

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

**THIRD DAY'S PROCEEDINGS**

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

House of Representatives  
State Capitol  
Baton Rouge, Louisiana

Wednesday, February 8, 2006

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

Durand  
Erdey  
Fannin  
Total - 102

Martiny  
McDonald  
McVea

White  
Winston  
Wooton

ABSENT

LaBruzzo  
Total - 2

Triche

The Speaker announced that there were 102 members present and a quorum.

**Prayer**

Prayer was offered by Rep. Katz.

**Pledge of Allegiance**

Rep. White 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. Cravins, the reading of the Journal was dispensed with.

On motion of Rep. McDonald, the Journal of February 7, 2006, was adopted.

**Petitions, Memorials and  
Communications**

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

**Message from the Senate**

**ASKING CONCURRENCE IN  
SENATE CONCURRENT RESOLUTIONS**

February 8, 2006

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. 7 and 11

Respectfully submitted,

GLENN A. KOEPP  
Secretary of the Senate

**Suspension of the Rules**

On motion of Rep. Barrow, 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. 7—  
BY SENATOR BROOME**

**A CONCURRENT RESOLUTION**

To urge and request the Congress of the United States and the governor to consider using funds from the Federal Emergency Management Agency and the U.S. Department of Housing and Urban Development for modular homes as alternative housing for those affected by hurricanes Katrina and Rita.

Read by title.

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

### **SENATE CONCURRENT RESOLUTION NO. 11—**

BY SENATOR MURRAY

#### **A CONCURRENT RESOLUTION**

To express the sincere condolences of the Legislature of Louisiana upon the death of Rose Drew Cager.

Read by title.

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

### **Message from the Senate**

#### **SENATE BILLS**

February 8, 2006

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

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

Senate Bill No. 2

Respectfully submitted,

GLENN A. KOEPP  
Secretary of the Senate

### **Senate Bills on First Reading**

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

### **SENATE BILL NO. 2—**

BY SENATOR THEUNISSEN

#### **AN ACT**

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

Read by title.

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

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

### **HOUSE CONCURRENT RESOLUTION NO. 16—**

BY REPRESENTATIVE JOHNS

#### **A CONCURRENT RESOLUTION**

To commend former House Speaker E.L. "Bubba" Henry upon the celebration of his seventieth birthday and to express enduring gratitude for his outstanding contributions to the state of Louisiana.

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. 17—**

BY REPRESENTATIVE DURAND

#### **A CONCURRENT RESOLUTION**

To memorialize the United States Congress to take such actions as are necessary to allow a five hundred dollar federal tax deduction for people who housed evacuees rent free for at least sixty continuous days as a result of Hurricane Rita.

Read by title.

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

Ordered to the Senate.

### **HOUSE CONCURRENT RESOLUTION NO. 18—**

BY REPRESENTATIVE QUEZAIRE

#### **A CONCURRENT RESOLUTION**

To commend the organizers of and participants in Groundhog Job Shadow Day 2006 and to welcome those visiting the Louisiana State Capitol on this momentous occasion.

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. 19—**

BY REPRESENTATIVE CROWE

#### **A CONCURRENT RESOLUTION**

To urge and request the superintendent of the Louisiana State Police to place additional troops in Troop L serving St. Tammany Parish to address the increased demands upon law enforcement resulting from the increased population following Hurricane Katrina.

Read by title.

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

Ordered to the Senate.

### **HOUSE CONCURRENT RESOLUTION NO. 20—**

BY REPRESENTATIVE HEBERT

#### **A CONCURRENT RESOLUTION**

To urge and request President George W. Bush, Governor Kathleen Babineaux Blanco, and the Louisiana congressional delegation to ensure enactment of legislation to require the Federal Emergency Management Agency to provide the same level of assistance to the residents of Iberia Parish who were affected by Hurricane Rita as the residents of Louisiana affected by Hurricane Katrina, including funding assistance with demolition and removal of damaged housing.

Read by title.

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

Ordered to the Senate.

### **HOUSE CONCURRENT RESOLUTION NO. 21—**

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 Anheuser-Busch Companies for the extensive and generous aid the company provided to hurricane victims on the Gulf Coast in 2005.

Read by title.

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

Ordered to the Senate.

