

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

**SEVENTH 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

Monday, February 13, 2006

The House of Representatives was called to order at 2:00 P.M., by the Honorable Joe R. Salter, Speaker of the House of Representatives.

**Morning Hour**

**ROLL CALL**

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

**PRESENT**

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

Durand  
Erdey  
Fannin  
Farrar  
Total - 104

Martiny  
McDonald  
McVea  
Montgomery

White  
Winston  
Wooton

ABSENT

Total - 0

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

**Prayer**

Prayer was offered by Rep. Martiny.

**Pledge of Allegiance**

Rep. Honey 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. Romero, the reading of the Journal was dispensed with.

On motion of Rep. Strain, and under a suspension of the rules, the Journal of February 12, 2006, was corrected to reflect him as voting yea on final passage of House Bill No. 74.

On motion of Rep. Fannin, the Journal of February 12, 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 12, 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 No. 17

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. 17—  
BY SENATOR HOLLIS**

**A CONCURRENT RESOLUTION**

To commend Shell Exploration and Production Company for their response and recovery actions in Louisiana following Hurricane Katrina.

Read by title.

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On motion of Rep. Lancaster, 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 CONCURRENT RESOLUTION NO. 33— BY REPRESENTATIVES JACK SMITH AND ST. GERMAIN AND SENATOR B. GAUTREAUX**

##### **A CONCURRENT RESOLUTION**

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

Read by title.

On motion of Rep. Jack Smith, and under a suspension of the rules, the above resolution was referred to the Committee on Natural Resources, under the rules.

### **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. 16— BY SENATORS JONES, BAJOE AND MURRAY AN ACT**

To amend and reenact R.S. 18:401.3(B) and to enact R.S. 18:401.4, relative to the conduct of elections impaired as a result of a gubernatorially declared disaster or emergency; to provide relative to the registration of voters; provide for early voting by mail for persons who registered by mail; to provide for the authority of a voter who has registered by mail who has not previously voted in the parish in which he is registered during certain emergencies; to require an affidavit attesting to the voter's eligibility; to provide for the effectiveness of such provisions; and to provide for related matters.

Called from the calendar.

Read by title.

On motion of Rep. Lancaster, the above bill was referred to the Committee on House and Governmental Affairs, under the rules.

#### **SENATE BILL NO. 22— BY SENATOR SHEPHERD AN ACT**

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

Called from the calendar.

Read by title.

On motion of Rep. Lancaster, the above bill was referred to the Committee on House and Governmental Affairs, under the rules.

### **Reports of Committees**

The following reports of committees were received and read:

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

February 13, 2006

To the Speaker and Members of the House of Representatives:

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

Senate Bill No. 31, by Schedler  
Reported favorably. (15-0) (Regular)

GIL J. PINAC  
Chairman

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

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

February 13, 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:

Senate Bill No. 4, by B. Gautreaux  
Reported with amendments. (14-0-1) (Regular)

ROY QUEZAIRE  
Chairman

The above Senate Bills reported favorably or with amendments were 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. 11— BY REPRESENTATIVES SCHNEIDER AND BEARD A JOINT RESOLUTION**

Proposing to amend Article VI, Section 38(A)(1) of the Constitution of Louisiana, to remove requirement that the board of commissioners of a levee district be appointed or elected from among residents of such district; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Read by title.

Rep. McDonald, on behalf of the Legislative Bureau, sent up floor amendments which were read as follows:

### **HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative McDonald on behalf of the Legislative Bureau to Engrossed House Bill No. 11 by Representative Schneider

#### **AMENDMENT NO. 1**

On page 1, line 3, at the beginning of the line insert "the"

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

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

### HOUSE FLOOR AMENDMENTS

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

#### AMENDMENT NO. 1

On page 1, line 2, delete "remove" from the end of the line and delete lines 3 and 4 and insert "provide relative to the residency requirement for levee district commissioners; to provide for submission of the"

#### AMENDMENT NO. 2

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

"However, the members of the board of commissioners of a district heretofore or hereafter created shall be appointed or elected from among residents of the district, as provided by law. If a single board of commissioners governs multiple levee districts, a person who meets the residency requirement in any one of the districts governed by the board may be appointed and serve as a commissioner on the board and may participate in the governance of all of the districts governed by the board."

#### AMENDMENT NO. 3

On page 2, delete lines 5 through 7 and insert the following:

"To authorize a person who meets the residency requirement of any levee district that is governed by a multidistrict levee board to serve as a commissioner on that board. (Amends Article VI, Section 38(A)(1))"

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

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

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. Speaker	Gallot	Odinot
Alario	Geymann	Pierre
Alexander	Glover	Pinac
Ansardi	Gray	Powell, M.
Arnold	Greene	Powell, T.
Baldone	Guillory, E.	Quezaire
Barrow	Guillory, M.	Richmond
Baudoin	Hammett	Ritchie
Baylor	Harris	Robideaux
Beard	Heaton	Romero
Bowler	Hill	Scalise
Bruce	Honey	Schneider
Bruneau	Hopkins	Smiley
Burns	Hunter	Smith, G.
Burrell	Hutter	Smith, J.D.—50th
Carter, R.	Jackson	Smith, J.H.—8th
Cazayoux	Jefferson	Smith, J.R.—30th
Crane	Johns	St. Germain
Cravins	Katz	Strain
Curtis	Kenney	Thompson
Damico	Kleckley	Toomy
Daniel	LaBruzzo	Townsend
DeWitt	LaFleur	Trahan
Doerge	LaFonta	Triche
Dorsey	Lambert	Tucker

Downs	Lancaster	Waddell
Durand	Marchand	Walker
Erdey	Martiny	Walsworth
Fannin	McDonald	White
Farrar	Montgomery	Winston
Faucheux	Morrell	Wooton
Frith	Morrish	
Total - 95		

#### NAYS

Carter, K.  
Total - 1

#### ABSENT

Badon	Dove	McVea
Crowe	Hebert	Pitre
Dartez	Kennard	
Total - 8		

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

The title of the above bill was read and adopted.

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

### Suspension of the Rules

On joint motion of Reps. Trahan and Morrish, and under a suspension of the rules, the above roll call was corrected to reflect them as voting yea.

#### HOUSE BILL NO. 14—

BY REPRESENTATIVE JEFFERSON  
AN ACT

To enact R.S. 18:401.4, relative to early voting in other parishes by voters of an area affected by a gubernatorially declared state of emergency; to allow registered voters of an affected area to vote during early voting at the offices of the registrars in certain parishes for certain elections; to provide relative to the manner of conducting the early voting in other parishes; to require the secretary of state to assist the registrars of voters in conducting early voting; and to provide for related matters.

