for the transfer of certain

public elementary and secondary schools to the jurisdiction of the Recovery School District; to provide guidelines and conditions for such transfers; to provide definitions; to provide relative to the reorganization and operation of such transferred schools; to provide exceptions; to provide relative to the membership of governing or management boards of certain Recovery School District charter schools; to provide limitations; to provide an effective date; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Scalise sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Scalise to Engrossed House Bill No. 93 by Representative Scalise

AMENDMENT NO. 1

On page 1, line 2, after "R.S." delete the remainder of the line and insert "17:1990(A), (B)(1), (2)(a), and (4), and (C)(1)(a), (2)(a), and (3), 3973(2)(b)(v)(aa), 3982(A)(1), and 3983(A)(2)(a)"

AMENDMENT NO. 2

On page 1, line 3, after "enact" and before "to provide" change "R.S. 17:3973(2)(b)(v)(cc);" to "R.S. 17:10.7, 1990(F)(3), 3973(2)(b)(v)(cc), and 3983(A)(1)(g);"

AMENDMENT NO. 3

On page 1, delete line 6, and at the beginning of line 7, delete "provide exceptions;" and insert the following:

"require the development and approval of a plan for the operation of all schools transferred and to specify the contents of such plan; to require the recovery district to make certain reports relative to the recovery district; to subject the administration of the recovery district to the approval of the State Board of Elementary and Secondary Education; to authorize the recovery district to manage and retain certain funding, including the authorization for retaining fund balances; to specify that the expenditure of certain funds by the recovery district is subject to the requirements of the approved Minimum Foundation Program formula; to provide with regard to the authority of the recovery district to contract with for-profit providers; to provide for the exercise of limited rights of ownership over property of transferred schools by the recovery district; to provide for the transfer of certain funding to the recovery district; to provide for the process for the transfer of such funds and for a limitation on the transfer of such funds; to provide for the expenditure of certain retained funds by certain city, parish, or other local public school systems; to provide for the eligibility of a student to attend a school operated under the jurisdiction of the recovery district; to provide for the obligations of the recovery district in providing services to students; to expand the definition of a Type 5 charter school to include charters involving certain schools transferred to the recovery district; to prohibit certain local school boards from considering or acting on Type 1 charter school applications under certain circumstances; to authorize the state Department of Education to enter into a charter to operate a charter school under certain circumstances;"

AMENDMENT NO. 4

On page 1, line 11, after "R.S." delete the remainder of the line and add "17:1990(A), (B)(1), (2)(a), and (4), and (C)(1)(a), (2)(a), and (3), 3973(2)(b)(v)(aa), 3982(A)(1), and 3983(A)(2)(a) are"

AMENDMENT NO. 5

On page 1, line 12, after "reenacted and" and before "hereby" change "R.S. 17:3973(2)(b)(v)(cc) is" to "R.S. 17:10.7, 1990(F)(3), 3973(2)(b)(v)(cc), and 3983(A)(1)(g) are"

AMENDMENT NO. 6

On page 1, delete lines 14 through 17 in their entirety

AMENDMENT NO. 7

On page 2, delete lines 1 through 16 in their entirety and insert the following:

"§10.7. School and district accountability; schools in districts in academic crisis; transfer to Recovery School District

A.(1) All"

AMENDMENT NO. 8

On page 2, line 20, after "District" delete the remainder of the line and delete line 21 and insert a comma "," and "referred to in this Section as "the recovery district", established in R.S. 17:1990. The recovery district shall provide for the supervision, management, and operation of all such schools which shall be considered to be failing schools for the purposes of Article VIII, Section 3(A) of the Constitution of Louisiana."

AMENDMENT NO. 9

On page 2, at the beginning of line 22, change "(ii)" to "(2)"

AMENDMENT NO. 10

On page 2, line 22, after "this" and before "academically" change "Subparagraph," to "Paragraph."

AMENDMENT NO. 11

On page 2, at the end of line 26, add a comma "," and "referred to in this Section as "the state board."

AMENDMENT NO. 12

On page 2, delete line 29, and insert the following:

"B. The recovery district shall provide all educational services required of any city, parish, or other local public school system in order to meet the educational needs of all students residing in the jurisdiction of the transferring local school system who were attending a transferred school or who would have been eligible to attend such transferred school because of the residential location of the student or as the result of any other option or program available to the student.

C.(1) Any school transferred to the recovery district pursuant to this Section shall be reorganized as necessary and operated by the recovery district, pursuant to its authority, in whatever manner is determined by the administering agency of the recovery district to be most likely to improve the academic performance of each student in the school.

(2)(a) The recovery district, as directed by its administering agency, shall manage the schools so transferred in a fashion that provides the best educational opportunity to all students who attended or were eligible to attend such schools without regard to the attendance zones related to such schools prior to the transfer. The authority provided in this Paragraph includes the authority to determine and act on which schools should be operated, which

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schools should be closed, which schools should be relocated or rebuilt, and what range of grades should be operated in each school.

(b)(i) Within six months after the transfer of a school to the recovery district pursuant to this Section, the recovery district shall develop and present to the state board, for its approval, a plan for the operation of all schools transferred. The plan shall be annually updated and reviewed by the state board.

(ii) The plan required in this Subparagraph shall address each of the following:

(aa) The educational needs of all students.