### Introduction of House Bills and Joint Resolutions

The following named members introduced the following entitled House Bills and Joint Resolutions which were read the first time by their titles and, under a suspension of the rules, were referred to committee as follows:

#### HOUSE BILL NO. 92—

BY REPRESENTATIVE HEBERT

AN ACT

To enact R.S. 33:32, relative to the organization of local governmental subdivisions; to authorize any local governmental subdivision to create, within the governmental structure of any such local governmental subdivision, an agency to regulate the location of certain temporary housing sites within the local governmental subdivision; to provide relative to the organization and responsibilities of such agency; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Municipal, Parochial and Cultural Affairs.

#### HOUSE BILL NO. 93—

BY REPRESENTATIVE HAMMETT

AN ACT

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

Read by title.

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

#### HOUSE BILL NO. 94—

BY REPRESENTATIVE TUCKER

AN ACT

To amend and reenact R.S. 38:291 (D)(2) and (3) and (G)(2) and 304(A) and (B) to enact R.S. 38:291(G)(3) and (V) and 306.1 through 306.8, and to repeal R.S. 38:304.3, relative to levees; to establish the Southeast Louisiana Levee Authority; to provide for its powers, duties, jurisdiction, and members; to provide for appointments to the board of commissioners of the authority; to provide for qualifications of commissioners; to provide for meetings of the board; to provide for the management of certain levee districts in areas of southeast Louisiana; to terminate the terms of commissioners on certain levee boards; to reorganize the governance of such levee districts by providing for representation of such district on the board of commissioners to the authority; to retain the territorial limits of such levee districts; to transfer authority, duties, powers, functions, and responsibilities from such levee boards to the authority; to provide for obligations, tax proceeds, and property of the district; to provide for qualifications of an executive director; to create a levee district for St. Tammany Parish and provide for the authority, powers, duties, functions, and responsibilities of the district to be exercised by the authority; to provide for funding; to provide for applicability; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Transportation, Highways and Public Works.

#### HOUSE BILL NO. 95—

BY REPRESENTATIVE MORRELL

AN ACT

To enact R.S. 38:304.1, relative to levee districts; to provide for qualifications of levee board members; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Transportation, Highways and Public Works.

#### HOUSE BILL NO. 96—

BY REPRESENTATIVE K. CARTER

AN ACT

To enact R.S. 38:85, relative to flood control; to provide criminal penalties for a public officer or employee who fails to perform lawful duties related to hurricane protection levees or flood control; to create the crime of malfeasance in office for the failure to perform hurricane protection levee or flood control duties; to provide terms and penalties; and to provide for related matters.

Read by title.

### 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. 87—

BY REPRESENTATIVE RICHMOND

AN ACT

To amend and reenact R.S. 13:1566, to enact R.S. 13:1566.1 through 1566.12, and to repeal R.S. 13:1138, 1139, 1140, 1141, 1568.3, and 1595.2, relative to consolidating the jurisdiction of the domestic relations division of the Civil District Court for the parish of Orleans into the Orleans Parish Juvenile and Family Court; to establish the Orleans Parish Juvenile and Family Court; to provide for jurisdiction; to provide for special divisions of court; to provide for a judicial expense fund; to provide for local court rules; to provide for transfer of cases; to provide for service of process; to provide for fees; to repeal provisions providing for the domestic relations division of the Civil District Court for the parish of Orleans; to repeal provisions providing for special divisions of the Orleans Parish Juvenile Court; to repeal provisions providing for the judicial expense fund for the Orleans Parish Juvenile Court; and to provide for related matters.

Read by title.

### Motion

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

### House Bills and Joint Resolutions on Second Reading Reported by Committee

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

#### HOUSE BILL NO. 42—

BY REPRESENTATIVE K. CARTER

AN ACT

To enact R.S. 22:1477, relative to homeowner's insurance policies; to provide for disclosure of policy terms and conditions; and to provide for related matters.

Read by title.

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Reported by substitute by the Committee on Insurance.

The substitute was read by title as follows:

**HOUSE BILL NO. 97 (Substitute for House Bill No. 42 by Representative K. Carter)—**  
BY REPRESENTATIVE K. CARTER  
AN ACT

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

Read by title.

On motion of Rep. Karen Carter, the substitute was adopted and became House Bill No. 97 by Rep. Karen Carter, on behalf of the Committee on Insurance, as a substitute for House Bill No. 42 by Rep. Karen Carter.