Read by title.

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

### HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Montgomery to Engrossed House Bill No. 14 by Representative Jefferson

#### AMENDMENT NO. 1

On page 1, line 13, after "R.S. 18:401.3(D)," delete the remainder of the line and delete line 14 and insert "any registered voter of the affected area, who has registered to vote on or before the date of the gubernatorially declared emergency or disaster, may vote during the early voting period for such"

Rep. Montgomery moved the adoption of the amendments.

Rep. Richmond objected.

A record vote was asked for and ordered by the House.

### ROLL CALL

The roll was called with the following result:

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### YEAS

Alexander	Geymann	Powell, M.
Ansardi	Greene	Powell, T.
Beard	Hill	Ritchie
Bowler	Hutter	Robideaux
Bruce	Johns	Scalise
Bruneau	Katz	Schneider
Burns	Kenney	Smiley
Carter, R.	Kleckley	Smith, J.H.—8th
Crane	LaBruzzo	Smith, J.R.—30th
Crowe	Lambert	Strain
Damico	Lancaster	Toomy
Daniel	Martiny	Trahan
Doerge	McDonald	Tucker
Dove	McVea	Waddell
Downs	Montgomery	Walsworth
Erdey	Morrish	White
Fannin	Pierre	Winston
Faucheux	Pitre	Wooton

Total - 54

### NAYS

Mr. Speaker	Durand	LaFonta
Alario	Frith	Marchand
Arnold	Gallot	Morrell
Baldone	Glover	Odinot
Barrow	Gray	Pinac
Baudoin	Guillory, E.	Quezaire
Burrell	Guillory, M.	Richmond
Cazayoux	Hammett	Romero
Cravins	Honey	Smith, G.
Curtis	Hunter	Smith, J.D.—50th
Dartez	Jackson	St. Germain
DeWitt	Jefferson	Townsend
Dorsey	LaFleur	Walker

Total - 39

### ABSENT

Badon	Harris	Kennard
Baylor	Heaton	Thompson
Carter, K.	Hebert	Triche
Farrar	Hopkins	

Total - 11

The amendments were adopted.

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

### HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Katz to Engrossed House Bill No. 14 by Representative Jefferson

#### AMENDMENT NO. 1

On page 2, between lines 3 and 4, insert the following:

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

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

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

### ROLL CALL

The roll was called with the following result:

### YEAS

Mr. Speaker	DeWitt	LaFonta
Alario	Dorsey	Marchand
Arnold	Gallot	Morrell

Badon	Glover	Odinot
Baldone	Gray	Pierre
Barrow	Guillory, E.	Pinac
Baudoin	Guillory, M.	Quezaire
Baylor	Hammett	Richmond
Bruce	Heaton	Ritchie
Burrell	Hebert	Romero
Carter, K.	Honey	Smith, G.
Carter, R.	Hunter	Smith, J.D.—50th
Cazayoux	Jackson	St. Germain
Cravins	Jefferson	Walker
Curtis	Kenney	
Dartez	LaFleur	

Total - 46

### NAYS

Alexander	Frith	Powell, T.
Ansardi	Geymann	Robideaux
Beard	Greene	Scalise
Bowler	Hill	Schneider
Bruneau	Hutter	Smiley
Burns	Johns	Smith, J.H.—8th
Crane	Katz	Smith, J.R.—30th
Crowe	Kleckley	Strain
Damico	LaBruzzo	Toomy
Daniel	Lambert	Trahan
Doerge	Lancaster	Triche
Dove	Martiny	Tucker
Downs	McDonald	Waddell
Durand	McVea	Walsworth
Erdey	Montgomery	White
Fannin	Morrish	Winston
Farrar	Pitre	Wooton
Faucheux	Powell, M.	

Total - 53

### ABSENT

Harris	Kennard	Townsend
Hopkins	Thompson	

Total - 5

The Chair declared the above bill failed to pass.

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

### Suspension of the Rules

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

### Suspension of the Rules

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

#### **HOUSE BILL NO. 25—**

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

#### **AN ACT**

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

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

Read by title.

Rep. McDonald, on behalf of the Legislative Bureau, sent up floor amendments which were read as follows:

#### HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative McDonald on behalf of the Legislative Bureau to Engrossed House Bill No. 25 by Representative Tucker

##### AMENDMENT NO. 1

On page 9, line 7, change "PL2104-103" to "PL104-303"

##### AMENDMENT NO. 2

On page 11, line 13, change "PL2104-103" to "PL104-303"

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

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

#### HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Tucker to Engrossed House Bill No. 25 by Representative Tucker

##### AMENDMENT NO. 1

On page 1, line 2, after "(R)" insert a comma "," and delete "and 304.2 and"

##### AMENDMENT NO. 2

On page 1, line 4, after "350.24," insert "and to repeal Chapter 2-B of Title 38 of the Louisiana Revised Statutes of 1950, comprised of R.S. 38:100 through 104, 304.2, and 328,"

##### AMENDMENT NO. 3

On page 2, line 9, after "(1)" delete the remainder of the line and insert "The That portion of the parish of Orleans on the"

##### AMENDMENT NO. 4

On page 2, at the end of line 18, change "and" to "and"

##### AMENDMENT NO. 5

On page 2, line 22, delete "38:304 and 304.2" and insert "38:350.1"

##### AMENDMENT NO. 6

On page 2, delete lines 25 through 28 and delete page 3 and on page 4, delete lines 1 through 9

##### AMENDMENT NO. 7

On page 4, at the beginning of line 12, insert "A."

##### AMENDMENT NO. 8

On page 4, between lines 13 and 14, insert the following:

"B.(1) Commissioners of the Barataria Basin Flood Authority shall be appointed by the governor, subject to Senate confirmation, from nominations submitted by the following:

(a) One member nominated by the president of Jefferson Parish with the approval of the Jefferson Parish Council.

(b) Eight members from the west bank of Jefferson Parish from nominations submitted by each member of the Louisiana House of Representatives and each member of the Senate who represents any part of the district.

(c) One member from a list of names submitted by the Algiers Development District.

