

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

**TWELFTH 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

Sunday, November 20, 2005

The House of Representatives was called to order at 5:00 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	Frith	Morrish
Alario	Gallot	Odinot
Alexander	Geymann	Pierre
Ansardi	Glover	Pinac
Arnold	Gray	Pitre
Badon	Greene	Powell, M.
Baldone	Guillory, E.	Powell, T.
Barrow	Guillory, M.	Quezaire
Baudoin	Hammett	Richmond
Baylor	Harris	Ritchie
Beard	Heaton	Robideaux
Bowler	Hebert	Romero
Bruce	Hill	Scalise
Bruneau	Honey	Schneider
Burrell	Hopkins	Smiley
Carter, K.	Hunter	Smith, G.
Carter, R.	Hutter	Smith, J.D.—50th
Cazayoux	Jackson	Smith, J.H.—8th
Crane	Jefferson	Smith, J.R.—30th
Cravins	Johns	St. Germain
Crowe	Katz	Strain
Curtis	Kennard	Thompson
Damico	Kenney	Toomy
Daniel	Kleckley	Townsend
Darte	LaBruzzo	Trahan
DeWitt	LaFleur	Triche
Doerge	LaFonta	Tucker
Dorsey	Lambert	Waddell
Dove	Lancaster	Walker
Downs	Marchand	Walsworth
Durand	Martiny	White

Erdey  
Fannin  
Farrar  
Faucheux  
Total - 104

McDonald  
McVea  
Montgomery  
Morrell

Winston  
Wooton  
Wright

ABSENT

Burns  
Total - 1

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

**Prayer**

Prayer was offered by Rep. Dorsey.

**Pledge of Allegiance**

Rep. Tank Powell 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. Frith, the reading of the Journal was dispensed with.

On joint motion of Reps. Curtis, Glover, Honey, LaFonta, Marchand, and Richmond, and under a suspension of the rules, the Journal of November 17, 2005, was corrected to reflect them as being present.

On motion of Rep. Gary Smith, the Journal of November 17, 2005, was adopted.

**Petitions, Memorials and  
Communications**

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

**Message from the Senate**

**HOUSE BILLS**

November 18, 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 House Bills:

House Bill No. 3  
Returned without amendments

House Bill No. 4  
Returned with amendments

House Bill No. 6  
Returned without amendments

House Bill No. 15  
Returned without amendments

House Bill No. 19  
Returned without amendments

House Bill No. 20  
Returned without amendments

House Bill No. 21  
Returned without amendments

House Bill No. 22  
Returned without amendments

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## Page 2 HOUSE

12th Day's Proceedings - November 20, 2005

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House Bill No. 27  
Returned without amendments

House Bill No. 28  
Returned without amendments

House Bill No. 33  
Returned without amendments

House Bill No. 34  
Returned with amendments

House Bill No. 35  
Returned without amendments

House Bill No. 44  
Returned with amendments

House Bill No. 45  
Returned without amendments

House Bill No. 46  
Returned with amendments

House Bill No. 56  
Returned without amendments

House Bill No. 65  
Returned with amendments

House Bill No. 73  
Returned with amendments

House Bill No. 78  
Returned without amendments

House Bill No. 88  
Returned with amendments

House Bill No. 90  
Returned with amendments

House Bill No. 92  
Returned without amendments

House Bill No. 104  
Returned without amendments

House Bill No. 127  
Returned without amendments

House Bill No. 131  
Returned without amendments

House Bill No. 132  
Returned without amendments

House Bill No. 135  
Returned without amendments

House Bill No. 142  
Returned without amendments

House Bill No. 143  
Returned without amendments

House Bill No. 148  
Returned with amendments

Respectfully submitted,

GLENN A. KOEPP  
Secretary of the Senate

### Message from the Senate

#### HOUSE CONCURRENT RESOLUTIONS

November 18, 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. 26  
Returned without amendments

House Concurrent Resolution No. 39  
Returned without amendments

House Concurrent Resolution No. 41  
Returned without amendments

House Concurrent Resolution No. 42  
Returned without amendments

House Concurrent Resolution No. 43  
Returned with amendments

House Concurrent Resolution No. 44  
Returned without amendments

House Concurrent Resolution No. 52  
Returned without amendments

Respectfully submitted,

GLENN A. KOEPP  
Secretary of the Senate

### Message from the Senate

#### ASKING CONCURRENCE IN SENATE CONCURRENT RESOLUTIONS

November 18, 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. 17, 32, 33, 34, 35, 36, and 37

Respectfully submitted,

GLENN A. KOEPP  
Secretary of the Senate

### Suspension of the Rules

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

### Senate Concurrent Resolutions

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

#### SENATE CONCURRENT RESOLUTION NO. 17—

BY SENATOR SHEPHERD

#### A CONCURRENT RESOLUTION

To urge and request the various financial institutions throughout the state, who are licensed by the state to provide residential mortgage loans, to delay the collection of the monthly mortgage installment due for payment in December, 2005, for those individuals residing in an area of the state that has been

designated as either a Hurricane Katrina FEMA Individual Assistance Area or a Hurricane Rita FEMA Individual Assistance Area.

Read by title.

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

**SENATE CONCURRENT RESOLUTION NO. 32—**

BY SENATORS MICHOT AND N. GAUTREAUX

**A CONCURRENT RESOLUTION**

To urge and request the Department of Natural Resources and the Department of Transportation and Development in conjunction with other public and private entities to conduct a feasibility study on the construction of a coastal barrier and intracoastal highway.

Read by title.

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

**SENATE CONCURRENT RESOLUTION NO. 33—**

BY SENATOR MCPHERSON

**A CONCURRENT RESOLUTION**

To memorialize the Congress of the United States to mandate that federal contracts awarded for reconstruction of the Gulf Coast region give a preference to local contractors and workers.

Read by title.

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

**SENATE CONCURRENT RESOLUTION NO. 34—**

BY SENATOR B. GAUTREAUX

**A CONCURRENT RESOLUTION**

To commend Louisiana National Guard Brigadier General Hunt Downer for his outstanding efforts in performance of his duties and the accomplishment of his mission during and after Hurricane Katrina.

Read by title.

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

**SENATE CONCURRENT RESOLUTION NO. 35—**

BY SENATOR MURRAY

**A CONCURRENT RESOLUTION**

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

Read by title.

Lies over under the rules.

**SENATE CONCURRENT RESOLUTION NO. 36—**

BY SENATOR MURRAY AND REPRESENTATIVE BRUNEAU

**A CONCURRENT RESOLUTION**

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

Read by title.

Lies over under the rules.

**SENATE CONCURRENT RESOLUTION NO. 37—**

BY SENATOR HINES

**A CONCURRENT RESOLUTION**

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

Read by title.

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

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

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

**HOUSE RESOLUTION NO. 13—**

BY REPRESENTATIVE KENNARD

**A RESOLUTION**

To commend David Dellucci of Baton Rouge, outfielder with the Texas Rangers, for his holiday efforts on behalf of Louisiana's displaced hurricane victims.

Read by title.

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

**HOUSE RESOLUTION NO. 14—**

BY REPRESENTATIVE TUCKER

**A RESOLUTION**

To urge and request the Board of Regents to study the need for and feasibility of merging Elaine P. Nunez Community College and Delgado Community College and to report study findings and recommendations in writing to the legislature by not later than March 1, 2006.

Read by title.

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

**HOUSE RESOLUTION NO. 15—**

BY REPRESENTATIVE HEBERT

**A RESOLUTION**

To urge and request the House Committee on Commerce to conduct a study of the awarding of Federal Emergency Management Agency contracts to out-of-state companies.

Read by title.

Lies over under the rules.

**HOUSE RESOLUTION NO. 16—**

BY REPRESENTATIVE TUCKER

**A RESOLUTION**

To urge and request the Board of Regents to study the need for and feasibility of merging Southern University at New Orleans and the University of New Orleans and to report study findings and recommendations in writing to the legislature by not later than March 1, 2006.

Read by title.