(bb) The number and location of schools to be operated to provide appropriate educational services to all students. This plan element shall include provision for changes in the student population being served.

(cc) A method for maintaining clear communication among interested parties, including the recovery district, the Louisiana Recovery Authority, the chief executive officer of the governing authority of the relevant municipality or parish, the parents and guardians of children for whom the recovery district is required to provide educational services, and the city, parish, or other local public school board from which schools were transferred.

(iii) The requirements of this Subparagraph shall not preclude the operation of a limited number of schools prior to completion and approval of the required plan provided that such schools are operated in direct response to the present needs of students and provided that the operation of such schools is approved by the state board after a review by the board of the data presented by the recovery district supporting the operation of the school and review and consideration by the board of the efforts made by the recovery district to seek and consider input from the community and its leaders and the input gained from those efforts.

(3) The recovery district shall make an annual report to the House and Senate committees on education concerning the status, management, and operation of any school transferred to the recovery district pursuant to the provisions of this Section.

D. The recovery district shall retain jurisdiction over any school transferred to it.

E. At the time of the transfer of a school to the recovery district, the parent or guardian with responsibility for decisions regarding the education of any student attending a transferred school or any student who would be assigned to attend a transferred school shall be able to continue to have their child enrolled in and attend a school under the jurisdiction of the recovery district or may exercise an option, if one is made available by the city, parish, or other local public school board from which the school is being transferred to have the child enroll in or attend another school operated by the school board.

* * *

§1990. Recovery School District; creation; governance; operation

A.(1) The Recovery School District, referred to as the "school district" or the "district", is hereby established to provide an appropriate education for children attending any public elementary or secondary school operated under the jurisdiction and direction of any city, parish, or other local public school board or any other public entity, referred to in this Section as "the prior system", which has been transferred to its jurisdiction pursuant to R.S. 17:10.5 or 10.7.

(2) The school district shall be administered by the state Department of Education, subject to the approval of the State Board of Elementary and Secondary Education, referred to in this Section as "the state board".

B.(1)(a) The school district shall be considered an intermediate educational unit, subject to the limitations of such units which shall include no authority to levy a tax, but which ~~may~~ shall include authority to seek, ~~and~~ expend, manage, and retain federal funding and grant funding and to otherwise seek, obtain, ~~and~~ expend, manage, and retain funding with all the same authority of any city, parish, or other local public school board or other public entity operating a public school, including the right to maintain and manage fund balances.

(b) The expenditure of funds shall be subject to the requirements of the approved Minimum Foundation Program formula that apply to a city, parish, or other local public school system and shall be subject to audit in the same manner.

(2)(a) The school district may provide for the supervision, management, and operation of a school placed under its jurisdiction and receive, control, and expend the local, state, and federal funding attributable to that school, with all the same power and authority as the prior system from which it was transferred subject to the requirements of this Section, ~~and~~ R.S. 17:10.5 or 10.7, or with any other power and authority otherwise granted to the district by law. As it relates to schools transferred pursuant to R.S. 17:10.7, the authority of the school district is also subject to the approval of the state board of the plan submitted pursuant to R.S. 17:10.7(B)(2)(b). The district shall not contract with any for-profit private provider for the general operation of any school under its jurisdiction ~~or for the general provision of instructional services in any such school.~~ The district may contract with for-profit providers for any needed services for a school operated under its jurisdiction.

* * *

(4)(a) The school district shall have the right to use any school building and all facilities and property otherwise part of the school and recognized as part of the facilities or assets of the school prior to its placement in the school district and shall have access to such additional facilities as are typically available to the school, its students, and faculty and staff prior to its placement in the school district. Such use shall be unrestricted, except that the school district shall be responsible for and obligated to provide for routine maintenance and repair such that the facilities and property are maintained in as good an order as when the right of use was acquired by the district. There shall be no requirement for the district to provide for the type of extensive repair to buildings or facilities that would be considered to be a capital expense. Such extensive repairs shall be provided by the governing authority of the city, parish, or other local public school system or other public entity which is responsible for the facility.

(b)(i) In the case of the transfer of schools pursuant to R.S. 17:10.7, the school district may, at the discretion of the administering agency and notwithstanding the provisions of Subparagraph (a) of this Paragraph, acquire with the transfer of the schools all the rights and responsibility of ownership regarding all land, buildings, facilities, and other property that is part of the school being transferred, except that the school district may not transfer the ownership of the land or usable buildings constructed on the land to another save returning the land and such buildings to the stewardship of the prior system. The district may lease land or property, dispose of property other than the land as is necessary to properly manage the operation of the schools, rebuild school buildings, or renovate school buildings.

(ii) No building shall be destroyed pursuant to the authority of the school district unless the destruction of the building has been approved by the office of facility planning in the division of administration.

(iii) In the case that the rights and responsibilities provided for in this Subparagraph are acquired by the school district, the school district, through its administering agency, shall be the exclusive

authority to receive, manage, and expend any and all state, local, or federal funding dedicated to or available for the purpose of repairing, renovating, or rebuilding, or building a school building or facility and any and all insurance proceeds attributable to damage done to any property, except that portion of such insurance proceeds used to pay debt owed by the prior system. A portion of all revenues available to the prior system which are dedicated to the repair, maintenance, or capital projects regarding a transferred school whether such revenue is available from tax proceeds, was borrowed, bonded, or was otherwise acquired shall be transferred by the system to the recovery district in an amount equal to the proportion that the number of schools transferred from such school system bears to the total number of schools operated by the school system during the school year immediately proceeding the school year in which the transfer occurred.