(d) One member upon the recommendation of the secretary of the Department of Transportation and Development from a list of nominees submitted by the Louisiana Engineering Society, the American Society of Civil Engineers Louisiana Section, the Louisiana Society of Professional Engineers in Civil Service, and the American Council of Engineering Companies of Louisiana. Such member shall be a civil engineer licensed in the state of Louisiana on active status with the Louisiana Professional Engineers and Land Surveying Board with a minimum of ten years work experience in the field of flood control, including the design, construction, operation, and maintenance of levees, flood walls, flood gates, and attendant flood control devices.

(2) Any person appointed as a commissioner of the Barataria Basin Flood Authority shall have resided within the territorial limits of the authority the preceding two years and shall reside within the territorial limits of the authority while serving as a member of the authority.

(3) When nominating persons for an appointment to the board of commissioners of the Barataria Basin Flood Authority, due consideration shall be given to the education, training, work experience, military experience, and expertise of the nominee in those areas which relate to the administrative duties and functions of the governing board of an authority charged with flood control responsibilities, to include but not be limited to public administration, public law, safety matters, personnel matters, business management, general legal matters, land acquisition, insurance, emergency preparedness and response, civil engineering, public works construction, flood and drainage control, operation and maintenance of levees, flood walls, flood gates, and appurtenant structures, and related functions.

(4) A vacancy now or hereafter created whether by reason of death, resignation, expiration of term, or any other cause of any member appointed under the provisions of this Section to the Barataria Basin Flood Authority shall be filled in the same manner as the original appointment."

##### AMENDMENT NO. 9

On page 8, at the end of line 14, change "may hereinafter be" to "hereafter"

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### AMENDMENT NO. 10

On page 12, Attention to: the end of line 9, delete "Louisiana"

### AMENDMENT NO. 11

On page 13, line 11, delete "Louisiana"

### AMENDMENT NO. 12

On page 16, between lines 10 and 11 insert the following:

"Section 2. R.S. 38:350.1(B)(1) is hereby amended and reenacted to read as follows:

§350.1. Barataria Basin Flood Authority

\* \* \*

B.(1)(a) Commissioners of the Barataria Basin Flood Authority shall be appointed by the governor from nominations submitted by the nominating committee comprised of the following:

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

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

(iii) A member of the Louisiana Section of the American Society of Civil Engineers, designated by the section.

(iv) A member of the Louisiana Council of Engineering Deans, designated by the council.

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

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

(vii) The president of Holy Cross College or his designee.

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

(ix) A member of the National Society of Professional Engineering designated by the society.

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

(b) The nominating committee shall elect a chairman from its number who shall call meetings of the committee as needed.

(c) The term of a commissioner is four years except for the initial terms. Three members shall serve initial terms of two years, four of three years, and four of four years as determined by lot at the first meeting of the board. Vacancies occurring during a term shall be filled for the remainder of the unexpired term.

\* \* \*

Section 3. Chapter 2-B of Title 38 of the Louisiana Revised Statutes of 1950, comprised of R.S. 38:100 through 104, 304.2, and 328 are hereby repealed in their entirety."

### AMENDMENT NO. 13

On page 16, line 11, change "Section 2." to "Section 4."

### AMENDMENT NO. 14

On page 16, between lines 17 and 18 insert the following:

"Section 5. The commissioners of the West Jefferson Levee District serving on the effective date of this Section may continue to serve and additional members shall be appointed as provided by this Act."

### AMENDMENT NO. 15

On page 16, line 18, change "Section 3." to "Section 6."

### AMENDMENT NO. 16

On page 16, at the end of line 19, insert the following:

"If House Bill No. 52 of the 2006 First Extraordinary Session of the Legislature is passed by the legislature and becomes law, the law institute shall redesignate Part IV-A of Chapter 4 of Title 38 as enacted in this Act as a Part within the Chapter added by the Act which originated as House Bill No. 52 of the 2006 First Extraordinary Session of the Legislature."

### AMENDMENT NO. 17

On page 16, line 20, change "Section 4. This" to "Section 7. Sections 1, 3, 4, 5, and 6 and this Section of this"

### AMENDMENT NO. 18

On page 16, line 23, after "legislature," insert "Sections 1, 3, 4, 5, and 6 and this Section of"

### AMENDMENT NO. 19

On page 16, after line 24, insert the following:

"Section 8. Section 2 of this Act shall become effective on January 1, 2008."

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

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

### **HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative LaFonta to Engrossed House Bill No. 25 by Representative Tucker

### AMENDMENT NO. 1

On page 1, line 4, change "350.24" to "350.25"

### AMENDMENT NO. 2

On page 2, line 6, change "350.24" to "350.25"

### AMENDMENT NO. 3

On page 16, between lines 10 and 11 insert the following:

"§350.25 Penalties

A. Malfeasance in office for the failure to perform hurricane protection levee or flood control duties is committed if any public officer or employee intentionally acts in a way that is detrimental to a levee board, to any member or employee of a levee board, or to persons or property within the jurisdiction or sphere of responsibility of a levee board.

B. Whoever commits the crime of malfeasance in office for the failure to perform hurricane protection levee or flood control duties shall be imprisoned for not more than ten years with or without hard labor or shall be fined not more than twenty-five thousand dollars, or both."

**Point of Order**

Rep. Toomy asked for a ruling from the Chair as to whether the above amendments were germane to the call.

**Ruling of the Chair**

The Chair ruled that the above amendments were not germane to the call.

On motion of Rep. LaFonta, the amendments were withdrawn.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. Speaker	Fannin	Pinac
Alario	Farrar	Pitre
Alexander	Faucheux	Powell, M.
Ansardi	Frith	Powell, T.
Arnold	Geymann	Quezaire
Badon	Greene	Ritchie
Baldone	Guillory, E.	Robideaux
Barrow	Hammett	Scalise
Baudoin	Heaton	Schneider
Beard	Hebert	Smiley
Bowler	Hill	Smith, G.
Bruce	Hopkins	Smith, J.D.—50th
Bruneau	Hutter	Smith, J.H.—8th
Burns	Jackson	Smith, J.R.—30th
Carter, R.	Johns	St. Germain
Cazayoux	Katz	Strain
Crane	Kennard	Thompson
Cravins	Kenney	Toomy
Crowe	Kleckley	Trahan
Damico	LaFleur	Triche
Daniel	LaFonta	Tucker
Dartez	Lambert	Waddell
DeWitt	Marchand	Walker
Doerge	Martiny	Walsworth
Dorsey	McDonald	White
Dove	McVea	Winston
Downs	Montgomery	Wooton
Durand	Morrish	
Erdey	Odinot	
Total - 85		