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

**HOUSE CONCURRENT RESOLUTION NO. 53—**

BY REPRESENTATIVE SCALISE

**A CONCURRENT RESOLUTION**

To memorialize the United States Congress to take such actions as are necessary to amend the Robert T. Stafford Disaster Relief

## Page 4 HOUSE

12th Day's Proceedings - November 20, 2005

and Emergency Assistance Act, or suspend provisions thereof, with respect to the requirement that the state of Louisiana reimburse the Federal Emergency Management Agency for a portion of the other assistance payments made to citizens of Louisiana due to Hurricanes Katrina and Rita.

Read by title.

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

Ordered to the Senate.

### **HOUSE CONCURRENT RESOLUTION NO. 54—**

BY REPRESENTATIVE WALSWORTH

#### **A CONCURRENT RESOLUTION**

To urge and request local governing authorities to provide that the local sales and use tax shall not apply to certain consumer purchases on the same dates as the sales tax holiday established by state law in the First Extraordinary Session of 2005.

Read by title.

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

Ordered to the Senate.

### **HOUSE CONCURRENT RESOLUTION NO. 55—**

BY REPRESENTATIVES T. POWELL AND WOOTON

#### **A CONCURRENT RESOLUTION**

To commend the workers of the state's developmental centers, to recognize the difficulty of recruiting and retaining direct care workers in today's competitive labor market, and to urge and request the office for citizens with developmental disabilities (OCDD) of the Louisiana Department of Health and Hospitals and the Louisiana Department of State Civil Service (Civil Service) to work cooperatively and with Metropolitan Developmental Center and Hammond Developmental Center to recruit and retain such workers as doing so is in the best interest of the residents of such centers.

Read by title.

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

Ordered to the Senate.

### **HOUSE CONCURRENT RESOLUTION NO. 56—**

BY REPRESENTATIVE QUEZAIRE

#### **A CONCURRENT RESOLUTION**

To urge and request the state and its political subdivisions to utilize Louisiana companies in their rebuilding, restoring, and renewing efforts matching skills with needs through the Hudson Initiative.

Read by title.

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

Ordered to the Senate.

### **HOUSE CONCURRENT RESOLUTION NO. 57—**

BY REPRESENTATIVES JOHNS, FRITH, GEYMAN, E. GUILLORY, HILL, KLECKLEY, AND MORRISH AND SENATORS CAIN, MOUNT, AND THEUNISSEN

#### **A CONCURRENT RESOLUTION**

To commend Adam McBride, director of the Port of Lake Charles, upon the joyous and historic occasion of becoming an American citizen.

Read by title.

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

Ordered to the Senate.

### **HOUSE CONCURRENT RESOLUTION NO. 58—**

BY REPRESENTATIVES RICHMOND AND BRUNEAU

#### **A CONCURRENT RESOLUTION**

To urge and request the attorney general, state of Louisiana, the Honorable Charles C. Foti, to file suit seeking declaratory judgment that provisions of homeowners' insurance policies excluding coverage for damage sustained as a result of wind, hail, and hurricanes are null and void as against the public policy of the state of Louisiana.

Read by title.

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

Ordered to the Senate.

### **HOUSE CONCURRENT RESOLUTION NO. 59—**

BY REPRESENTATIVES RICHMOND AND BRUNEAU

#### **A CONCURRENT RESOLUTION**

To urge and request the attorney general to file suit seeking a declaratory judgment holding that the flooding of New Orleans was caused by a design or construction defect, as opposed to an Act of God or natural flooding caused by Hurricane Katrina.

Read by title.

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

Ordered to the Senate.

### **HOUSE CONCURRENT RESOLUTION NO. 60—**

BY REPRESENTATIVE FRITH

#### **A CONCURRENT RESOLUTION**

To commend the National Guard units from Louisiana and beyond who provided assistance in the rescue, recovery, and relief efforts in Cameron and Vermilion parishes for their valiant efforts during and following Hurricanes Katrina and Rita.

Read by title.

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

Ordered to the Senate.

### **HOUSE CONCURRENT RESOLUTION NO. 61—**

BY REPRESENTATIVE ROBIDEAUX

#### **A CONCURRENT RESOLUTION**

To urge and request the Department of Natural Resources and the Department of Transportation and Development to act jointly to study the feasibility of the construction of a coastal protection highway stretching from the Texas border to New Orleans.

Read by title.

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

Ordered to the Senate.

## **Reports of Committees**

The following reports of committees were received and read:

### **Report of the Committee on House and Governmental Affairs**

November 20, 2005

To the Speaker and Members of the House of Representatives:

Pursuant to a meeting held on November 17, 2005, I am directed by your Committee on House and Governmental Affairs to submit the following report:

Senate Concurrent Resolution No. 18, by Shepherd  
Reported with amendments. (5-0)

Senate Bill No. 3, by Schedler  
Reported favorably. (5-0) (Regular)

Senate Bill No. 89, by Jones  
Reported with amendments. (5-0) (Regular)

CHARLES D. LANCASTER, JR.  
Chairman

The above Senate Bills reported favorably or with amendments were referred to the Legislative Bureau.

### House and House Concurrent Resolutions

The following House and House Concurrent Resolutions lying over were taken up and acted upon as follows:

#### HOUSE CONCURRENT RESOLUTION NO. 51—

BY REPRESENTATIVE HEBERT

##### A CONCURRENT RESOLUTION

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

Read by title.

Under the rules, the above resolution was referred to the Committee on Appropriations.

### Senate Concurrent Resolutions

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

#### SENATE CONCURRENT RESOLUTION NO. 27—

BY SENATOR DUPRE

##### A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to vote against the repealing of the "Byrd Amendment."

Read by title.

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

#### SENATE CONCURRENT RESOLUTION NO. 30—

BY SENATOR SMITH

##### A CONCURRENT RESOLUTION

To memorialize Congress to adopt S520 and HR 1070, the Constitution Restoration Act of 2005, which will limit the jurisdiction of the federal courts and preserve the right to acknowledge God to the states and to the people and resolve the issue of improper judicial intervention in matters relating to the acknowledgment of God.

Read by title.

On motion of Rep. Wright, and under a suspension of the rules, the resolution was ordered passed to its third reading.

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

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

#### HOUSE BILL NO. 168—

BY REPRESENTATIVE SALTER

##### AN ACT

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

Read by title.

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

### 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. 18—

BY SENATORS MOUNT, N. GAUTREAUX AND MURRAY

##### A JOINT RESOLUTION

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

Read by title.

### Motion

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

#### SENATE BILL NO. 19—

BY SENATORS MOUNT AND MURRAY

##### AN ACT

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

Read by title.

### Motion

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

## Page 6 HOUSE

12th Day's Proceedings - November 20, 2005

### SENATE BILL NO. 20—

BY SENATORS MOUNT AND MURRAY  
AN ACT

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

Read by title.

### Motion

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

### SENATE BILL NO. 38—

BY SENATORS MOUNT, CAIN, MURRAY AND NEVERS  
AN ACT

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

Read by title.

### Motion

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

### SENATE BILL NO. 39—

BY SENATORS MOUNT, MURRAY AND NEVERS  
AN ACT

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

Read by title.

### Motion

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

### SENATE BILL NO. 41—

BY SENATORS MOUNT, MURRAY AND NEVERS  
AN ACT

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

Read by title.

### Motion

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

### SENATE BILL NO. 42—

BY SENATORS MOUNT AND MURRAY  
AN ACT

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

Read by title.

### Motion

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

### SENATE BILL NO. 44—

BY SENATOR HOLLIS  
AN ACT

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

Read by title.

### Motion

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

### SENATE BILL NO. 54—

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

AN ACT

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

Read by title.

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

**SENATE BILL NO. 64—**  
BY SENATOR HINES

AN ACT

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

Read by title.

**Motion**

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

**SENATE BILL NO. 78—**  
BY SENATORS MOUNT AND MURRAY

AN ACT

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

Read by title.

**Motion**

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

**SENATE BILL NO. 81—**  
BY SENATOR HINES

AN ACT

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

Read by title.

**Motion**

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

**SENATE BILL NO. 96—**  
BY SENATORS SHEPHERD, AMEDEE AND MARIONNEAUX

AN ACT

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

Read by title.