C.(1)(a) The state shall annually appropriate sufficient monies to fund any school in the school district created in this Part in an amount equal to but not less than the school's ~~October first~~ student membership count times one hundred percent of the state share per student ~~from all levels as provided in the Minimum Foundation Program approved formula for the city, parish, or other local public school system in which each school placed under the jurisdiction of the district is located as contained in the Minimum Foundation Program budget letter approved by the State Board of Elementary and Secondary Education. The appropriation shall be made to the administering agency for the district and may be expended by the agency for the provision of educational services to students in the district.~~

* * *

(2)(a)(i) In addition to the appropriation required in Paragraph (1) of this Subsection, any city, parish, or other local public school board which had jurisdiction of a school prior to its transfer to this district annually shall ~~either: (i) Allocate~~ allocate and transfer to the school district an amount of money equal to the number of students enrolled in such a school times the local per pupil amount received ~~in the prior year~~ by the school system from all of the following sources as provided in the Minimum Foundation Program approved formula, excluding any portion which has been specifically dedicated by the legislature or by voter approval to capital outlay or debt service or which was actually expended by the school board for facilities acquisition and construction as reported to the state Department of Education:

(aa) Sales and use taxes, less any tax collection fee paid by the school system;

(bb) Ad valorem taxes, less any tax collection fee paid by the school system;

(cc) Earnings from sixteenth section lands owned by the school system; ~~or,~~

(ii)(aa) ~~Suffer~~ Such allocation and transfer shall be accomplished by a reduction in the amount of state funds otherwise to be allocated to the city, parish, or other local public school system as contained in the Minimum Foundation Program budget letter approved by the State Board of Elementary and Secondary Education equal to the amount provided in ~~Item (i) of this Subparagraph~~ this Paragraph which reduction shall be allocated to the school district.

(bb) In the case that there are insufficient funds available to provide the total due the school district under this Paragraph if all state funds are reduced and allocated to the school district, the prior system shall transfer a sufficient amount of money remaining from the sources provided in Item (i) of this Subparagraph to the school district. In the case that the prior system local revenues are insufficient to allow for the allocation to the school district and to allow the prior system to maintain a minimum balance of ten percent

of state Minimum Foundation Program funding and ten percent of the local revenues listed in Item (i) of this Subparagraph, local revenues otherwise required to be allocated to the school district shall be reduced to an amount necessary to allow the prior system to maintain such balances. Such maintained minimum balances shall be applied firstly to the prior system's retiree health insurance costs and secondly to the prior system's board administrative costs.

* * *

(3)(a) Except for administrative costs, monies appropriated to the Recovery School District that are attributable to the transfer of a school from a prior school system and monies allocated or transferred from the prior system to the recovery district shall be expended solely on the operation of schools transferred from the prior system to the jurisdiction of the district.

(b) Notwithstanding the requirements of Subparagraph (a) of this Paragraph, in the case that schools are transferred pursuant to R.S. 17:10.7 to the school district, monies appropriated to the school district that are attributable to the transfer of the schools from a prior system and monies allocated or transferred from the prior system to the school district shall be expended on the provision of services to the students who were in attendance at such schools or who would have been eligible to attend such schools transferred from the prior system to the jurisdiction of the district without regard to expending amounts on or in any particular school provided that such services are provided in compliance with the requirements of R.S. 17:10.7(B)(2)(b).

* * *

F.

* * *

(3) In addition, in the case that schools are transferred to the district pursuant to R.S. 17:10.7 and notwithstanding other requirements of this Subsection, the school district may permit any student eligible to attend any school in the prior system to attend a school operated by the school district in the area of the transferring system.

* * *

AMENDMENT NO. 13

On page 3, delete lines 1 through 28 in their entirety and on page 4, delete lines 1 through 21 in their entirety

AMENDMENT NO. 14

On page 4, between lines 22 and 23, insert the following:

"As used in this Chapter, the following words, terms, and phrases shall have the meaning ascribed to them in this Section except when the context clearly indicates a different meaning:"

AMENDMENT NO. 15

On page 4, line 28, change "(v)" to the following:

"(v)(aa) Type 5, which means a preexisting public school transferred to the Recovery School District pursuant to R.S. 17:10.5 or 10.7 and operated as the result of and pursuant to a charter between a nonprofit corporation and the State Board of Elementary and Secondary Education, or between a nonprofit corporation and a city, parish, or other local school board or other public entity in the case of the renewal of a Type 5 charter of a school that has been transferred back to the jurisdiction of the local school board or other public entity pursuant to R.S. 17:10.5(C). ~~Notwithstanding~~ Except

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as otherwise provided in R.S. 17:10.7 or 1990, and notwithstanding the provisions of R.S. 17:3991(B)(1), within such Type 5 charter school, only pupils who would have been eligible to enroll in or attend the preexisting school under the jurisdiction of the city, parish, or other local public school board or other public school entity prior to its transfer to the Recovery School District may attend. However, all such pupils shall be eligible to attend notwithstanding any other provision of this Chapter to the contrary."