Under the rules, lies over in the same order of business.

### **Suspension of the Rules**

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

### **Reports of Committees**

The following reports of committees were received and read:

#### **Report of the Committee on Appropriations**

February 8, 2006

To the Speaker and Members of the House of Representatives:

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

House Bill No. 3, by Alario  
Reported favorably. (15-0) (Regular)

House Bill No. 32, by Richmond  
Reported favorably. (15-0) (Regular)

House Bill No. 59, by Alario  
Reported with amendments. (15-0) (Regular)

House Bill No. 71, by Alario  
Reported with amendments. (12-0) (Regular)

JOHN ALARIO  
Chairman

#### **Report of the Committee on Commerce**

February 8, 2006

To the Speaker and Members of the House of Representatives:

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

House Bill No. 4, by LaFonta  
Reported with amendments. (15-0) (Regular)

House Bill No. 5, by Hebert  
Reported with amendments. (12-0) (Regular)

House Bill No. 10, by Crowe  
Reported with amendments. (13-0) (Regular)

GIL J. PINAC  
Chairman

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

February 8, 2006

To the Speaker and Members of the House of Representatives:

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

House Bill No. 12, by Jefferson  
Reported with amendments. (6-2) (Regular)

CHARLES D. LANCASTER, JR.  
Chairman

### **Report of the Committee on Transportation, Highways and Public Works**

February 8, 2006

To the Speaker and Members of the House of Representatives:

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

House Bill No. 78, by Montgomery  
Reported with amendments. (16-0-1) (Regular)

ROY QUEZAIRE  
Chairman

### **Suspension of the Rules**

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

### **House Bills and Joint Resolutions on Second Reading Reported by Committee**

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

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

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

Read by title.

Reported favorably by the Committee on Appropriations.

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

Under the rules, placed on the regular calendar.

**HOUSE BILL NO. 4—**  
BY REPRESENTATIVES LAFONTA, BRUNEAU, AND RICHMOND  
AN ACT

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

Read by title.

Reported with amendments by the Committee on Commerce.

The committee amendments were read as follows:

#### HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Commerce to Original House Bill No. 4 by Representative LaFonta

##### AMENDMENT NO. 1

On page 1, line 2, after "To" delete "amend and reenact" and insert "enact R.S. 6:337 and to repeal"

##### AMENDMENT NO. 2

On page 1, line 2, after "10:9-211" delete "and to enact R.S. 9:5396"

##### AMENDMENT NO. 3

On page 1, line 4, after "claims;" delete the remainder of the line, and at the beginning of line 5 delete "accounts; to provide for distribution of interest;"

##### AMENDMENT NO. 4

On page 1, line 6, after "indebtedness;" insert "to provide for enforcement;"

##### AMENDMENT NO. 5

On page 1, line 9, after "R.S." delete "9:5396" and insert "6:337"

##### AMENDMENT NO. 6

On page 1, delete lines 10 through 19 in their entirety, on page 2, delete lines 1 through 29 in their entirety, and on page 3, delete lines 1 through 20 in their entirety and insert the following:

"§337. Insurance settlement proceeds; return of excess funds; enforcement

A. If a mortgage holder is presented with a jointly payable insurance proceeds check or draft for residential immovable property damage resulting from Hurricane Katrina and Hurricane Rita which contains the mortgagor's endorsement, all mortgage holders shall have thirty days after receiving such check or draft to provide their endorsements and return all excess funds provided for in Subsection B of this Section.

B. The mortgage holder holding funds in escrow shall return to the mortgagor all funds in excess of:

(1) All loan balances of any mortgage holder named as payee on the insurance claim check or draft calculated as of the thirtieth day of the deadline; and

(2) Six months of future accrued interest as calculated pursuant to the terms of the mortgage loans.

C. The commissioner of the Office of Financial Institutions shall enforce compliance with this Section pursuant to his enforcement powers as contained in R.S. 6:121.1. Upon an investigative finding of noncompliance with this Section by a mortgage holder, the commissioner may impose administrative fines of one hundred fifty dollars per day for each day beyond the thirty-day deadline that the mortgage holder fails to return the excess insurance funds as provided in Subsection B of this Section. With respect to persons or entities not under the jurisdiction of the commissioner of the Office of Financial Institutions, the commissioner shall forward complaints to the appropriate federal regulators and the attorney general.