**Motion**

Rep. Hebert moved that Senate Bill No. 96 be designated as a duplicate of House Bill No. 42.

Which motion was agreed to.

**Motion**

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

**SENATE BILL NO. 44—**  
BY SENATOR HOLLIS

AN ACT

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

Called from the calendar.

Read by title.

Rep. Pinac moved that Senate Bill No. 44 be amended to conform with House Bill No. 76 and sent up the following floor amendments:

**HOUSE FLOOR AMENDMENTS**

Conforming Amendments proposed by Representative Pinac to Reengrossed Senate Bill No. 44 by Senator Hollis (Duplicate of House Bill No. 76)

AMENDMENT NO. 1

On page 1, line 2, after "To" insert "amend and reenact R.S. 33:4773(D) and to" and after "enact" delete "R.S. 22:1407(J) and"

AMENDMENT NO. 2

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

AMENDMENT NO. 3

On page 1, line 6, after "policy" delete "of codes" and insert "to provide for the creation and authority of the Louisiana State Uniform Construction Code Council;"

AMENDMENT NO. 4

On page 1, line 6, after "enforcement;" insert "to provide for agreements with other governmental entities or certified third-party providers;"

AMENDMENT NO. 5

On page 1, line 7, after "building" change "official;" to "officials;" and delete the remainder of the line and delete lines 8 and 9 in their entirety and on line 10, delete "agreements with other governmental entities;"

AMENDMENT NO. 6

On page 1, line 11, after "provisions;" insert "to provide for adoption of state uniform construction code;"

## Page 8 HOUSE

12th Day's Proceedings - November 20, 2005

### AMENDMENT NO. 7

On page 1, line 12, after "facilities;" insert "to provide for construction of farm or recreational structures; to provide for mandamus and injunctive relief;"

### AMENDMENT NO. 8

On page 1, line 16, after "code;" delete the remainder of the line and delete line 17 in its entirety and insert "and to"

### AMENDMENT NO. 9

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

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

§4773. Scope of building codes

\* \* \*

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

\* \* \*"

### AMENDMENT NO. 10

On page 2, line 3, change "Section 1." to "Section 2." and delete "R.S. 22:1407(J) and"

### AMENDMENT NO. 11

On page 2, line 4, after "1730.39," change "are" to "is"

### AMENDMENT NO. 12

On page 2, delete lines 6 through 12 in their entirety

### AMENDMENT NO. 13

On page 2, line 20, insert a comma "," after "alteration"

### AMENDMENT NO. 14

On page 2, line 23, insert a comma "," after "comfort" and after "security" delete "of" and insert "balanced with affordability for"

### AMENDMENT NO. 15

On page 2, line 24, after "buildings," delete "balanced with affordability."

### AMENDMENT NO. 16

On page 2, at the end of line 25, insert the following:

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

### AMENDMENT NO. 17

On page 3, line 9, insert a comma "," after "reviewers"

### AMENDMENT NO. 18

On page 3, at the end of line 11, insert a semicolon ";" and "immunity"

### AMENDMENT NO. 19

On page 3, line 13, delete the period "." after "created" and insert "and shall consist of nineteen members."

### AMENDMENT NO. 20

On page 3, line 15, after "qualifies," delete the remainder of the line and delete line 16 in its entirety and insert "No member of the council shall receive per diem or other compensation for their duties on the commission."

### AMENDMENT NO. 21

On page 3, delete lines 17 through 29 in their entirety and on page 4, delete lines 1 through 16 in their entirety

### AMENDMENT NO. 22

On page 4, line 17, change "shall" to "must"

### AMENDMENT NO. 23

On page 4, at the end of line 20, insert a comma "," after "officials"

### AMENDMENT NO. 24

On page 4, line 22, delete the period "." after "Code" and delete the remainder of the line and delete lines 23 through 25 in their entirety and insert the following:

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

### AMENDMENT NO. 25

On page 4, line 27, delete "consistent with" and insert "under the Administrative Procedure Act in order to implement the provisions of"

### AMENDMENT NO. 26

On page 4, line 29, delete the period "." after "council" and insert "within fourteen days of such request."

### AMENDMENT NO. 27

On page 5, line 2, after "meeting," delete the remainder of the line and on line 3, delete "quorum."

### AMENDMENT NO. 28

On page 5, line 3, after "meeting" change "is" to "shall be" and delete "public. An" and insert "public and any"



AMENDMENT NO. 29

On page 5, at the end of line 5, delete the period "." after "meeting" and insert "provided that a quorum is established prior to a vote. A majority of members of the council shall constitute a quorum."

AMENDMENT NO. 30

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

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

AMENDMENT NO. 31

On page 5, line 8, change "only" to "the"

AMENDMENT NO. 32

On page 5, line 11, after "provisions of" delete the remainder of the line and insert "R.S. 51:912.21 et seq., as it relates to manufactured housing installation."

AMENDMENT NO. 33

On page 5, between lines 11 and 12, insert the following:

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

AMENDMENT NO. 34

On page 5, at the beginning of line 12, change "C." to "D."

AMENDMENT NO. 35

On page 5, line 15, after "guarantee by" delete "an" and insert "a governmental"

AMENDMENT NO. 36

On page 5, line 16, after "guarantee by" delete "an" and insert "a governmental"

AMENDMENT NO. 37

On page 5, line 19, change "matter." to "manner."

AMENDMENT NO. 38

On page 5, at the end of line 21, insert a semicolon ";" and "private agreements"

AMENDMENT NO. 39

On page 5, line 23, change "third party" to "third-party"

AMENDMENT NO. 40

On page 5, line 26, change "third party" to "third-party"

AMENDMENT NO. 41

On page 6, line 1, delete "A commercial or residential contractor" and insert "Commercial and residential contractors"

AMENDMENT NO. 42

On page 6, line 2, change "third party" to "third-party" and after "providers to" delete "inspect and" and insert "conduct plans review and inspections and"

AMENDMENT NO. 43

On page 6, line 3, change "third party" to "third-party" and change "must" to "shall"

AMENDMENT NO. 44

On page 6, at the beginning of line 4, after "Council" delete the remainder of the line and insert the following:

"for purposes of the emergency provisions of R.S. 0:1730.27. Thereafter, a third-party provider shall meet the requirements imposed by the council for certificates of registration. During the time period that the provisions of R.S. 40:1730.27 of this Part are in effect, every certified third-party provider doing business within the state shall notify the Department of Public Safety and Corrections of their intention to do business within the state and the department shall maintain a listing of the name of the provider and the name and location of the person or entity with whom the provider has contracted to provide enforcement services. Once the council meets for the first time, certified third-party providers shall notify the council of their intention to do business within the state and the council shall maintain a listing of all certified third-party providers."

AMENDMENT NO. 45

On page 6, at the beginning of line 7, delete "A." and at the end of the line change "council certified" to "council-certified"

AMENDMENT NO. 46

On page 6, line 9, delete "Section 1730.24" and insert "R.S. 40:1730.24"

AMENDMENT NO. 47

On page 6, line 10, change "council certified" to "council-certified" and after "official." insert the following:

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

AMENDMENT NO. 48

On page 6, line 12, change "council certified" to "council-certified"

AMENDMENT NO. 49

On page 6, delete lines 15 through 19 in their entirety

AMENDMENT NO. 50

On page 6, line 23, delete "Section 1730.28" and insert "R.S. 40:1730.28"

AMENDMENT NO. 51

On page 6, line 25, delete "Section 1730.28" and insert "R.S. 40:1730.28"

AMENDMENT NO. 52

On page 7, line 6, after "A." delete the remainder of the line, delete line 7 in its entirety, and on line 8, delete "shall enforce, on an emergency basis, all the" and insert "The"

## Page 10 HOUSE

12th Day's Proceedings - November 20, 2005

### AMENDMENT NO. 53

On page 7, line 10, after "modified in" delete the remainder of the line and insert the following:

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

### AMENDMENT NO. 54

On page 7, line 17, delete "Section 1730.23" and insert "R.S. 40:1730.23 and 1730.24"

### AMENDMENT NO. 55

On page 7, line 19, after "Section" delete "within ninety days of enactment of this Act," and insert "on the effective dates provided for in Subsection D of this Section,"

### AMENDMENT NO. 56

On page 7, between lines 21 and 22, insert the following:

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

### AMENDMENT NO. 57

On page 7, line 25, delete "by reference"

### AMENDMENT NO. 58

On page 7, line 27, delete "and the" and insert a comma "," and "not including Chapter 27-Electrical and Chapter 29-Plumbing Systems. The applicable"

### AMENDMENT NO. 59

On page 7, at the beginning of line 28, after "code" insert "are included"

### AMENDMENT NO. 60

On page 8, line 6, change "parts" to "Parts"

### AMENDMENT NO. 61

On page 8, line 7, delete "IV-Energy Conservation,"

### AMENDMENT NO. 62

On page 8, line 14, after "and" and before "only" insert "shall"

### AMENDMENT NO. 63

On page 8, between lines 15 and 16, insert the following:

"(a) Item 2, the Southern Building Code Congress International, Standard for Hurricane Resistant Residential Construction (SSTD 10), shall be replaced by the Institute for Business & Home Safety, Guidelines for Hurricane Resistant Construction, 2005."