AMENDMENT NO. 16

On page 5, between lines 7 and 8, insert the following:

"§3982. Local school boards; duties

A.(1)(a) Local school boards shall comply with R.S. 17:3983 and shall review and formally act upon each proposed charter within thirty days of its submission and in the order in which submitted. In doing such review, the local school board shall determine whether each proposed charter complies with the law and rules, whether the proposal is valid, complete, financially well-structured, and educationally sound, and whether it offers potential for fulfilling the purposes of this Chapter.

(b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph, school boards which govern a local system that has been declared to be in academic crisis, as defined in R.S. 17:10.6, shall not consider, review, or act upon charter applications for a Type 1 charter school and shall notify the proponents of any pending Type 1 charter proposal or any newly submitted Type 1 charter proposal that the board is ineligible to act on such applications and that each such application may, therefore, be submitted to the state board as a Type 2 proposal pursuant to R.S. 17:3983(A)(2)(a)(ii).

* * *

§3983. Chartering process by type; eligibility; limitations; faculty approval; parental approval

A.(1) Any of the following may form a nonprofit corporation for the purpose of proposing a charter as provided in this Subsection, provided that the group submitting the charter school proposal includes three or more persons holding valid and current Louisiana teaching certificates:

* * *

(g) The state Department of Education, subject to the approval of the state board.

(2)(a)(i) Each proposal for a ~~type~~ Type 1 or ~~type~~ Type 3 charter school shall first be made to the local school board with jurisdiction where the school is to be located, except in the case of a local system in academic crisis as provided for in Item (ii) of this Subparagraph, involving the submission of a written proposal. If, after review as required by R.S. 17:3982, the local school board denies the proposal, or if conditions placed on the proposal by the local school board, as provided in Paragraph (B)(2) of this Section, are not acceptable to those proposing the charter, then a proposal for a ~~type~~ Type 2 charter school may be made to the State Board of Elementary and Secondary Education.

(ii) A proposal for a Type 1 charter school that would otherwise be made to a local school board except that the local system is in academic crisis shall, in the discretion of the proponents of the proposal, be made to the state board as a Type 2 proposal.

* * *"

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

Rep. Scalise sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Scalise to Engrossed House Bill No. 93 by Representative Scalise

AMENDMENT NO. 1

On page 4, between lines 22 and 23, insert the following:

"As used in this Chapter, the following words, terms, and phrases shall have the meaning ascribed to them in this Section except when the context clearly indicates a different meaning:"

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

Rep. Michael Powell sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative M. Powell to Engrossed House Bill No. 93 by Representative Scalise

AMENDMENT NO. 1

On page 2, line 23, after "board" and before "a school" delete "having" and insert "in any parish having a population of at least four hundred seventy-five thousand persons according to the latest federal decennial census with"

AMENDMENT NO. 2

On page 2, line 24, after "year" and before "more" insert "or thereafter"

Rep. Michael Powell moved the adoption of the amendments.

Rep. Richmond objected.

By a vote of 56 yeas and 46 nays, the amendments were adopted.

Rep. Richmond sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Richmond to Engrossed House Bill No. 93 by Representative Scalise

AMENDMENT NO. 1

On page 5, at the beginning of line 3, delete "Type 5"

AMENDMENT NO. 2

On page 5, line 5, after "any" and before "charter" delete "Type 5"

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

Rep. Morrell sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Morrell to Engrossed House Bill No. 93 by Representative Scalise

AMENDMENT NO. 1

On page 5, between lines 7 and 8, insert the following"

"Section 2. The provisions of this Act shall apply only in Louisiana House District No. 82."

AMENDMENT NO. 2

On page 5, at the beginning of line 8, change "Section 2." to "Section 3."

Rep. Morrell moved the adoption of the amendments.

Rep. Scalise objected.

By a vote of 23 yeas and 80 nays, the amendments were rejected.

Motion

Rep. Tucker moved to reconsider the vote by which the House Floor amendments by Rep. Richmond to House Bill No. 93 were adopted.

Rep. Richmond objected.

By a vote of 62 yeas and 41 nays, the motion by which the House Floor amendments by Rep. Richmond to House Bill No. 93 were adopted was reconsidered.

Rep. Richmond sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Richmond to Engrossed House Bill No. 93 by Representative Scalise

AMENDMENT NO. 1

On page 5, at the beginning of line 3, delete "Type 5"

AMENDMENT NO. 2

On page 5, line 5, after "any" and before "charter" delete "Type 5"

Point of Order

Rep. Tucker asked for a ruling from the Chair as to whether the above amendments were germane to the subject matter contained in the bill as introduced.

Ruling of the Chair

The Chair ruled that the above amendments were germane to the subject matter contained in the bill as introduced.

Rep. Richmond moved the adoption of the amendments.

Rep. Tucker objected.

By a vote of 32 yeas and 70 nays, the amendments were rejected.