D. The provisions of this Section shall be applicable to state-chartered federally insured financial institutions and their affiliates to the same extent that such provisions are applicable to federally chartered financial institutions.

Section 2. R.S. 10:9-211 is hereby repealed in its entirety.

Section 3. This Act shall become effective on April 1, 2006."

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

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

Under the rules, placed on the regular calendar.

#### **HOUSE BILL NO. 5—**

BY REPRESENTATIVE HEBERT

AN ACT

To amend and reenact R.S. 40:1730.24(B), relative to the State Uniform Construction Code; to allow commercial and residential contractors to establish agreements with certain licensed contractors to conduct plan review and inspections; to provide for an effective date; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Commerce.

The committee amendments were read as follows:

#### HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Commerce to Original House Bill No. 5 by Representative Hebert

##### AMENDMENT NO. 1

On page 1, line 16, after "40:1730.27." delete "Thereafter," and insert "On and after January 1, 2007."

##### AMENDMENT NO. 2

On page 1, line 17, between "registration." and "During" insert "Contractors shall not inspect their own work."

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

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

Under the rules, placed on the regular calendar.

#### **HOUSE BILL NO. 10—**

BY REPRESENTATIVE CROWE

AN ACT

To amend and reenact R.S. 10:9-211(a) and (c), relative to settlement proceeds from homeowners' insurance policies; to provide for placement of proceeds into interest-bearing accounts; to provide for a definition; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Commerce.

The committee amendments were read as follows:

#### HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Commerce to Original House Bill No. 10 by Representative Crowe

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### AMENDMENT NO. 1

On page 1, line 15, after "within" change "ten" to "thirty"

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

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

Under the rules, placed on the regular calendar.

### **HOUSE BILL NO. 12—**

BY REPRESENTATIVE JEFFERSON

#### AN ACT

To enact R.S. 18:115(F)(2)(d), relative to the conduct of elections during or following a gubernatorially declared state of emergency; to provide for certain displaced persons who have registered to vote by mail by a certain date to vote absentee by mail; to require an affidavit attesting to the voter's eligibility; to provide for the effectiveness of such provisions; and to provide for related matters.

Read by title.

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

The committee amendments were read as follows:

#### **HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on House and Governmental Affairs to Original House Bill No. 12 by Representative Jefferson

### AMENDMENT NO. 1

On page 2, line 7, change "before September 24, 2005," to "after October 5, 2004, but prior to September 25, 2005,"

### AMENDMENT NO. 2

On page 2, line 11, after "election day," and before "The provisions of" insert the following:

"He shall sign such affidavit before a notary public or two witnesses. If signed before two witnesses, the witnesses shall also sign the affidavit and such affidavit shall be made under penalty of perjury for providing false or fraudulent information."

### AMENDMENT NO. 3

On page 2, line 12, after "shall be effective" delete the remainder of the line and delete line 13 and insert "until July 16, 2006."

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

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

Under the rules, placed on the regular calendar.

### **HOUSE BILL NO. 32—**

BY REPRESENTATIVE RICHMOND

#### AN ACT

To enact R.S. 42:808(A)(11) and 851(Q), relative to state group insurance; to provide insurance coverage for certain persons retired from the employment with or employed by certain city or parish public school boards; to provide relative to the eligibility of such persons to participate in programs sponsored by the Office of Group Benefits; to provide for limitations; to provide for a program of insurance for such persons; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Appropriations.

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

Under the rules, placed on the regular calendar.

### **HOUSE BILL NO. 59—**

BY REPRESENTATIVE ALARIO

#### AN ACT

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

Read by title.

Reported with amendments by the Committee on Appropriations.

The committee amendments were read as follows:

#### **HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on Appropriations to Original House Bill No. 59 by Representative Alario

### AMENDMENT NO. 1

On page 1, line 10, after "duties" and the semi-colon ";", delete the remainder of the line at the beginning of line 11, delete "subsidiaries with certain powers, functions, and duties;"

### AMENDMENT NO. 2

On page 1, line 20, after "within the" delete the remainder of the line and insert "division of administration in the office of the governor."