### AMENDMENT NO. 64

On page 8, at the beginning of line 16, change "(a)" to "(b)" and delete the parentheses before "Design" and after "Criteria"

### AMENDMENT NO. 65

On page 8, at the beginning of line 17, change "(b)" to "(c)"

### AMENDMENT NO. 66

On page 8, at the beginning of line 21, change "(d)" to "(e)"

### AMENDMENT NO. 67

On page 8, line 28, after "Code" delete the comma "," and delete the remainder of the line and on line 29, delete "Electrical and Chapter 29 - Plumbing Systems," and insert "[Part XIV (Plumbing) of the State Sanitary Code]"

### AMENDMENT NO. 68

On page 9, at the end of line 2, insert the following:

"Nothing in this Part shall be construed so as to prevent the state health officer from enforcing Part XIV (Plumbing) of the State Sanitary Code, the enforcement of which is his statutory and regulatory responsibility."

### AMENDMENT NO. 69

On page 9, between lines 24 and 25, insert the following:

"(8) 562211/562212 hazardous and solid waste landfills."

### AMENDMENT NO. 70

On page 9, at the beginning of line 25, change "(8)" to "(9)"

### AMENDMENT NO. 71

On page 9, at the beginning of line 26, change "(9)" to "(10)"

### AMENDMENT NO. 72

On page 9, at the beginning of line 27, change "(10)" to "(11)"

### AMENDMENT NO. 73

On page 9, at the beginning of line 28, change "(11)" to "(12)"

### AMENDMENT NO. 74

On page 9, at the beginning of line 29, change "(12)" to "(13)"

### AMENDMENT NO. 75

On page 9, after line 29, insert the following:

"(14) 211112 natural gas processing plants."

### AMENDMENT NO. 76

On page 10, line 1, after "farm" insert "or recreational"

### AMENDMENT NO. 77

On page 10, line 5, delete the comma "," after "including" and after "limited to"

### AMENDMENT NO. 78

On page 10, line 11, delete the period "." after "structure" and insert "or private outdoor recreational structure, other than a residence or structure attached to a residence, such as a hunting or fishing camp."

AMENDMENT NO. 79

On page 10, delete lines 15 through 19 in their entirety

AMENDMENT NO. 80

On page 10, at the beginning of line 20, change "E." to "D."

AMENDMENT NO. 81

On page 10, line 22, after "farm" insert "or private outdoor recreational"

AMENDMENT NO. 82

On page 10, line 27, after "provided" delete "for" and insert a comma "," after "district"

AMENDMENT NO. 83

On page 10, line 28, insert a comma "," after "general"

AMENDMENT NO. 84

On page 11, line 3, after "fees" delete the semicolon ";" and delete the remainder of the line

AMENDMENT NO. 85

On page 11, line 21, change "registrations" to "registration"

AMENDMENT NO. 86

On page 12, line 2, after "Ethics" change the period "." to a comma "," and insert "provided however, that when any member of the council has a real or perceived conflict of interest upon an issue before the council, he shall recuse himself from participation in that issue by providing a verbal explanation of the real or perceived conflict to the council."

AMENDMENT NO. 87

On page 12, line 20, after "agency" insert "that is prescribed by the council"

AMENDMENT NO. 88

On page 12, line 27, delete "examination" and insert "certification by a recognized code organization or testing agency"

AMENDMENT NO. 89

On page 13, delete lines 1 through 3 in their entirety and insert the following:

"registration pursuant to this Section. This registration is valid for three years for building officials and six months for building inspectors and plans reviewers. The certificates of registration provided for in this Subsection may not be renewed except as provided in Subsection B of this Section."

AMENDMENT NO. 90

On page 13, line 4, insert a comma "," after "municipality"

AMENDMENT NO. 91

On page 13, line 6, delete "examination which" and insert "certification by a recognized code organization or testing agency, provided that such individual is under the supervision of a code enforcement officer who is certified by the International Code Council. Such provisional certificate of registration"

AMENDMENT NO. 92

On page 13, at the end of line 8, delete the period "." and insert "except as provided in Subsection B of this Section."

AMENDMENT NO. 93

On page 13, at the end of line 13, insert a semicolon ";" and "violations; penalty"

AMENDMENT NO. 94

On page 13, line 15, after "person" delete the comma "," and delete the remainder of the line and delete line 16 in its entirety and on line 17, delete "intentionally violates" and insert "violating"

AMENDMENT NO. 95

On page 13, line 17, delete "shall be" and insert "is"

AMENDMENT NO. 96

On page 13, line 18, change "may" to "must"

AMENDMENT NO. 97

On page 14, line 3, after "registration" insert "issued under R.S. 40:1730.35(B)" and change "two years" to "one year"

AMENDMENT NO. 98

On page 14, line 5, after "determination by" insert "the" and at the end of the line delete "approved" and insert "council-approved"

AMENDMENT NO. 99

On page 14, line 9, after "registrants" insert "under R.S. 40:1730.35(B)"

AMENDMENT NO. 100

On page 14, line 11, after "marshal" delete the remainder of the line

AMENDMENT NO. 101

On page 14, line 13, delete "permitting and"

AMENDMENT NO. 102

On page 14, at the end of line 14, delete "Section" and at the beginning of line 15, delete "1730.24" and insert "R.S. 40:1730.24"

AMENDMENT NO. 103

On page 14, delete lines 23 through 26 in their entirety

AMENDMENT NO. 104

On page 14, line 27, change "Section 2." to "Section 3."

AMENDMENT NO. 105

On page 14, line 29, change "Section 3." to "Section 4."

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

**Motion**

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

### 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. 76—

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

##### AN ACT

To amend and reenact R.S. 33:4773(D) and to enact Part IV-B of Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1730.21 through 1730.39, and to repeal Part IV-A of Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1725 through 1730.1, relative to the state building codes; to provide for scope of building codes; to provide for public policy; to provide for the creation and authority of the Louisiana State Uniform Construction Code Council; to provide for enforcement; to provide for agreements with other governmental entities or certified third-party providers; to provide for appointment of building officials; to provide for council's code adoption authority; to provide for adoption of emergency wind and flood provisions; to provide for adoption of state uniform construction code; to provide for construction of industrial facilities; to provide for construction of farm or recreational structures; to provide for mandamus and injunctive relief; to provide for applicable codes for inspections; to provide for application and issuance of certificates of registration; to provide for revocation authority and injunctive relief; to provide for continuing education; to provide for authority of state fire marshal; to repeal the current state uniform construction code; and to provide for related matters.

Read by title.

#### Motion

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

##### HOUSE BILL NO. 163—

BY REPRESENTATIVE CROWE

##### AN ACT

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

Read by title.

#### Motion

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

#### Suspension of the Rules

On motion of Rep. Pinac, 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. 167—

BY REPRESENTATIVE GRAY

##### AN ACT

To enact R.S. 51:1425, relative to unfair trade practices; to provide that an unfair residential rent increase in declared disaster areas is an unfair trade practice; to provide for the attorney general to

promulgate rules; to provide for remedies; to provide for an effective date; and to provide for related matters.