**NAYS**

Baylor	Glover	Pierre
Burrell	Jefferson	Romero
Gallot	Morrell	
Total - 8		

**ABSENT**

Carter, K.	Harris	Lancaster
Curtis	Honey	Richmond
Gray	Hunter	Townsend
Guillory, M.	LaBruzzo	
Total - 11		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

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

**Suspension of the Rules**

On motion of Rep. 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. 44—**

BY REPRESENTATIVE BURNS

**AN ACT**

To enact R.S. 38:291.1, 291.2, 291.3, 291.4, and 291.5 and to repeal R.S. 38:291(D), (G), (K), and (R), 304.2, 304.3, 307, 326.2, 327, 328, 335, 336, 337, and 421(F), relative to levee districts; to consolidate the East Jefferson, Lake Borgne Basin, Orleans, and West Jefferson levee districts into the Southeast Louisiana Levee District; to create the Southeast Louisiana Levee District; to provide relative to such district's jurisdiction and purpose; to establish a board of commissioners; to provide relative to the nomination, appointment, qualifications, terms, vacancies, and compensation of such commissioners; to provide relative to the powers and duties of the board; to establish a Flood Control Priority Program; to provide relative to priority program project applications and evaluation; to authorize the board to employ an executive director; to authorize the promulgation of rules and regulations; to repeal all rights, powers, and authority of the East Jefferson, Lake Borgne Basin, Orleans, and West Jefferson levee districts; to provide relative to the debts, assets, property, and employees of the East Jefferson, Lake Borgne Basin, Orleans, and West Jefferson levee districts; and to provide for related matters.

Read by title.

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

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Burns to Engrossed House Bill No. 44 by Representative Burns

**AMENDMENT NO. 1**

On page 2, delete lines 15 and 16 in their entirety and insert the following:

"C.(1) The district shall be governed by a board of nine commissioners, five of whom shall be an engineer or a professional in a related field such as geotechnical, hydrological, or environmental science, and four of whom shall be a professional in a discipline other than geotechnical, hydrological, or environmental with Attention to: least ten years of professional experience in that discipline. The commissioners shall be appointed as follows:"

**AMENDMENT NO. 2**

On page 4, at the beginning of line 25, change "G." to "G.(1)"

**AMENDMENT NO. 3**

On page 4, after line 27, insert the following:

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

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

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

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

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

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

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

### AMENDMENT NO. 4

On page 8, delete lines 23 through 29 in their entirety and delete lines 1 through 5 from page 9 in their entirety and insert the following:

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

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

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

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

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

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

### **HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Burns to Engrossed House Bill No. 44 by Representative Burns

### AMENDMENT NO. 1

On page 2, line 6, after "seconds N" delete the remainder of the line and insert a comma "," and "St. Tammany Parish south of Interstate 12, and all of the lands in Orleans and St. Benard parishes."

### AMENDMENT NO. 2

On page 6, delete line 17 and 18 in their entirety and insert the following:

"However, no additional ad valorem taxes as existing on the effective date of this Act shall be levied in any subdistrict unless approved by a"

### AMENDMENT NO. 3

On page 6, at the end of line 20, insert "Any taxes levied by the subdistrict shall be only expended for projects within the subdistrict."

### AMENDMENT NO. 4

On page 10, after line 9, insert the following:

"Section 5. The provisions of this Act shall not effect current levee or flood control projects ongoing as of the effective date of this Act."

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

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

### **HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Burns to Engrossed House Bill No. 44 by Representative Burns

### AMENDMENT NO. 1

On page 2, delete lines 16 through 29 in their entirety and on page 3, delete lines 1 through 8 in their entirety and insert in lieu thereof the following:

"nine members shall be appointed by the governor from two nominations for each vacancy submitted by a nominating committee comprised of the following:

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

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

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

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

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

(f) A member of the Louisiana Council of Engineering Deans designated by the council.

(g) A member of the National Society of Professional Engineering designated by the society.

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

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

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

### **HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Tucker to Engrossed House Bill No. 44 by Representative Burns



AMENDMENT NO. 1

On page 1, at the beginning of line 3, change "(K), and (R), 304.2" to "and (K),"

AMENDMENT NO. 2

On page 1, at the end of line 4, change "Orleans, and" to "and Orleans" and at the beginning of line 5, delete "West Jefferson"

AMENDMENT NO. 3

On page 1, line 13, after "Basin," delete the remainder of the line and delete "Jefferson" from the beginning of line 14, and insert "and Orleans"

AMENDMENT NO. 4

On page 1, line 15, after "Basin," delete the remainder of the line and insert "and Orleans"

AMENDMENT NO. 5

On page 2, line 5, after "lying" delete the remainder of the line and delete "seconds N and all of the lands in Orleans," from the beginning of line 6, and insert the following:

"on the east side of the Mississippi River and Orleans Parish lying on the east side of the Mississippi River and all of the lands in"

AMENDMENT NO. 6

On page 9, line 16, change "R.S. 38:291(D),(G), (K), and (R), and 304.2," to "R.S. 38:291(D),(G), and (K), "

AMENDMENT NO. 7

On page 9, delete line 19, and insert the following:

"and Orleans levee districts shall cease to exist as of the effective date of this"

AMENDMENT NO. 8

On page 9, line 22, change "and shall govern" to "to"

AMENDMENT NO. 9

On page 9, line 23, after "Basin," delete the remainder of the line and insert "and Orleans levee districts as of the"

AMENDMENT NO. 10

On page 9, delete line 26 in its entirety and insert the following:

"or Orleans levee district shall be transferred and become the responsibility"

AMENDMENT NO. 11

On page 9, line 28, after "Basin," delete the remainder of the line and insert "or Orleans levee district is a party and"

AMENDMENT NO. 12

On page 10, line 3, after "Basin," delete the remainder of the line and insert "or Orleans levee"

AMENDMENT NO. 13

On page 10, line 6, after "Basin," delete the remainder of the line and insert the following:

"or Orleans levee district for the calendar year 2006 on the effective"

**Motion**

Rep. Richmond moved the House adjourn *sine die*.

Rep. Bruneau objected.

By a vote of 24 yeas and 77 nays, the House refused to adjourn *sine die*.