### AMENDMENT NO. 3

On page 2, line 7, after "findings" delete the remainder of the line

### AMENDMENT NO. 4

On page 2, line 13, after "is a" delete the remainder of the line and insert "need for coordination of"

### AMENDMENT NO. 5

On page 2, at the beginning of line 14, delete "target"

### AMENDMENT NO. 6

On page 2, line 20, after "B." delete the remainder of the line and insert "To assist in carrying out these purposes, the legislature hereby establishes the"

### AMENDMENT NO. 7

On page 2, line 23, after "residents" insert a period "." and delete the remainder of the line and delete line 24 in its entirety

AMENDMENT NO. 8

On page 3, delete lines 12 and 13 in their entirety

AMENDMENT NO. 9

On page 3, line 16, after "within the" and before "office of the governor" insert "division of administration,"

AMENDMENT NO. 10

On page 3, line 17, after "be in" and before "Baton" insert "the parish of East"

AMENDMENT NO. 11

On page 3, line 18, after "be to" and before "policy" delete "facilitate and coordinate" and insert "recommend"

AMENDMENT NO. 12

On page 3, delete lines 19 and 20 in their entirety and insert the following:

"resource allocation affecting programs and services for the recovery and to identify duplication of services relative"

AMENDMENT NO. 13

On page 3, at the end of line 21, delete "in order"

AMENDMENT NO. 14

On page 3, at the beginning of line 22, after "to" delete "direct" and insert "support"

AMENDMENT NO. 15

On page 3, at the beginning of line 23, after "(2)" insert the following:

"The board shall provide leadership and oversight for the activities of the authority.

(3)"

AMENDMENT NO. 16

On page 3, line 24, after "governor" and before "and subject to" delete the comma "," and delete "subject to the approval of the board,"

AMENDMENT NO. 17

On page 3, at the end of line 26, insert "The executive director shall be responsible to the governor and the board."

AMENDMENT NO. 18

On page 3, delete lines 27 and 28 and on page 4, delete lines 1 and 2, and insert the following:

"B.(1) The board shall be composed of no more than thirty members. Twenty-six members shall be appointed by and serve at the pleasure of the governor and subject to confirmation by the Senate and four ex officio members who shall be as provided in Paragraph (4) of this Subsection."

AMENDMENT NO. 19

On page 4, at the beginning of line 3, after "(2) The" change "voting" to "appointed"

AMENDMENT NO. 20

On page 4, line 8, after "of" and before "member" change "a voting" to "an appointed"

AMENDMENT NO. 21

On page 4, line 10, after "to the" and before "members" change "voting" to "appointed"

AMENDMENT NO. 22

On page 4, line 12, after "Senate" delete the remainder of the line, delete line 13 in its entirety and insert "or their respective designees shall be members of the board."

AMENDMENT NO. 23

On page 4, line 16, after "All" and before "members" change "voting" to "appointed"

AMENDMENT NO. 24

On page 4, delete lines 28 and 29 in their entirety

AMENDMENT NO. 25

On page 5, line 3, after "authority" and before "shall" insert a comma "," and insert "and the board,"

AMENDMENT NO. 26

On page 5, line 5, after "public bid" and before the comma "," insert "and procurement"

AMENDMENT NO. 27

On page 5, line 8, after "The" and before "shall" change "board" to "authority"

AMENDMENT NO. 28

On page 5, line 9, after "To" and before "short-term" change "establish and pursue" to "develop and promote"

AMENDMENT NO. 29

On page 5, line 12, after "To" and before "the implementation" delete "create and provide for" to "propose and promote"

AMENDMENT NO. 30

On page 5, line 15, after "(3)" delete the remainder of the line, delete lines 16 and 17 in their entirety, and at the beginning of line 18, delete "(4)"

AMENDMENT NO. 31

On page 5, at the end of line 19, and before the period "." and insert the following:

"and make recommendations to the governor and the legislature relative to such funding and financing"

AMENDMENT NO. 32

On page 5, delete line 20 in its entirety and insert the following:

"(4) To recommend priorities and plans for the coordination of"

AMENDMENT NO. 33

On page 5, delete lines 22 and 23 in their entirety and insert the following:

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"(5) To make recommendations to the governor and the legislature with respect to utilization of any monies received by the state for purposes of the recovery."