Read by title.

#### Motion

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

### Senate Bills and Joint Resolutions on Third Reading and Final Passage

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

#### Regular Calendar

##### SENATE BILL NO. 27—

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

##### A JOINT RESOLUTION

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

Read by title.

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

#### HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Baldone to Reengrossed Senate Bill No. 27 by Senator Dupre

##### AMENDMENT NO. 1

On page 1, line 3, after "Louisiana," delete the comma "," and insert "and to repeal Act No. 513 of the 2005 Regular Session,"

##### AMENDMENT NO. 2

Delete Amendment No. 7 of the Conforming Amendments proposed by Representative Alario and adopted by the House on November 16, 2005

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

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

#### YEAS

Mr. Speaker	Gallot	Morrish
Alario	Geymann	Odinot
Alexander	Glover	Pierre
Ansardi	Gray	Pinac
Arnold	Greene	Pitre
Badon	Guillory, E.	Powell, M.
Baldone	Guillory, M.	Powell, T.

Barrow	Hammett	Quezaire
Baudoin	Harris	Richmond
Baylor	Heaton	Ritchie
Beard	Hebert	Robideaux
Bowler	Hill	Romero
Bruce	Honey	Scalise
Bruneau	Hopkins	Schneider
Burrell	Hunter	Smiley
Carter, K.	Hutter	Smith, G.
Carter, R.	Jackson	Smith, J.D.—50th
Cazayoux	Jefferson	Smith, J.H.—8th
Crane	Johns	Smith, J.R.—30th
Cravins	Katz	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
Erdey	Martiny	Walsworth
Fannin	McDonald	White
Farrar	McVea	Winston
Faucheux	Montgomery	Wooton
Frith	Morrell	Wright
Total - 102		

NAYS

Total - 0

ABSENT

Burns	Downs	Durand
Total - 3		

The Chair declared the above bill, having received a two-thirds vote of the elected members, was finally passed.

Rep. Baldone 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.

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

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

Read by title.

**Motion**

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

**Notice of Intention to Call**

Pursuant to House Rule No. 8.26(A), Rep. Cazayoux gave notice of his intention to call Senate Bill No. 68 from the calendar for future action.

**SENATE BILL NO. 71—**

BY SENATORS DUPRE, AMEDEE, BAOJIE, 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.

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

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Baldone to Reengrossed Senate Bill No. 71 by Senator Dupre

AMENDMENT NO. 1

In Conforming Amendment No. 103 proposed by Representative Alario and adopted by the House on November 16, 2005, on the second line of the amendment, change "approve" to "take action on"

AMENDMENT NO. 2

Delete Amendment No. 121 of the Conforming Amendments proposed by Representative Alario and adopted by the House on November 16, 2005

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

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

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Baldone to Reengrossed Senate Bill No. 71 by Senator Dupre

AMENDMENT NO. 1

On page 1, line 3, after "213.11" insert "and 213.12"

AMENDMENT NO. 2

On page 1, line 17, after "213.11" delete "is" and insert "and 213.12 are"

AMENDMENT NO. 3

On page 19, between line 28 and 29, insert the following:

"§213.12. Inspection Program

A. The authority shall establish and implement a comprehensive hurricane protection inspection program. Such program shall include the following:

(1) Reviewing of hurricane protection diagrams, designs and plans.

(2) Monitoring of defects and problems.

## Page 14 HOUSE

12th Day's Proceedings - November 20, 2005

(3) Conducting of an inspection of every hurricane protection barrier and associated elements at least every five years, or after a hurricane impacts a hurricane protection barrier and associated elements. If a defect or problem is identified, then the authority shall measure and test elevations, soil conditions, and structural integrity of the hurricane protection barrier and associated elements.

B. The authority shall report a notice of defect in the hurricane protection within thirty days of the inspection results to the appropriate entity, or political subdivision. The notice shall contain a description of the defect. The notice of defect shall be mailed by certified mail, or return receipt requested. The appropriate entity, or political subdivision, shall have forty-five days from receipt of the notice of defect to provide the authority with a plan and timeline to remedy the defect."

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

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

### HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Baldone to Reengrossed Senate Bill No. 71 by Senator Dupre

#### AMENDMENT NO. 1

On page 12, at the end of line 17 add the following:

"The members serving under the provisions of this Paragraph may designate a person to serve as a proxy."

#### AMENDMENT NO. 2

On page 12, at the end of line 21, add the following:

"The members serving under the provisions of this Paragraph may designate a person to serve as a proxy."

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

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

### HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Alario to Reengrossed Senate Bill No. 71 by Senator Dupre

#### AMENDMENT NO. 1

On page 12 delete lines 26 through 29 in their entirety

#### AMENDMENT NO. 3

On page 13, delete lines 1 through 8 in their entirety

Rep. Alario moved the adoption of the amendments.

Rep. Jack Smith objected.

By a vote of 81 yeas and 14 nays, the amendments were adopted.

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

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. Speaker  
Alario

Gallot  
Geymann

Morrish  
Odinet

Alexander  
Ansardi  
Arnold  
Badon  
Baldone  
Barrow  
Baudoin  
Bowler  
Bruce  
Bruneau  
Burrell  
Carter, R.  
Cazayoux  
Crane  
Cravins  
Curtis  
Damico  
Daniel  
Dartez  
DeWitt  
Doerge  
Dorsey  
Dove  
Downs  
Erdey  
Fannin  
Farrar  
Fauchaux  
Frith

Total - 93

Glover  
Greene  
Guillory, E.  
Guillory, M.  
Hammett  
Harris  
Hebert  
Hill  
Honey  
Hopkins  
Hunter  
Hutter  
Jackson  
Jefferson  
Johns  
Kennard  
Kenney  
Kleckley  
LaBruzzo  
LaFleur  
LaFonta  
Lambert  
Lancaster  
Marchand  
Martiny  
McDonald  
McVea  
Montgomery  
Morrell

#### NAYS

Beard  
Crowe  
Total - 5

Katz  
Tucker

#### ABSENT

Baylor  
Burns  
Carter, K.  
Total - 7

Durand  
Gray  
Heaton

Pierre  
Pinac  
Pitre  
Powell, M.  
Powell, T.  
Quezaire  
Richmond  
Ritchie  
Robideaux  
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  
Waddell  
Walker  
Walsworth  
White  
Wooton  
Wright

Winston

Romero

The Chair declared the above bill was finally passed.

Rep. Baldone 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.

### Petitions, Memorials and Communications

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

### Message from the Senate

#### SENATE BILLS

November 18, 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. 95, 102, 105, 107, and 109

Respectfully submitted,

GLENN A. KOEPP  
Secretary of the Senate

**Motion**

Rep. Quezaire moved to suspend the rules to give Senate Bill No. 95 its first and second readings in order to refer the bill to committee at this time.

Rep. Odinet objected.

By a vote of 45 yeas and 47 nays, the House refused to suspend the rules.

**Motion**

On motion of Rep. Frith, the rules were suspended to give the following Senate Bills their first and second readings in order to refer the bills to committee at this time.

**SENATE BILL NO. 107—**

BY SENATOR MCPHERSON

**AN ACT**

To amend and reenact R.S. 40:2109(B)(7) and to enact R.S. 40:2007.1 and 2116(J), relative to the licensure of healthcare providers; to provide relative to health care services in areas affected by declarations of emergency or disaster; to provide relative to the interruption of health care services; to provide relative to replacement and repair of health care facilities in certain areas; to provide relative to facility need review approvals for certain health care providers; to provide for licensure and facility need review; and to provide for related matters.

Read by title.

Under the rules, the bill was referred to the Committee on Health and Welfare.

**SENATE BILL NO. 109—**

BY SENATORS N. GAUTREAUX, BOASSO AND DUPRE

**AN ACT**

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

Read by title.

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

### 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. 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.

Called from the calendar.

Read by title.