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

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

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Odinet to Engrossed House Bill No. 44 by Representative Burns

AMENDMENT NO. 1

On page 1, at the end of line 2, delete " , (G),"

AMENDMENT NO. 2

On page 1, line 4, after "East Jefferson" delete the remainder of the line and insert "Orleans, and"

AMENDMENT NO. 3

On page 1, line 13, after "East Jefferson," delete the remainder of the line and insert "and Orleans"

AMENDMENT NO. 4

On page 1, line 15, after "East Jefferson," delete "Lake Borgne Basin,"

AMENDMENT NO. 5

On page 2, line 6, after "Orleans," delete "St. Bernard,"

AMENDMENT NO. 6

On page 2, line 16, change "nine" to "eight"

AMENDMENT NO. 7

On page 2, delete lines 21 and 22 in their entirety and at the beginning of line 23 change "(d)" to "(c)"

AMENDMENT NO. 8

On page 2, at the beginning of line 25, change "(e)" to "(d)"

AMENDMENT NO. 9

On page 2, at the beginning of line 28, change "(f)" to "(e)"

AMENDMENT NO. 10

On page 3, at the beginning of line 1, "(g)" to "(f)"

AMENDMENT NO. 11

On page 3, at the beginning of line 6, change "(i)" to "(h)"

AMENDMENT NO. 12

On page 9, line 16, change "R.S. 38:291(D), (G), (K), and (R)," to "R.S. 38:291(D) and (K),"

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### AMENDMENT NO. 13

On page 9, at the end of line 18, delete ", Lake Borgne Basin,"

### AMENDMENT NO. 14

On page 9, line 23, after "East Jefferson," delete ", Lake Borgne Basin,"

### AMENDMENT NO. 15

On page 9, at the end of line 25, delete ", Lake Borgne Basin,"

### AMENDMENT NO. 16

On page 9, line 28, after "East Jefferson," delete ", Lake Borgne Basin,"

### AMENDMENT NO. 17

On page 10, line 3, after "East Jefferson," delete ", Lake Borgne Basin,"

### AMENDMENT NO. 18

On page 10, at the end of line 5, delete ", Lake Borgne" and from the beginning of line 6, delete "Basin,"

Rep. Odinet moved the adoption of the amendments.

Rep. Burns objected.

By a vote of 41 yeas and 39 nays, the amendments were adopted.

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

#### **HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Hutter to Engrossed House Bill No. 44 by Representative Burns

### AMENDMENT NO. 1

On page 4, line 25, after "board" and before "shall" insert "or their immediate family"

### AMENDMENT NO. 2

On page 4, at the end of line 27, add: "For purposes of this Subsection, "immediate family" means the member's children, the spouses of his children, the member's brothers and their spouses, the member's sisters and their spouses, the member's parents, the member's spouse, and the parents of the member's spouse."

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

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

#### **HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Crowe to Engrossed House Bill No. 44 by Representative Burns

### AMENDMENT NO. 1

On page 2, at the beginning of line 3, change "A." to "A.(1)"

### AMENDMENT NO. 2

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

"(2) The following described property in St. Tammany Parish shall not be included in this district:

A CERTAIN PORTION OF GROUND situated in the State of Louisiana, Parish of St. Tammany, portion of Sections 1, 2, 3 and 4, Township South, Range 14 East, and portion of Sections 25, 26, 27, 33, 34, 36 and 44, Township 9 South, Range 14 East, and all of Section 35, Township 9 South, Range 14 East, and more fully described as follows:

Commence at the corner common to Sections 23, 24, 25 and 26, Township 9 South, Range 14 East and measure South 00 degrees 45'27" East a distance of 1,312.50 feet; thence North 89 degrees 03'57" East 80.00 feet to the point of beginning. Thence from the point of beginning South 51 degrees 54'45" East a distance of 73.70 feet; thence South 26 degrees 32'45" East a distance of 1,001.30 feet; thence South 27 degrees 58'15" West 33.60 feet; thence South 60 degrees 36'15" West 329.30 feet; thence South 16 degrees 04'15" West 83.80 feet; thence South 23 degrees 49'45" East 1,681.00 feet; thence North 89 degrees 39'15" East 486.60 feet; thence North 56 degrees 02'15" East 438.70 feet; thence South 65 degrees 31'08" East 628.87 feet to a point on the westerly right of way line of Louisiana State Highway No. 433; thence along said right of way on a curve to the right, having a radius of 1,106.00 feet, an arc length of 506.81 feet; thence South 08 degrees 28'45" West 79.63 feet; thence leaving said right of way line, go North 81 degrees 31'15" West a distance of 100 feet; thence South 08 degrees 28'45" West 6,800.00 feet; thence along a curve to the right having a radius of 3,169.80 feet; an arc length of 516.91 feet; thence South 17 degrees 56'45" West 3,692.69 feet; thence along a curve to the left, having a radius of 1,798.60 feet, an arc length of 523.73 feet; thence South 01 degrees 28'45" West a distance of 100 feet; thence South 22 degrees 10'33" West a distance of 123.46 feet; thence South 65 degrees 47'34" West a distance of 518.81 feet; thence North 72 degrees 49'51" West a distance of 10.97 feet; thence South 19 degrees 06'19" West a distance of 446.84 feet; thence South 56 degrees 03'57" West a distance of 181.21 feet; thence North 83 degrees 04'06" West a distance of 295.64 feet; thence South 87 degrees 42'51" West a distance of 250.84 feet; thence South 62 degrees 31'26" West 164.14 feet; thence South 46 degrees 45'14" West 179.01 feet; thence South 42 degrees 16'40" West a distance of 150.56 feet; thence South 39 degrees 06'03" West a distance of 70.71 feet; thence South 57 degrees 03'52" West a distance of 76.71 feet; thence South 77 degrees 49'51" West a distance of 108.05 feet to a point in Lake Pontchartrain; thence in 40 courses along said Lake Pontchartrain North 27 degrees 01'41" West 727.70 feet, North 59 degrees 39'11" West 214.14 feet, North 63 degrees 51'58" West 118.00 feet, North 53 degrees 57'57" West 109.01 feet, North 62 degrees 01'33" West 301.45 feet, North 69 degrees 30'33" West 156.50 feet, South 77 degrees 32'27" West 85.15 feet, South 46 degrees 30'27" West 82.52 feet, South 76 degrees 07'45" West 93.54 feet, South 49 degrees 55'33" West 25.36 feet, North 70 degrees 41'25" West 128.71 feet, North 59 degrees 11'27" West 117.37 feet, North 56 degrees 46'03" West 304.13 feet, North 56 degrees 07'03" West 228.13 feet, North 54 degrees 07'57" West 1,878.70 feet, North 56 degrees 23'45" West 447.40 feet, North 59 degrees 05'15" West 68.36 feet, North 55 degrees 18'48" West 91.68 feet, North 60 degrees 34'41" West 398.53 feet, North 65 degrees 59'02" West 201.10 feet, North 62 degrees 33'59" West 200.20 feet, North 60 degrees 33'46" West 200.01 feet, North 53 degrees 03'00" West 407.16 feet, North 55 degrees 37'11" West 200.01 feet, North 50 degrees 28'22" West 200.64 feet, North 54 degrees 28'25" West 200.01 feet, North 50 degrees 28'22" West 200.64 feet, North 56 degrees 45'54" West 200.09 feet, North 59 degrees 41'02" West 397.10 feet, North 49 degrees 55'53" West 202.54 feet, North 61 degrees 35'54" West 200.20 feet, North 58 degrees 55'34" West 600.00 feet, North 53 degrees 38'09" West 200.87 feet, North 58 degrees 49'17" West 200.00 feet, North 60 degrees 49'34" West 200.09 feet, North 59 degrees 40'51" West 400.02 feet, North 59 degrees 58'02" West 200.02 feet, North 58 degrees 49'17" West 200.00 feet, North 69 degrees 02'02" West 203.04 feet, thence South 85 degrees 50'51" West a distance of 59.01 feet; thence North 4 degrees 47'15" East a distance of 177.40 feet; thence North 45 degrees 50'03" West a distance of 100.00 feet; thence North 69 degrees 12'15" West a distance of 410.00 feet; thence South 28 degrees 47'45" West a