Rep. Scalise moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Alario	Greene	Scalise
Alexander	Guillory, M.	Schneider
Ansardi	Hammett	Smiley
Arnold	Hopkins	Smith, J.D.—50th
Baldone	Hutter	Smith, J.H.—8th
Beard	Johns	Smith, J.R.—30th
Bowler	Katz	St. Germain
Bruneau	Kennard	Strain
Burns	Kenney	Thompson
Crane	Kleckley	Toomy
Crowe	LaBruzzo	Townsend
Damico	LaFleur	Trahan
Daniel	Lambert	Triche
DeWitt	Lancaster	Tucker
Doerge	Martiny	Waddell
Dove	McDonald	Walker
Downs	McVea	Walsworth
Erdey	Montgomery	White
Fannin	Morrish	Winston
Farrar	Pitre	Wooton
Frith	Powell, M.	Wright
Geymann	Powell, T.	
Glover	Robideaux	

Total - 67

NAYS

Mr. Speaker	Dartez	Jefferson
Badon	Dorsey	LaFonta
Barrow	Durand	Marchand
Baudoin	Faucheux	Morrell
Baylor	Gallot	Odinot
Bruce	Gray	Pierre
Burrell	Guillory, E.	Pinac
Carter, K.	Harris	Quezaire
Carter, R.	Heaton	Richmond
Cazayoux	Hebert	Ritchie
Cravins	Hill	Romero
Curtis	Jackson	Smith, G.

Total - 36

ABSENT

Honey	Hunter
-------	--------

Total - 2

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Scalise moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Suspension of the Rules

On motion of Rep. Crane, and under a suspension of the rules, the following bill was taken up out of its regular order at this time.

HOUSE BILL NO. 121—

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

AN ACT

To amend and reenact R.S. 17:1990(A), (B)(1), (2)(a), and (4), (C)(1)(a), (2)(a), and (3), 3973(2)(b)(v)(aa), 3982(A)(1), and 3983(A)(2)(a) and to enact R.S. 17:10.7, 1990(F)(3), 3973(2)(b)(v)(cc), and 3983(A)(1)(g), relative to the Recovery School District; to provide for the transfer of certain schools to the recovery district; to provide for the operation and management of such schools; to require the development and

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approval of a plan for the operation of all schools transferred and to specify the contents of such plan; to provide for the duration and continuation of the transfer; to require the recovery district to make certain reports relative to the recovery district; to subject the administration of the recovery district to the approval of the State Board of Elementary and Secondary Education; to authorize the recovery district to manage and retain certain funding, including the authorization for retaining fund balances; to specify that the expenditure of certain funds by the recovery district is subject to the requirements of the approved Minimum Foundation Program formula; to provide with regard to the authority of the recovery district to contract with for-profit providers; to provide for the exercise of limited rights of ownership over property of transferred schools by the recovery district; to provide for the transfer of certain funding to the recovery district; to provide for the process for the transfer of such funds and for a limitation on the transfer of such funds; to provide for the expenditure of certain retained funds by certain city, parish, or other local public school systems; to provide for the eligibility of a student to attend a school operated under the jurisdiction of the recovery district; to provide for the obligations of the recovery district in providing services to students; to expand the definition of a Type 5 charter school to include charters involving certain schools transferred to the recovery district; to prohibit members of certain school boards from also being members of the governing or management boards of certain Type 5 charter schools; to prohibit certain local school boards from considering or acting on Type 1 charter school applications under certain circumstances; to authorize the state Department of Education to enter into a charter to operate a charter school under certain circumstances; to provide for effectiveness; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Michael Powell sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative M. Powell to Engrossed House Bill No. 121 by Representative Crane

AMENDMENT NO. 1

On page 2, line 28, after "system" delete the remainder of the line and insert "in any parish having a population of at least four hundred seventy-five thousand persons according to the latest federal decennial census that has been"

Rep. Michael Powell moved the adoption of the amendments.

Rep. Richmond objected.

By a vote of 76 yeas and 25 nays, the amendments were adopted.

Rep. Crane moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Faucheux	Pinac
Alario	Frith	Pitre
Alexander	Geymann	Powell, M.

Ansardi
Arnold
Baldone
Barrow
Baudoin
Beard
Bowler
Bruce
Bruneau
Burns
Carter, R.
Cazayoux
Crane
Cravins
Crowe
Damico
Daniel
Dartez
DeWitt
Doerge
Dorsey
Dove
Downs
Durand
Erdey
Fannin
Farrar

Total - 89

Glover
Greene
Guillory, E.
Guillory, M.
Hammett
Heaton
Hebert
Hill
Hopkins
Hunter
Hutter
Jackson
Johns
Katz
Kennard
Kenney
Kleckley
LaBruzzo
LaFleur
Lambert
Lancaster
Martiny
McDonald
McVea
Montgomery
Morrish
Pierre

NAYS

Badon
Baylor
Burrell
Carter, K.
Curtis
Gallot

Total - 16

Gray
Harris
Honey
Jefferson
LaFonta
Marchand

ABSENT

Total - 0

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Crane moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Suspension of the Rules

On motion of Rep. Dorsey, and under a suspension of the rules, the above roll call was corrected to reflect her as voting yea.

Suspension of the Rules

On motion of Rep. Hutter, and under a suspension of the rules, the following bill was taken up out of its regular order at this time.

HOUSE BILL NO. 18—

BY REPRESENTATIVE HUTTER

AN ACT

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

Called from the calendar.

Read by title.