Rep. Crowe moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Ansardi	Frith	Morrell
Barrow	Glover	Odinot
Baudoin	Guillory, E.	Pinac
Baylor	Harris	Powell, M.
Beard	Hunter	Richmond
Bruce	Jefferson	Smith, G.
Bruneau	Johns	Smith, J.R.—30th
Burrell	LaFleur	Toomy
Cazayoux	LaFonta	Walsworth
Crane	Lambert	White
Cravins	Lancaster	Wooton
Crowe	Marchand	
Fannin	McDonald	
Total - 37		

**NAYS**

Mr. Speaker	Farrar	Pitre
Alario	Faucheux	Powell, T.
Alexander	Gallot	Quezaire
Arnold	Greene	Ritchie
Badon	Hammett	Scalise
Baldone	Hebert	Schneider
Bowler	Hill	Smiley
Carter, R.	Honey	Smith, J.D.—50th
Curtis	Hopkins	Smith, J.H.—8th
Damico	Katz	St. Germain
Daniel	Kennard	Strain
Dartez	Kenney	Thompson
DeWitt	LaBruzzo	Townsend
Doerge	Martiny	Trahan
Dorsey	McVea	Waddell
Dove	Montgomery	Walker
Downs	Morrish	Winston
Erdey	Pierre	Wright
Total - 54		

**ABSENT**

Burns	Guillory, M.	Robideaux
Carter, K.	Heaton	Romero
Durand	Hutter	Triche
Geymann	Jackson	Tucker
Gray	Kleckley	
Total - 14		

The Chair declared the above bill failed to pass.

Rep. Townsend 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.

**Privileged Report of the Legislative Bureau**

November 20, 2005

To the Speaker and Members of the House of Representatives:

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

Senate Bill No. 3  
Reported without amendments.

Senate Bill No. 44  
Reported without amendments.

## Page 16 HOUSE

12th Day's Proceedings - November 20, 2005

Senate Bill No. 89  
Reported without amendments.

Respectfully submitted,

CHARLES MCDONALD  
Chairman

### Senate Instruments on Second Reading Returned from the Legislative Bureau

Rep. Schneider asked for and obtained a suspension of the rules to take up at this time the following Senate Bills and Joint Resolutions on second reading just returned from the Legislative Bureau, with a view of acting on the same:

#### SENATE BILL NO. 3—

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

#### AN ACT

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

Read by title.

Reported favorably by the Committee on House and Governmental Affairs.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

#### SENATE BILL NO. 44—

BY SENATOR HOLLIS

#### AN ACT

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

Read by title.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

#### SENATE BILL NO. 89—

BY SENATOR JONES

#### AN ACT

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

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 Reengrossed Senate Bill No. 89 by Senator Jones

#### AMENDMENT NO. 1

On page 1, line 2, after "certain elections;" delete the remainder of the line and delete lines 3 through 5 and insert "to authorize the secretary of state to develop and implement an emergency plan relative to holding certain elections impaired as a result of a gubernatorially declared disaster or emergency; to require and provide for gubernatorial and legislative approval of such emergency plan prior to implementation;

#### AMENDMENT NO. 2

On page 1, delete lines 9 through 17 and on page 2, delete lines 1 through 21 and insert the following:

"§401.3 Emergency plan by secretary of state; gubernatorial and legislative approval

A. Due to the occurrence of a gubernatorially declared emergency or disaster occurring before or during a regularly scheduled or special election, and in order to ensure maximum citizen participation in the electoral process and provide a safe and orderly procedure for persons seeking to exercise their right to vote, minimize to whatever degree possible a person's exposure to danger during declared states of emergency, and protect the integrity of the electoral process, it is hereby declared to be necessary to provide a procedure for the development of an emergency plan for the holding of elections impaired as a result of such an emergency or disaster.

B. After the issuance of an executive order by the governor declaring a state of emergency and if the secretary of state determines that such emergency impairs an election that may otherwise be held except for technical, mechanical, or logistical problems with respect to the relocation or consolidation of polling places within the parish, potential shortages of commissioners and absentee commissioners, or shortages of voting machines, the secretary of state shall certify such facts and the reasons therefor to the governor, the Senate Committee on Senate and Governmental Affairs, and the House Committee on House and Governmental Affairs. If the governor and a majority of the members of each committee concur that such an emergency plan is necessary, the secretary of state shall develop an



emergency plan in writing that proposes a resolution to technical, mechanical, or logistical problems impairing the holding of the election with respect to the relocation or consolidation of polling places within the parish, potential shortages of commissioners and absentee commissioners, or shortages of voting machines.

C. The written emergency plan shall be submitted by the secretary of state to the Senate Committee on Senate and Governmental Affairs, the House Committee on House and Governmental Affairs, and the governor as soon as practicable following their concurrence with his certification. If a majority of the members of the Senate Committee on Senate and Governmental Affairs and of the House Committee on House and Governmental Affairs approve the emergency plan, such plan shall be submitted to the members of each house of the legislature for approval by mail ballot as provided in this Section. If a majority of the members of each house of the legislature and the governor approve the emergency plan, the secretary of state shall take all steps necessary to implement the plan and all officials of the state and of any political subdivision thereof shall cooperate with and provide assistance to the secretary of state as necessary to implement the plan.

D.(1) In order to obtain the approval of a majority of the elected members of each house of the legislature, the secretary of the Senate and the clerk of the House of Representatives shall jointly prepare and transmit a ballot to each member of the legislature by certified mail with return receipt requested unless the legislature is in session and the ballots may be distributed and returned during the session as provided in this Subsection.

(2)(a) The ballot shall be uniform and the materials sent with the ballot shall include:

(i) A copy of the secretary of state's certification that the emergency impairs an election that may otherwise be held except for certain technical, mechanical, or logistical problems and the reasons therefor.

(ii) A copy of the emergency plan.

(iii) A copy of the roll call votes of the Senate Committee on Senate and Governmental Affairs and the House Committee on House and Governmental Affairs on the approval of the emergency plan.

(iv) The date and time on which the ballot may be returned to the secretary of the Senate or the clerk of the House of Representatives, as the case may be, in order for the ballot to be valid.

(b) Each ballot shall contain the name of the member to whom it is to be mailed or delivered, and the member shall sign the ballot after casting his vote.

(3) The ballots mailed to all members shall be postmarked on the same day and shall be returned to the secretary of the Senate or the clerk of the House of Representatives, as the case may be, within fifteen days after the postmarked date; or, when such ballots are delivered to the members of the legislature while in session, the ballots shall be returned to the secretary of the Senate or the clerk of the House of Representatives, as the case may be, within five days after the date the ballots were delivered to members. No ballot received after five o'clock p.m. on the fifth day after the date on which the ballots were delivered to the members during session or after five o'clock p.m. on the fifteenth day after the date on which the ballots were mailed shall be valid or counted, and the date and time received shall be marked on each such ballot and the ballot shall be marked "Invalid". Prior to five o'clock p.m. on the fifth day after the date when delivered to the members of the legislature while in session or prior to five o'clock p.m. on the fifteenth day after the postmarked date if mailed to the members of the legislature, a

member may withdraw his ballot or change his vote upon his written request.

(4) On the seventeenth day after the date on which the ballots were mailed, or the seventh day after the date on which the ballots were delivered to the members of the legislature in session as provided in this Subsection, the secretary of the Senate and the clerk of the House of Representatives shall, at a public meeting, jointly open and tabulate the vote in roll call order for each house of the legislature. The tabulation sheet shall indicate by name each member who voted in favor of the plan, each member who voted against the plan, each member who did not return the ballot by the deadline, and each member whose ballot was invalid because it was not marked or signed by the member. The secretary of the Senate and the clerk of the House of Representatives shall each sign the tabulation sheet and cause a certified copy thereof to be transmitted to the secretary of state, the governor, and the chairmen of the Senate Committee on Senate and Governmental Affairs and House Committee on House and Governmental Affairs.

(5) The tabulation sheet shall be a public record.

(6) If regular mail service is impaired, the secretary of the Senate and the clerk of the House of Representatives shall utilize any method necessary to deliver the ballots, including commercial delivery, electronic transmission, or hand delivery, and shall keep a record of the manner of delivery utilized to deliver the ballot to each member and the date the ballot was so transmitted to each member. For the purposes of this Subsection, if such an alternative delivery method is so required, the date on which the ballot was so transmitted shall be considered to be the date postmarked."