### AMENDMENT NO. 34

On page 5, at the beginning of line 24, change "(7)" to "(6)"

### AMENDMENT NO. 35

On page 5, at the beginning of line 28, delete "(8) To" and insert "(7) Subject to the approval of the Joint Legislative Committee on the Budget, to"

### AMENDMENT NO. 36

On page 5, line 29, after "source" and before "receive" delete the comma "," and "and", insert a period "." and insert the following:

"(8) To"

### AMENDMENT NO. 37

On page 6, line 3, after "(9) To" delete "establish" and insert "recommend"

### AMENDMENT NO. 38

On page 6, line 10, after "(12) To" delete the remainder of the line and insert the following:

"report to the governor and legislature at least quarterly on the"

### AMENDMENT NO. 39

On page 6, delete lines 12 through 29 and insert the following:

"B. (1) The authority shall also develop proposals related to the recovery, including CDBG proposals, Action Plans, Partial Action Plans, amendments to Action Plans or Partial Action Plans, or any other method utilized for the allocation of dollars for the use of Community Development Block Grant or other funds provided for the recovery, hereinafter the "proposal". After developing and approving a proposal, the authority shall send the proposal to the governor for approval. If the governor approves the proposal, it shall be submitted to the Joint Legislative Committee on the Budget for review and approval. If the proposal is approved by the Joint Legislative Committee on the Budget, the governor shall submit the proposal to the United States Department of Housing and Urban Development or other appropriate federal authority for approval.

(2) After the appropriate federal approval has been obtained, the authority shall request the approval of the Joint Legislative Committee on the Budget for a budget adjustment in the amount of the approved funding in accordance with the procedures set forth in the general appropriations act and Title 39 of the Louisiana Revised Statutes of 1950."

### AMENDMENT NO. 40

On page 7, delete lines 15 and 16 in their entirety and insert "The governor may designate the authority or a team designated by the authority as"

### AMENDMENT NO. 41

On page 7, line 19, after "successor" and the period "." delete the remainder of the line and delete lines 20 and 21 in their entirety.

### AMENDMENT NO. 42

On page 7, line 29, after "shall" delete the remainder of the line, insert a comma "," and insert "to the greatest extent practicable, cooperate with the authority."

### AMENDMENT NO. 43

On page 8, line 5, change "office" to "division of administration, in the office"

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

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

Under the rules, placed on the regular calendar.

### HOUSE BILL NO. 71—

BY REPRESENTATIVE ALARIO

AN ACT

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

Read by title.

Reported with amendments by the Committee on Appropriations.

The committee amendments were read as follows:

### HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Appropriations to Original House Bill No. 71 by Representative Alario

### AMENDMENT NO. 1

On page 1, line 3, after "expend" and before "federal" insert "state and"

### AMENDMENT NO. 2

On page 1, at the end of line 3 delete "and"

### AMENDMENT NO. 3

On page 1, line 4 after "reconstruction" and before "of" insert a comma "," and "and replacement"

### AMENDMENT NO. 4

On page 1, delete lines 7 and 8 and insert the following:

"Section 1. The following sums are hereby appropriated from the sources specified and in the amounts specified for the purpose of making a supplemental capital outlay"

### AMENDMENT NO. 5

On page 1, delete line 14 and insert the following:

"Payable from Federal Funds	\$640,000,000
Payable from State General Fund (Direct)	\$ 1
TOTAL	<u>\$640,000,001</u>

Section 2. The Department of Military Affairs, with the approval of the Commissioner of Administration and the Joint Legislative Committee on the Budget, is authorized to replace one or more facilities when replacement is determined to be more practical or cost effective than restoration."

### AMENDMENT NO. 6

On page 1, line 15, change "Section 2" to "Section 3"



**AMENDMENT NO. 7**

On page 2, line 1, change "Section 3" to "Section 4"

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

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

Under the rules, placed on the regular calendar.

**HOUSE BILL NO. 78—**

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

**AN ACT**

To enact R.S. 29:42, relative to contracts let by the adjutant general and the Military Department; to authorize the adjutant general and the Military Department to utilize the design-build method to construct projects under certain circumstances; and to provide for related matters.

Read by title.