distance of 428.00 feet; thence North 62 degrees 13'15" West a distance of 460.40 feet, thence North 55 degrees 36'00" West a distance of 561.77 feet, thence North 25 degrees 33'06" West a distance of 587.35 feet to a point on the western right of way line of U.S. Interstate 10, thence North 41 degrees 48'35" East, along said western line a distance of 170.87 feet, thence North 46 degrees 34'22" East, along said western line, a distance of 602.08 feet thence North 41 degrees 48'33" East, along said western line, a distance of 2,810.65; thence along said western line in a westerly direction along the arc of a curve to the left having a radius of 1,380.00 feet and a distance of 682.06 feet, thence along said western line North 6 degrees 43'24" West, a distance of 272.93 feet; thence along said western line in a northerly direction along the arc of a curve to the right having a radius of 370.00 feet and a distance of 313.41 feet, thence along said western line North 41 degrees 48'32" East, a distance of 100.00 feet, thence along said western line in a northerly direction along the arc of a curve to the left having a radius of 90.00 feet and a distance of 141.37 feet, thence along said western line North 48 degrees 11'27" West, a distance of 112.00 feet, thence along said western line North 41 degrees 48'33" East, a distance of 202.00 feet, thence along said western line South 48 degrees 11'27" East, a distance of 100.00 feet; thence along said western line in a northerly direction along the arc of a curve to the right having a radius of 90.00 feet and a distance of 141.37 feet; thence along said western line North 41 degrees 48'33" East, a distance of 100.00 feet; thence along said western line in a northerly direction along the arc of a curve to the right having a radius of 406.00 feet and a distance of 453.73 feet; thence along said western line South 74 degrees 09'32" East, a distance of 152.35 feet; thence along said western line in a northerly direction along the arc of a curve to the right having a radius of 540.00 feet and a distance of 299.07 feet; thence along to the right having a radius of 1,440.00 feet and a distance of 313.57 feet; thence along said western line South 41 degrees 48'33" West, a distance of 3,676.57 feet; thence along said western line in a northerly direction along the arc of a curve to the left having a radius of 11,234.16 feet and a distance of 1,895.87 feet to the intersection of the western line of U.S. Interstate 10 and the North Diversion Canal; thence South 47 degrees 47'20" East, a distance of 455.46 feet thence South 49 degrees 20'39" East, a distance of 819.64 feet; thence North 71 degrees 17'0" East, a distance of 3,688.82 feet; thence North 70 degrees 10'3" East, a distance of 276.80 feet; thence North 79 degrees 17'15" East, a distance of 191.80 feet; thence to the corner common to Sections 23, 24, 25, and 26, Township 9 South, Range 14 East, North 89 degrees 3'57" East, a distance of 80.00 feet to the Point of Beginning."

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

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

#### HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Scalise to Engrossed House Bill No. 44 by Representative Burns

##### AMENDMENT NO. 1

On page 1, line 2, after "291.4," delete "and 291.5" and insert "291.5, and 291.6"

##### AMENDMENT NO. 2

On page 1, line 18, after "291.4," delete "and 291.5" and insert "291.5, and 291.6"

##### AMENDMENT NO. 3

On page 1, at the beginning of line 10, insert "provide relative to the management of non-flood protection functions and activities of certain districts; to"

#### AMENDMENT NO. 4

On page 9, between lines 15 and 16, insert the following:

##### "§291.6. Management of non-flood protection functions and activities

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

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

(2) The division of administration may sell, lease, or otherwise transfer any such property and perform any and all things necessary to carry out the objects of this Section.

C. The expense of operating any facility or improvement referred to in Subsection A of this Section, which produces revenue for the levee district shall be collected by the division of administration and, after deducting an amount for the expense of managing and controlling such facility or improvement, the remaining revenues therefrom shall be disbursed to the authority to the credit of the levee district in which the facility or improvement is located.

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

E. Notwithstanding any provision to the contrary, the Orleans Levee District shall continue to be responsible for maintaining the grounds of the facilities and improvements of the district placed under the management and control of the division of administration pursuant to this Section."

Rep. Scalise moved the adoption of the amendments.

Rep. Bruneau objected.

A record vote was asked for and ordered by the House.

#### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. Speaker	Hebert	Robideaux
Alexander	Hill	Scalise
Ansardi	Hutter	Schneider
Baudoin	Johns	Smiley
Beard	Katz	Smith, G.
Bowler	Kennard	Smith, J.H.—8th
Bruce	Kleckley	Smith, J.R.—30th
Burns	LaBruzzo	Strain

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Cazayoux  
Crowe  
Dorsey  
Dove  
Downs  
Durand  
Erdey  
Farrar  
Fauchaux  
Frith  
Greene  
Total - 56

LaFleur  
Lambert  
Lancaster  
Martiny  
McDonald  
Montgomery  
Morrish  
Pitre  
Powell, M.  
Powell, T.  
Ritchie

Thompson  
Trahan  
Triche  
Tucker  
Waddell  
Walker  
Walsworth  
White  
Winston  
Wooton

NAYS

Alario  
Arnold  
Baldone  
Bruneau  
Carter, R.  
Crane  
Damico  
Daniel  
Total - 23

Dartez  
DeWitt  
Doerge  
Fannin  
Guillory, M.  
Hammett  
Heaton  
Kenney

McVea  
Odinet  
Pinac  
Smith, J.D.—50th  
St. Germain  
Toomy  
Townsend

ABSENT

Badon  
Barrow  
Baylor  
Burrell  
Carter, K.  
Cravins  
Curtis  
Gallot  
Geymann  
Total - 25

Glover  
Gray  
Guillory, E.  
Harris  
Honey  
Hopkins  
Hunter  
Jackson  
Jefferson

LaFonta  
Marchand  
Morrell  
Pierre  
Quezaire  
Richmond  
Romero

The amendments were adopted.

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

### HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Burns to Engrossed House Bill No. 44 by Representative Burns

#### AMENDMENT NO. 1

On page 6, line 15, after "district," insert the following, "The debts and liabilities of any subdistrict shall remain the debt and liability of such subdistrict."

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

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

### ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker  
Alario  
Alexander  
Ansardi  
Arnold  
Baldone  
Baudoin  
Beard  
Bowler

Farrar  
Fauchaux  
Frith  
Greene  
Guillory, M.  
Hammett  
Heaton  
Hebert  
Hill

Powell, M.  
Powell, T.  
Ritchie  
Robideaux  
Scalise  
Schneider  
Smiley  
Smith, G.  
Smith, J.D.—50th

Bruce  
Bruneau  
Burns  
Carter, R.  
Cazayoux  
Crane  
Crowe  
Damico  
Daniel  
Dartez  
DeWitt  
Doerge  
Dorsey  
Dove  
Downs  
Durand  
Erdey  
Fannin  
Total - 79

Hopkins  
Hutter  
Johns  
Katz  
Kennard  
Kenney  
Kleckley  
LaBruzzo  
LaFleur  
Lambert  
Lancaster  
McDonald  
McVea  
Montgomery  
Morrish  
Odinet  
Pinac  
Pitre

Smith, J.H.—8th  
Smith, J.R.—30th  
St. Germain  
Strain  
Thompson  
Toomy  
Townsend  
Trahan  
Triche  
Tucker  
Waddell  
Walker  
Walsworth  
White  
Winston  
Wooton

NAYS

Total - 0

ABSENT

Badon  
Barrow  
Baylor  
Burrell  
Carter, K.  
Cravins  
Curtis  
Gallot  
Geymann  
Total - 25

Glover  
Gray  
Guillory, E.  
Harris  
Honey  
Hunter  
Jackson  
Jefferson  
LaFonta

Marchand  
Martiny  
Morrell  
Pierre  
Quezaire  
Richmond  
Romero

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

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

#### HOUSE BILL NO. 52—

BY REPRESENTATIVES MARTINY, BEARD, DANIEL, DOWNS, KATZ, SCHNEIDER, TUCKER, AND WOOTON

#### AN ACT

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

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

Read by title.

Rep. McDonald, on behalf of the Legislative Bureau, sent up floor amendments which were read as follows:

#### HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative McDonald on behalf of the Legislative Bureau to Engrossed House Bill No. 52 by Representative Martiny

##### AMENDMENT NO. 1

On page 16, line 19, following "and" and before "serve" insert "such commissioners shall"

##### AMENDMENT NO. 2

On page 23, line 4, following "modernize" and before "recreational" change "exiting" to "existing"

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

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

#### HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Martiny to Engrossed House Bill No. 52 by Representative Martiny

##### AMENDMENT NO. 1

On page 23, line 4, after "modernize" and before "recreational" change "exiting" to "existing"

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

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

#### HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Martiny to Engrossed House Bill No. 52 by Representative Martiny

##### AMENDMENT NO. 1

On page 1, at the beginning of line 3, change "38:291(A)(1)," to "38:249(A), 291(A)(1),"

##### AMENDMENT NO. 2

On page 23, between lines 25 and 26, insert the following:

"Section 2. R.S. 38:249(A) is hereby amended and reenacted to read as follows:

§249. Coastal zone levee districts

A.(1) The following levee districts shall continue in existence with the jurisdiction indicated subject to the provisions of this Section:

(+)(a) East Jefferson Levee District. All the land in the parish of Jefferson lying on the east side of the Mississippi River shall constitute a levee district to be known as the East Jefferson Levee

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

(b) ~~One member of the East Jefferson Levee District shall be appointed by the governor upon recommendation of the president of Jefferson Parish with the approval of the Jefferson Parish Council and shall meet the residency requirements provided in R.S. 38:304(A). Four members shall be appointed as provided in R.S. 38:304.~~

(c) ~~A vacancy now or hereafter created whether by reason of death, resignation, expiration of term, or any other cause of the member appointed under the provisions of this Section to the East Jefferson Levee District shall be filled in the same manner as the original appointment.~~

(d) ~~All appointments to the board shall be submitted to the Senate for confirmation.~~

(2)(a) (b) Lake Borgne Basin Levee District. All the territory contained within the parish of St. Bernard shall be embraced in the limits of a levee district to be known as the Lake Borgne Basin Levee District. These lands and all property thereon situated, not exempt from taxation, shall be subject to the provisions of this Chapter.

(b) ~~The governor shall appoint in accordance with the provisions of R.S. 38:304 three persons from the parish of St. Bernard.~~

(3)(a) (c) Orleans Levee District. The parish of Orleans is formed into a public levee district, to be known as the Orleans Levee District. These lands and all property thereon situated, not exempt from taxation, shall be subject to the provisions of this Chapter.

(b) ~~The board shall consist of eight members. The governor shall appoint six persons to serve as levee commissioners, who shall possess the qualifications provided in R.S. 38:304. The terms of all such commissioners whether heretofore or hereafter appointed, shall be subject to Senate confirmation and serve at the pleasure of the governor making the appointment. Two commissioners shall be ex officio the mayor of the city of New Orleans, or his designee and one member appointed by the mayor from a list of three city councilmen selected by the members of the city council of New Orleans.~~

(4)(a) (d) South Lafourche Levee District. That portion of the parish of Lafourche lying in a district bounded on the south by the southern boundary of the state of Louisiana, bounded on the north by the south bank of the Intracoastal Canal, bounded on the west by the western boundary of Lafourche Parish, and bounded on the east by the eastern boundary of Lafourche Parish shall be embraced within the limits of a levee district to be known as the South Lafourche Levee District. There shall be shared jurisdiction for flood protection between the South Lafourche Levee District and the Lafourche Basin Levee District. Any and all property, mineral rights, and revenues derived therefrom belonging to the Lafourche Basin Levee District located within the boundaries of the South Lafourche Levee District shall remain the property of the Lafourche Basin Levee District. These lands and all property thereon situated, not exempt from taxation, shall be subject to the provisions of this Chapter.