Reported without amendments by the Legislative Bureau.

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

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

Under the rules, placed on the regular calendar.

### **Petitions, Memorials and Communications**

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

### **Message from the Senate**

#### **DISAGREEMENT TO SENATE BILL**

November 20, 2005

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

I am directed to inform your honorable body that the Senate has refused to concur in the proposed House Amendments to Senate Bill No. 1 by Sen. Amedee, and ask the Speaker to appoint a committee to confer with a like committee from the Senate on the disagreement.

Respectfully submitted,

GLENN A. KOEPP  
Secretary of the Senate

### **Message from the Senate**

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

November 20, 2005

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

## Page 18 HOUSE

12th Day's Proceedings - November 20, 2005

I am directed to inform your honorable body that the President of the Senate has appointed the following committee to serve with a like committee from the House to confer on the disagreement to Senate Bill No. 1: Senators Amedee, Fontenot, and Chaisson.

Respectfully submitted,

GLENN A. KOEPP  
Secretary of the Senate

### Conference Committee Appointment

The Speaker appointed the following conferees on the part of the House to confer with a like committee from the Senate on the disagreement to Senate Bill No. 1: Reps. Cravins, Martiny, and Lambert.

### Message from the Senate

#### HOUSE BILLS

November 20, 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 House Bills:

House Bill No. 7  
Returned without amendments

House Bill No. 11  
Returned with amendments

Respectfully submitted,

GLENN A. KOEPP  
Secretary of the Senate

### Message from the Senate

#### HOUSE CONCURRENT RESOLUTIONS

November 20, 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. 2  
Returned without amendments

Respectfully submitted,

GLENN A. KOEPP  
Secretary of the Senate

### Message from the Senate

#### ASKING CONCURRENCE IN SENATE CONCURRENT RESOLUTIONS

November 20, 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. 25, 29, and 38

Respectfully submitted,

GLENN A. KOEPP  
Secretary of the Senate

### Suspension of the Rules

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

### Senate Concurrent Resolutions

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

#### SENATE CONCURRENT RESOLUTION NO. 25—

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

##### A CONCURRENT RESOLUTION

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

Read by title.

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

#### SENATE CONCURRENT RESOLUTION NO. 29—

BY SENATOR ULLO AND REPRESENTATIVE CRANE

##### A CONCURRENT RESOLUTION

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

Read by title.

On motion of Rep. Crane, and under a suspension of the rules, the above resolution was referred to the Committee on Education, under the rules.

#### SENATE CONCURRENT RESOLUTION NO. 38—

BY SENATOR JACKSON

##### A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to provide financial assistance to the state necessary to maintain essential public services to the people of Louisiana following the devastation caused by hurricanes Katrina and Rita.

Read by title.

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

**Message from the Senate**

**SIGNED SENATE CONCURRENT RESOLUTIONS**

November 20, 2005

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

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

Senate Concurrent Resolution Nos. 8, 23, 24, 28, and 31

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

Respectfully submitted,

GLENN A. KOEPP  
Secretary of the Senate

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

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

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

**HOUSE RESOLUTION NO. 17—**

BY REPRESENTATIVE MORRELL

**A RESOLUTION**

To urge and request the Louisiana State University Health Care Services Division and the Louisiana State University Health Sciences Center-New Orleans to return patient care services and all medical and clinical educational programs to New Orleans as soon as possible.

Read by title.

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

**HOUSE RESOLUTION NO. 18—**

BY REPRESENTATIVE K. CARTER

**A RESOLUTION**

To memorialize the United States Congress to enjoin the United States Army Corps of Engineers from engaging any contractor in the reconstruction of the levees in the New Orleans area if investigations of levee failures during Hurricanes Katrina and Rita indicate that such contractor performed substandard design or construction work on a portion of a levee that failed.

Read by title.

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

**HOUSE CONCURRENT RESOLUTION NO. 62—**

BY REPRESENTATIVE HUNTER AND SENATOR NEVERS

**A CONCURRENT RESOLUTION**

To authorize and direct the Department of Labor to provide the Senate and House Committees on Labor and Industrial Relations with an itemized list of state and federal funds received in the wake of the aftermath of Hurricanes Katrina and Rita.

Read by title.

On motion of Rep. Hunter, and under a suspension of the rules, the above resolution was referred to the Committee on Labor and Industrial Relations, under the rules.

**HOUSE CONCURRENT RESOLUTION NO. 63—**

BY REPRESENTATIVE BRUNEAU

**A CONCURRENT RESOLUTION**

To express the sincere condolences of the Legislature of Louisiana upon the death of former state representative Lloyd R. Himel.

Read by title.

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

Ordered to the Senate.

**HOUSE CONCURRENT RESOLUTION NO. 64—**

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

**A CONCURRENT RESOLUTION**

To commend Isaac Greggs upon his retirement as the director of the Southern University marching band.

Read by title.

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

Ordered to the Senate.

**HOUSE CONCURRENT RESOLUTION NO. 65—**

BY REPRESENTATIVE RICHMOND

**A CONCURRENT RESOLUTION**

To direct the Louisiana Housing Finance Agency to establish a low or no interest loan program for homeowners affected by Hurricanes Katrina and Rita.

Read by title.

On motion of Rep. Richmond, and under a suspension of the rules, the resolution was ordered passed to its third reading.

**HOUSE CONCURRENT RESOLUTION NO. 66—**

BY REPRESENTATIVE BEARD

**A CONCURRENT RESOLUTION**

To urge and request elected officials not to accept campaign finance contributions from any person who has entered into a contract, subcontract, or transaction to provide goods or services related to hurricane rebuilding efforts, if such contract, subcontract, or transaction is under the jurisdiction or supervision of the agency of the elected official.

Read by title.

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

Ordered to the Senate.

**Privileged Report of the Committee on Enrollment**

November 20, 2005

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

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

The following House Resolutions have been properly enrolled:

**HOUSE RESOLUTION NO. 12—**  
BY REPRESENTATIVE DOERGE

**A RESOLUTION**

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

Respectfully submitted,

DONALD RAY KENNARD  
Chairman

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

**Privileged Report of the Committee on Enrollment**

November 20, 2005

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

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

The following House Concurrent Resolutions have been properly enrolled:

**HOUSE CONCURRENT RESOLUTION NO. 39—**

BY REPRESENTATIVES SCALISE, SCHNEIDER, ALEXANDER, ARNOLD, BAUDOUIN, BEARD, BOWLER, BRUCE, BRUNEAU, CAZAYOUX, CRAVINS, CROWE, DOWNS, FANNIN, FAUCHEUX, FRITH, GEYMANN, GREENE, HEBERT, HOPKINS, HUTTER, JOHNS, KATZ, KENNEY, LAMBERT, LANCASTER, MCDONALD, MCVEA, MONTGOMERY, ODINET, PINAC, PITRE, M. POWELL, T. POWELL, ROMERO, SALTER, GARY SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WINSTON, WOOTON, AND WRIGHT

**A CONCURRENT RESOLUTION**

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

**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.

**HOUSE CONCURRENT RESOLUTION NO. 50—**

BY REPRESENTATIVE BALDONE

**A CONCURRENT RESOLUTION**

To memorialize the United States Congress to take such actions as are necessary to forgive the debt of Louisiana's local governments resulting from seven hundred fifty million dollars in loans made available to them as disaster relief.