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

The committee amendments were read as follows:

**HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on Transportation, Highways, and Public Works to Original House Bill No. 78 by Representative Montgomery

**AMENDMENT NO. 1**

On page 1, delete lines 9 through 14 in their entirety and insert the following:

"A. Notwithstanding any law to the contrary, the adjutant general and the Military Department, with the approval of the commissioner of administration, may utilize the design-build method on any infrastructure construction project in an area where a state of emergency had been declared by the governor pursuant to the provisions of R.S. 29:721 et seq., including those areas where infrastructure is adversely impacted by permanent personnel or unit relocation as a result of a gubernatorially declared emergency."

**AMENDMENT NO. 2**

On page 2, at the end of line 12, insert the following:

"the Shreveport Times, the Monroe News Star, the Lake Charles American Press, the St Bernard Voice, any additional newspaper in the state of Louisiana with a circulation of more than fifty thousand,"

**AMENDMENT NO. 3**

On page 3, delete line 29, and insert the following:

"shall select a short list of not fewer than three and no more than five of the highest rated entities. However, if fewer than three letters of interest from responding entities are received by the Military Department, the division of administration shall have discretion to approve proceeding with the design-build process. The"

**AMENDMENT NO. 4**

On page 7, between lines 5 and 6, insert the following:

"Section 2. The provisions of this Act shall be void and shall have no effect after June 30, 2008."

**AMENDMENT NO. 5**

On page 7, at the beginning of line 6, change "Section 2" to "Section 3"

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

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

Under the rules, placed on the regular calendar.

**Introduction of House Bills and Joint Resolutions**

The following named members introduced the following entitled House Bills and Joint Resolutions which were read the first time by their titles and, under a suspension of the rules, were referred to committee as follows:

**HOUSE BILL NO. 98—**

BY REPRESENTATIVE DORSEY AND SENATOR BAJOE

**AN ACT**

To enact R.S. 40:600.75, relative to housing recovery centers; to provide for the creation, powers, duties, functions, and responsibilities of such centers; 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 Municipal, Parochial and Cultural Affairs.

**Privileged Report of the Committee on Enrollment**

February 8, 2006

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. 5—**

BY REPRESENTATIVE HEBERT

**A CONCURRENT RESOLUTION**

To memorialize the United States Congress to take such actions as are necessary to require the Federal Emergency Management Agency to honor the preferences of local governing authorities in determining the location of temporary housing sites.

**HOUSE CONCURRENT RESOLUTION NO. 8—**

BY REPRESENTATIVE CROWE AND SENATOR SCHEDLER

**A CONCURRENT RESOLUTION**

To urge and request the governor, commissioner of administration, Board of Regents, and Board of Supervisors of Community and Technical Colleges to cooperate fully with each other and take all actions necessary to facilitate and expedite the reopening of the Slidell campus of Louisiana Technical College in the immediate future to provide educational services to students that meet the needs of the students as well as those of the community and the state.

**HOUSE CONCURRENT RESOLUTION NO. 13—**

BY REPRESENTATIVE LAFONTA

**A CONCURRENT RESOLUTION**

To urge and request the banking industry and the Louisiana Bankers Association to study the issue of mortgage holders retaining amounts of insurance settlement payments in excess of the unpaid portion of the secured indebtedness.

Respectfully submitted,

DONALD RAY KENNARD  
Chairman

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

### **Suspension of the Rules**

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

House Bill Nos. 92 and 98

### **Suspension of the Rules**

On motion of Rep. Quezaire, the rules were suspended to permit the Committee on Transportation, Highways, and Public Works to meet on Wednesday, February 8, 2006, and consider the following legislative instruments without giving the notice required by House Rule 14.24(A):

House Bill Nos. 94 and 95

### **Suspension of the Rules**

On motion of Rep. Hammett, the rules were suspended to permit the Committee on Ways and Means to meet on Wednesday, February 8, 2006, and consider the following legislative instruments without giving the notice required by House Rule 14.24(A):

House Bill No. 93

### **Leave of Absence**

Rep. Triche - 1/2 day

### **Adjournment**

On motion of Rep. Kenney, at 5:39 P.M., the House agreed to adjourn until Thursday, February 9, 2006, at 2:00 P.M.

The Speaker of the House declared the House adjourned until 2:00 P.M., Thursday, February 9, 2006.

ALFRED W. SPEER  
Clerk of the House