Powell, T.
Quezaire
Ritchie
Robideaux
Romero
Scalise
Schneider
Smiley
Smith, G.
Smith, J.D.—50th
Smith, J.H.—8th
Smith, J.R.—30th
St. Germain
Strain
Thompson
Toomy
Townsend
Trahan
Triche
Tucker
Waddell
Walsworth
White
Winston
Wooton
Wright

Morrell
Odinet
Richmond
Walker

Rep. Hutter sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Hutter to Engrossed House Bill No. 18 by Representative Hutter

AMENDMENT NO. 1

On page 1, line 4, after "employees" insert "who are members of certain retirement systems"

AMENDMENT NO. 2

On page 1, line 4, after "credit" delete "by payment of" and at the beginning of line 5, delete "retirement contributions"

AMENDMENT NO. 3

On page 1, line 5, after "leave;" and before "to provide" insert "to provide for payment therefor;"

AMENDMENT NO. 4

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

"(2)(a) The provisions of this Paragraph shall be applicable to the following retirement systems:

- (i) The Teachers' Retirement System of Louisiana.
- (ii) The Louisiana School Employees' Retirement System.
- (iii) The Sheriffs' Pension and Relief Fund.
- (iv) The Firefighters' Retirement System.

(b) Any member of a retirement system listed in Subparagraph (a) of this Paragraph who meets all of the following qualifications shall be entitled to purchase service and salary credit for each day of service during the period beginning on August 29, 2005, and ending on June 30, 2006, that he was furloughed or on leave without pay if such service was not credited to his account:

(i) The member is involuntarily furloughed without pay or placed on leave without pay on or after August 29, 2005, due to a gubernatorially declared disaster or emergency.

(ii) The member is employed by one of the following:

- (aa) The St. Bernard Parish School Board.
- (bb) The St. Bernard Parish sheriff's department.
- (cc) The St. Bernard Parish fire department.

(c) There shall be no duplication of credit under the provisions of this Section.

(d) Any service and salary credit purchased pursuant to this Paragraph shall be subject to the following conditions and limitations:

(i) The purchased service and salary credit may not be used for the purpose of meeting the minimum service requirements for disability retirement.

(ii) Compensation on which the required contributions for purchase of service and salary credit are based shall be the rate of compensation in effect for the last full pay period ending on or before August 29, 2005.

(iii) The right to purchase service and salary credit pursuant to this Paragraph shall not apply to routine personnel actions or separations which are not the direct result of a gubernatorially declared disaster or emergency.

(iv) Any dispute arising under the limitations of this Paragraph shall be resolved in the sole and exclusive discretion of the board of trustees of the retirement system.

(e) The board of trustees of each state and statewide retirement system listed in Subparagraph (a) of this Paragraph may adopt rules to implement the provisions of this Paragraph and Paragraph (C)(2) of this Section."

AMENDMENT NO. 5

On page 2, line 19, after "remitted" delete "at" and insert the following:

"by the member to his employer who shall remit them to the system. The member shall remit the contributions in either of the following ways:

(a) At"

AMENDMENT NO. 6

On page 2, line 26, after "contributions" delete the remainder of the line and insert "for service and salary credit for December 2005 are due."

AMENDMENT NO. 7

On page 2, between lines 26 and 27, insert the following:

"(b) In a lump sum payment upon the member's return to work. A delinquent payment shall be treated in the same manner as a delinquent payment from the employer pursuant to the provisions of R.S. 11:281."

Rep. Hutter moved the adoption of the amendments.

Rep. Richmond objected.

By a vote of 16 yeas and 77 nays, the amendments were rejected.

Rep. Hutter sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Hutter to Engrossed House Bill No. 18 by Representative Hutter

AMENDMENT NO. 1

On page 1, line 4, after "credit" delete "by payment of" and at the beginning of line 5, delete "retirement contributions".

AMENDMENT NO. 2

On page 1, line 5, after "leave;" and before "to provide" insert "to provide for payment therefor;"

AMENDMENT NO. 3

On page 2, line 19, after "remitted" delete "at" and insert the following:

"by the member to his employer who shall remit them to the system. The member shall remit the contributions in either of the following ways:

(a) At"

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AMENDMENT NO. 4

On page 2, line 26, after "contributions" delete the remainder of the line and insert "for service and salary credit for December 2005 are due."

AMENDMENT NO. 5

On page 2, between lines 26 and 27, insert the following:

"(b) In a lump sum payment upon the member's return to work, a delinquent payment shall be treated in the same manner as a delinquent payment from the employer pursuant to the provisions of R.S. 11:281."

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

Rep. Hutter moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Faucheux	Morrish
Alario	Frith	Odinot
Ansardi	Gallot	Pierre
Arnold	Geymann	Pinac
Badon	Glover	Pitre
Baldone	Gray	Powell, M.
Barrow	Greene	Powell, T.
Baudoin	Guillory, E.	Quezaire
Baylor	Guillory, M.	Richmond
Beard	Hammett	Ritchie
Bowler	Harris	Robideaux
Bruce	Hebert	Romero
Bruneau	Hill	Scalise
Burns	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	Kennard	Strain
Curtis	Kenney	Thompson
Damico	Kleckley	Toomy
Daniel	LaBruzzo	Townsend
Dartez	LaFleur	Trahan
DeWitt	LaFonta	Triche
Doerge	Lambert	Tucker
Dorsey	Lancaster	Waddell
Dove	Marchand	Walker
Downs	Martiny	Walsworth
Durand	McDonald	White
Erdey	McVea	Winston
Fannin	Montgomery	Wooton
Farrar	Morrell	Wright
Total - 102		

NAYS

Alexander	Katz
Total - 2	

ABSENT

Heaton
Total - 1

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Hutter moved to reconsider the vote by which the above bill was finally passed, and, on her own motion, the motion to reconsider was laid on the table.