**HOUSE CONCURRENT RESOLUTION NO. 52—**

BY REPRESENTATIVES BOWLER, TOOMY, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BADON, BALDONE, BARROW, BAUDOUIN, BAYLOR, BEARD, BRUCE, BRUNEAU, BURNS, BURRELL, K. CARTER, R. CARTER, CAZAYOUX, CRANE, CRAVINS, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEWITT, DOERGE, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FRITH,

GALLOT, GEYMANN, GLOVER, GRAY, GREENE, E. GUILLORY, M. GUILLORY, HAMMETT, HARRIS, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUNTER, HUTTER, JACKSON, JEFFERSON, JOHNS, KATZ, KENNARD, KENNEY, KLECKLEY, LABRUZZO, LAFLEUR, LAFONTA, LAMBERT, LANCASTER, MARCHAND, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MORRISH, ODINET, PIERRE, PINAC, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROBIDEAUX, ROMERO, SALTER, SCALISE, SCHNEIDER, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WINSTON, WOOTON, AND WRIGHT AND SENATORS HEITMEIER, HOLLIS, LENTINI, QUINN, SHEPHERD, AND ULLO

**A CONCURRENT RESOLUTION**

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

Respectfully submitted,

DONALD RAY KENNARD  
Chairman

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

**Privileged Report of the Committee on Enrollment**

November 20, 2005

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

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

The following House Concurrent Resolutions have been properly enrolled:

**HOUSE CONCURRENT RESOLUTION NO. 26—**

BY REPRESENTATIVES PINAC AND LAFONTA AND SENATOR MARIONNEAUX

**A CONCURRENT RESOLUTION**

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

Respectfully submitted,

DONALD RAY KENNARD  
Chairman

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

**Privileged Report of the Committee on Enrollment**

November 20, 2005

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

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

The following House Bills have been properly enrolled:

**HOUSE BILL NO. 3—**

BY REPRESENTATIVE TOOMY

**AN ACT**

To amend and reenact Section 10 of Act 169 of the 2005 Regular Session of the Legislature of Louisiana, relative to the recordation of documents in the mortgage and conveyance records and the consolidation of the laws affecting the recordation of documents; to change the effective date of the Act; and to provide for related matters.

**HOUSE BILL NO. 15—**

BY REPRESENTATIVES CAZAYOUX, QUEZAIRE, AND SALTER

**AN ACT**

To enact R.S. 48:442.1, relative to the expropriation of property for design-build projects by the Department of Transportation and Development; to provide relative to the content of the petition to expropriate such property; to provide relative to information which must be annexed to such petition; and to provide for related matters.

**HOUSE BILL NO. 19—**

BY REPRESENTATIVE CRANE AND SENATORS CHAISSON, QUINN, THEUNISSEN, AND ULLO

**AN ACT**

To amend and reenact R.S. 17:24.10(C)(4), relative to LA 4 class ratio requirements; to provide for the applicability of provisions relative to the requirements for student to lead teacher and student to adult staff member ratios for LA 4 classes; to provide for the State Board of Elementary and Secondary Education to adopt rules relative to the ratios required for LA 4 classes; to provide for effectiveness; and to provide for related matters.

**HOUSE BILL NO. 20—**

BY REPRESENTATIVE CRANE AND SENATORS CHAISSON, QUINN, THEUNISSEN, AND ULLO

**AN ACT**

To amend and reenact R.S. 17:88(A) and (C) and to enact R.S. 17:88(F), relative to the required dates for adoption and submission of school board budgets; to provide for the applicability of provisions relative to the required dates for school boards to adopt budgets and submit such budgets to the state superintendent of education; to provide for the State Board of Elementary and Secondary Education to adopt rules relative to the adoption and submission of such budgets; to provide for effectiveness; and to provide for related matters.

**HOUSE BILL NO. 21—**

BY REPRESENTATIVE CRANE AND SENATORS CHAISSON, QUINN, THEUNISSEN, AND ULLO

**AN ACT**

To amend and reenact R.S. 17:236, relative to the requirement for a minimum school session; to provide for the applicability of the requirement for a minimum school session of not less than one hundred eighty days for school classification purposes; to provide for the State Board of Elementary and Secondary Education to adopt rules relative to the minimum school session; to provide for effectiveness; and to provide for related matters.

**HOUSE BILL NO. 22—**

BY REPRESENTATIVE CRANE AND SENATORS CHAISSON, QUINN, THEUNISSEN, AND ULLO

**AN ACT**

To amend and reenact R.S. 17:2112(A)(1) and to enact R.S. 17:2112(C), relative to the required time lines for conducting sight and hearing tests for certain pupils; to provide for the applicability of the requirement for testing the sight and hearing of pupils within thirty days after the admission of any pupils entering school late in the session; to provide for the State Board of Elementary and Secondary Education to adopt rules relative to such requirement; to provide for effectiveness; and to provide for related matters.

**HOUSE BILL NO. 28—**

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

**AN ACT**

To amend and reenact R.S. 29:735(A), relative to immunity of law enforcement agencies during Hurricane Katrina or Rita; to provide for limitation of liability for law enforcement agencies and officers based on detention of persons in any parish prison or local jail under certain circumstances; to provide for liability of law enforcement agencies under certain circumstances; to provide for retroactive application; and to provide for related matters.

**HOUSE BILL NO. 33—**

BY REPRESENTATIVE CRANE AND SENATORS CHAISSON, QUINN, THEUNISSEN, AND ULLO

**AN ACT**

To amend and reenact R.S. 17:154.3 and to enact R.S. 17:154.1(A)(5), relative to minimum requirements for instructional time; to provide for applicability of such requirements including the required number of certain work days per school year under specified circumstances; to provide for certification by the state superintendent of education relative to the applicability of the minimum requirements for instructional time for certain public schools and school systems; to provide for rules and regulations adopted by the State Board of Elementary and Secondary Education relative to all such applicability; to provide for effectiveness; and to provide for related matters.

**HOUSE BILL NO. 35—**

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

**AN ACT**

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

**HOUSE BILL NO. 45—**

BY REPRESENTATIVES HAMMETT AND PINAC

**AN ACT**

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

**HOUSE BILL NO. 56—**

BY REPRESENTATIVES PINAC, MARTINY, JOHNS, AND HEATON AND SENATOR MARIONNEAUX

**AN ACT**

To enact R.S. 4:147.1, relative to live horse racing; to provide relative to the required number of live racing days; to provide for the authority of the Louisiana State Racing Commission to approve additional races or race days and locations, transfer proceeds and purse supplements, all as made necessary by damage to existing facilities due to a disaster, emergency, or force majeure, or other such occurrence; to provide for definitions; and to provide for related matters.

**HOUSE BILL NO. 78—**

BY REPRESENTATIVES MARTINY, PINAC, JOHNS, AND HEATON AND SENATOR MARIONNEAUX

**AN ACT**

To amend and reenact R.S. 27:353(4), 354, and 361(B)(4)(a)(i) and (ii) and to enact R.S. 4:147.2, relative to slot machine gaming

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## Page 22 HOUSE

12th Day's Proceedings - November 20, 2005

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at live horse racing facilities; to amend the definition of an eligible facility to provide that the Louisiana State Racing Commission can approve less than eighty days within a twenty-week period in certain emergencies or disasters or other such occurrences; to provide for the effect of this determination; to provide relative to the powers and authority of the Louisiana State Racing Commission; and to provide for related matters.

Respectfully submitted,

DONALD RAY KENNARD  
Chairman

The above House Bills contained in the report were signed by the Speaker of the House and taken to the Senate by the Clerk and were signed by the President of the Senate and taken by the Clerk of the House to the Governor for executive approval.

### **Suspension of the Rules**

On motion of Rep. Crane, the rules were suspended to permit the Committee on Education to meet and consider the following legislative instruments without giving the notice required by House Rule 14.24(A):

Senate Concurrent Resolution No. 29

### **Suspension of the Rules**

On motion of Rep. Toomy, the rules were suspended to permit the Committee on Judiciary to meet and consider the following legislative instruments without giving the notice required by House Rule 14.24(A):

Senate Bill No. 52

### **Suspension of the Rules**

On motion of Rep. Hunter, the rules were suspended to permit the Committee on Labor and Industrial Relations to meet and consider the following legislative instruments without giving the notice required by House Rule 14.24(A):

House Concurrent Resolution No. 62

### **Leave of Absence**

Rep. Burns - 3 days

### **Adjournment**

On motion of Rep. Kenney, at 7:23 P.M., the House agreed to adjourn until Monday, November 21, 2005, at 1:00 P.M.

The Speaker of the House declared the House adjourned until 1:00 P.M., Monday, November 21, 2005.

ALFRED W. SPEER  
Clerk of the House