Suspension of the Rules

On motion of Rep. Dorsey, the rules were suspended in order to take up and consider Petitions, Memorials and Communications at this time.

Petitions, Memorials and Communications

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

Message from the Senate

SENATE BILLS

November 14, 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. 27, 70, and 71

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

Suspension of the Rules

On motion of Rep. Dorsey, 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. 27—

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

Read by title.

SENATE BILL NO. 70—
BY SENATOR ULLO

AN ACT

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

Read by title.

SENATE BILL NO. 71—

BY SENATORS DUPRE, AMEDEE, BAJOE, 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.

Message from the Senate

**ASKING CONCURRENCE IN
SENATE CONCURRENT RESOLUTIONS**

November 14, 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. 9, 21, and 22

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

Suspension of the Rules

On motion of Rep. Crane, the rules were suspended in order to take up and consider Senate Concurrent Resolutions by 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. 9—
BY SENATOR ULLO

A CONCURRENT RESOLUTION

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

to facilitate the formation, operation, and use of charter schools to assist in meeting the educational needs of Louisiana students.

Read by title.

Lies over under the rules.

SENATE CONCURRENT RESOLUTION NO. 21—
BY SENATOR HINES

A CONCURRENT RESOLUTION

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

Read by title.

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

SENATE CONCURRENT RESOLUTION NO. 22—
BY SENATOR B. GAUTREAUX

A CONCURRENT RESOLUTION

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

Read by title.

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

Message from the Senate

HOUSE CONCURRENT RESOLUTIONS

November 14, 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. 40
Returned without amendments

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

**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 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.

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On motion of Rep. Crowe, 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 entitled House Bills and Joint Resolutions which were read the first time by their titles and placed upon the calendar for their second reading and, under a suspension of the rules, were referred to committee as follows:

HOUSE BILL NO. 164—

BY REPRESENTATIVE LAFONTA
AN ACT

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

Read by title.

Under the rules, the above bill was referred to the Committee on Ways and Means.

Reports of Committees

The following reports of committees were received and read:

Report of the Committee on Appropriations

November 14, 2005

To the Speaker and Members of the House of Representatives:

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

House Bill No. 97, by Alario
Reported with amendments. (14-0) (Regular)

House Bill No. 139, by Alario (Joint Resolution)
Reported with amendments. (16-0)

Senate Concurrent Resolution No. 15, by Ullo
Reported without action with recommendation to recommit the bill to the Committee on Education. (16-0)

JOHN ALARIO
Chairman

Report of the Committee on House and Governmental Affairs

November 14, 2005

To the Speaker and Members of the House of Representatives:

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

House Resolution No. 1, by Hebert
Reported favorably. (9-0)

House Bill No. 27, by Salter
Reported with amendments. (7-0) (Regular)

House Bill No. 160, by Montgomery
Reported with amendments. (7-0) (Regular)

CHARLES D. LANCASTER, JR.
Chairman

Suspension of the Rules

On motion of Rep. Lancaster, the rules were suspended in order to take up and consider House and House Concurrent Resolutions Reported by Committee at this time.

House and House Concurrent Resolutions Reported by Committee

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

HOUSE RESOLUTION NO. 1—

BY REPRESENTATIVE HEBERT
A RESOLUTION

To amend and readopt House Rule 11.2 of the Rules of Order of the House of Representatives to provide that it shall be in order to consider only one committee or floor amendment with a fiscal cost of over one hundred thousand dollars to any appropriation bill at any one time.

Read by title.

Reported favorably by the Committee on House and Governmental Affairs.

On motion of Rep. Lancaster, the resolution was ordered engrossed and passed to its third reading.

Suspension of the Rules

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

Senate Concurrent Resolutions Reported by Committee

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

SENATE CONCURRENT RESOLUTION NO. 15—

BY SENATOR ULLO AND REPRESENTATIVE CRANE
A CONCURRENT RESOLUTION

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

Read by title.

Reported without action by the Committee on Appropriations with recommendation that the resolution be recommitted to the Committee on Education.

On motion of Rep. Crane, the resolution was recommitted to the Committee on Education.

Suspension of the Rules

On motion of Rep. Alario, 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. 27—

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

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

Read by title.

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

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Original House Bill No. 27 by Representative Salter

AMENDMENT NO. 1

On page 1, line 2, change "first Saturday in February" to "fifth Saturday in April"

AMENDMENT NO. 2

On page 1, line 6, change "first Saturday in February" to "fifth Saturday in April"

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 97—

BY REPRESENTATIVE ALARIO AND SENATOR HEITMEIER
AN ACT

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

Read by title.

Reported with amendments by the Committee on Appropriations.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Appropriations to Original House Bill No. 97 by Representative Alario

AMENDMENT NO. 1

On page 1, line 2, after "(introductory paragraph)" and before "and to enact" insert "and (M)(1)"

AMENDMENT NO. 2

On page 1, line 3, between "(D)(4)" and the comma "," insert "and (M)(4)"

AMENDMENT NO. 3

On page 1, line 8, after "(introductory paragraph)" and before "hereby" delete "is" and insert "and (M)(1) are"

AMENDMENT NO. 4

On page 1, line 9, after "R.S. 42:851(D)(4)" and before "hereby" delete "is" and insert "and (M)(4) are"

AMENDMENT NO. 5

On page 1, delete lines 15 through 18, and insert the following:

"(4) Notwithstanding any provision of law to the contrary, any lapse in participation for employees furloughed or terminated as the result of Hurricanes Katrina and Rita and subsequently rehired between August 30, 2005, and December 31, 2006, shall not reduce the state minimum contribution."

AMENDMENT NO. 6

On page 2, between lines 8 and 9, insert the following:

"M.(1) Notwithstanding any provision of law or any rule or regulation to the contrary, the state of Louisiana shall continue to contribute its portion of the premium or charges due under this Section for which an employee is granted leave of absence without pay due to a service-related injury or at the request of the agency for a period not to exceed twelve months.

* * *

(4) An employee who is granted leave of absence without pay for any other reason other than those enumerated above may continue participation in the Office of Group Benefits program for a period not to exceed twelve months upon the employee's payment of the full premium or charges due.

* * *

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 139—

BY REPRESENTATIVES ALARIO, DEWITT, DORSEY, HAMMETT, AND SALTER AND SENATORS HEITMEIER, HINES, AND MOUNT
A JOINT RESOLUTION

Proposing to amend Article VII, Sections 10(D)(2)(e), 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; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Appropriations.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Appropriations to Original House Bill No. 139 by Representative Alario

AMENDMENT NO. 1

On page 5, line 23, after "Louisiana at the" delete the remainder of the line and insert "statewide election to be held on April 29, 2006."

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

On motion of Rep. Alario, and under a suspension of the rules, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 160—

BY REPRESENTATIVE MONTGOMERY
AN ACT

To amend and reenact R.S. 49:1053(A) and (C)(15) through (17) and 1054 and to enact R.S. 49:1053(C)(18) through (21), 1054.1, and 1055(D), relative to the Louisiana Geographic Information System; to provide for membership of the Louisiana Geographic Information Systems Council; to provide for the duties of the Louisiana Geographic Information Systems Council and its staff; to provide for the duties of the Louisiana Geographic Information Center; and to provide for related matters.

Read by title.

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

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Original House Bill No. 160 by Representative Montgomery

AMENDMENT NO. 1

On page 1, line 2, after "amend and reenact" delete the remainder of the line and insert "R.S. 49:1053(A), (C)(15) through (17), (D), (E), and (F) and 1054 and to enact R.S."

AMENDMENT NO. 2

On page 1, line 4, delete "System;" and insert "Systems Council;"

AMENDMENT NO. 3

On page 1, line 6, after "to provide for the" and before "duties" insert "powers, functions, and"

AMENDMENT NO. 4

On page 1, line 7, after "Center;" and before "to provide" insert "to provide for the protection and confidentiality of certain information;"

AMENDMENT NO. 5

On page 1, delete line 9, and insert the following:

"Section 1. R.S. 49:1053(A), (C)(15) through (17), (D), (E), and (F) and 1054 are hereby amended"

AMENDMENT NO. 6

On page 2, between lines 19 and 20, insert the following:

"D. Upon approval of the council, any other entity ~~in state government~~ may appoint a representative as a member of the council. The appointing authority of such entity shall make the appointment.

E. (1) Each representative appointed shall be knowledgeable about geographic information systems and shall be involved in GIS applications in his employment capacity.

(2) Each representative may appoint a designee who shall have all the rights and privileges as a member of the council when acting in such capacity.

F. The council shall select a chairman and vice chairman from its membership.

* * *

AMENDMENT NO. 7

On page 3, at the beginning of line 13, before "The" insert "A."

AMENDMENT NO. 8

On page 3, delete line 27 and insert the following:

"(8) To serve as the primary contact for information related to geo-"

AMENDMENT NO. 9

On page 4, at the beginning of line 3, before "The" change "(10)" to "B.(1)"

AMENDMENT NO. 10

On page 4, between lines 5 and 6, insert the following:

"(2) The Louisiana Geographic Information Center may seek reimbursement for any assistance provided to federal, state, or local entities.

(3) The Louisiana Geographic Information Center may apply for, accept, and utilize grants, contributions, and other funding in order to carry out its powers, functions, and duties and the directives of the Louisiana Geographic Information Systems Council."

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

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

Under the rules, placed on the regular calendar.

Suspension of the Rules

On motion of Rep. Alario, the rules were suspended to permit the Committee on Appropriations to meet and consider the following legislative instruments that were not listed on the weekly committee schedule as required by House Rule 14.23:

House Bill Nos. 36, 89, 137, 145, and 146

Adjournment

On motion of Rep. Kenney, at 7:37 P.M., the House agreed to adjourn until Tuesday, November 15, 2005, at 3:00 P.M.

The Speaker of the House declared the House adjourned until 3:00 P.M., Tuesday, November 15, 2005.

ALFRED W. SPEER
Clerk of the House