(b) ~~The governor shall appoint, subject to Senate confirmation, a board of commissioners consisting of nine persons from the district selected as follows:~~

(i) ~~Three members nominated by the member of the Senate representing Senate District 20.~~

(ii) ~~Three members nominated by the member of the House of Representatives representing House District 54.~~

(iii) ~~The president of Lafourche Parish shall submit three nominations, subject to ratification by the governing authority of Lafourche Parish, and the governor shall appoint one member from the list.~~

(iv) ~~The mayor of the town of Golden Meadow shall submit three nominations, subject to ratification by the governing authority of Golden Meadow, and the governor shall appoint one member from the list.~~

(v) ~~The board of commissioners of the Greater Lafourche Port Commission shall submit three nominations, each selected by a majority vote of the board of commissioners, and the governor shall appoint one member from the list.~~

(c) ~~In the event nine commissioners are not appointed within sixty days of the beginning of the term or a vacancy pursuant to the foregoing, then another list of nominations selected by a majority of the members of the legislature representing the district shall be submitted, and the governor shall appoint the remaining required commissioner from the list to bring the total number of commissioners to nine.~~

(d) ~~All lands, rights-of-way, servitudes, and revenues therefrom which are located within the South Lafourche Levee District and which are owned or held by the Atchafalaya Basin Levee District on August 15, 1997, are hereby granted, conveyed, transferred, and delivered to the South Lafourche Levee District without the necessity of any other act or instrument of grant, conveyance, transfer, or delivery. For the purpose of providing evidence of the grant, conveyance, transfer, and delivery effected by this Paragraph, the Atchafalaya Basin Levee District shall execute an act setting forth the grant, conveyance, transfer, and delivery of those lands, rights-of-way, servitudes, and revenues therefrom to the South Lafourche Levee District. That act shall be executed no later than the thirtieth day after August 15, 1997.~~

(5)(a) (c) ~~West Jefferson Levee District. All lands in the parish of Jefferson lying north of Latitude 29 degrees 17 minutes 52 seconds North and on the west side of the Mississippi River shall constitute a levee district to be known as the West Jefferson Levee District. These lands and all property thereon situated, not exempt from taxation, shall be subject to the provisions of this Chapter.~~

(b) ~~One member of the West Jefferson Levee District shall be appointed by the governor upon recommendation of the president of Jefferson Parish with the approval of the Jefferson Parish Council and shall meet the residency requirements provided in R.S. 38:304(A). Four members shall be appointed as provided in R.S. 38:304.~~

(c) ~~A vacancy now or hereafter created whether by reason of death, resignation, expiration of term, or any other cause of the member appointed under the provisions of this Section to the West Jefferson Levee District shall be filled in the same manner as the original appointment.~~

(6)(a) (f) ~~Grand Isle Independent Levee District. All the land in the parish of Jefferson lying south of Latitude 29 degrees 17 minutes 52 seconds North on the west side of the Mississippi River shall constitute a levee district to be known as the Grand Isle Independent Levee District. These lands and all the property thereon situated, not exempt from taxation, shall be subject to the provisions of this Chapter.~~

(b) ~~The governor shall appoint, in accordance with the provisions of R.S. 38:304, subject to Senate confirmation, three persons to serve as levee commissioners.~~

(7)(a) (g) ~~North Lafourche Conservation, Levee and Drainage District. That portion of the parish of Lafourche lying in a district bounded on the south by the northern bank of the Intracoastal Canal, bounded on the west by the western boundary of Lafourche Parish, bounded on the east by the western bank of Bayou Lafourche, and bounded on the north by the northern boundary of Lafourche Parish shall be embraced within the limits of a levee district to be known as~~

the North Lafourche Conservation, Levee and Drainage District. These lands and all property thereon situated, not exempt from taxation, shall be subject to the provisions of this Chapter.

(b) ~~The governor shall appoint, subject to Senate confirmation, a board of commissioners consisting of nine persons from the parish of Lafourche selected as follows:~~

(i) ~~Each of the six state legislators representing any part of the district shall submit nominations, and the governor shall appoint one member from each such list of nominees.~~

(ii) ~~The president of Lafourche Parish shall submit three nominations, subject to ratification by the governing authority of Lafourche Parish, and the governor shall appoint one member from the list.~~

(iii) ~~The mayor of Thibodaux shall submit three nominations, subject to ratification by the governing authority of Thibodaux, and the governor shall appoint one member from the list.~~

(iv) ~~The mayor of Lockport shall submit three nominations, subject to ratification by the governing authority of Lockport, and the governor shall appoint one member from the list.~~

(c) ~~In the event nine commissioners are not appointed within sixty days of the beginning of the term or a vacancy pursuant to the foregoing, then another list of nominations selected by a majority of the members of the legislature representing the district shall be submitted, and the governor shall appoint the remaining required commissioner from the list to bring the total number of commissioners to nine.~~

(d) ~~All lands, rights-of-way, servitudes, and revenues therefrom which are located within the North Lafourche Conservation, Levee and Drainage District and which are owned or held by the Atchafalaya Basin Levee District on August 15, 1997, are hereby granted, conveyed, transferred, and delivered to the North Lafourche Conservation, Levee and Drainage District without the necessity of any other act or instrument of grant, conveyance, transfer, or delivery. For the purpose of proving evidence of the grant, conveyance, transfer, and delivery effected by this Paragraph, the Atchafalaya Basin Levee District shall execute an act setting forth the grant, conveyance, transfer, and delivery of those lands, rights-of-way, servitudes, and revenues therefrom to the North Lafourche Conservation, Levee and Drainage District. That act shall be executed no later than the thirtieth day after August 15, 1997.~~

(8)(a) (h) ~~Terrebonne Levee and Conservation District. All lands in the parish of Terrebonne shall constitute a levee district to be known as the Terrebonne Levee and Conservation District. These lands and all property thereon situated, not exempt from taxation, shall be subject to the provisions of this Chapter.~~

(b) ~~The governor shall appoint a board of commissioners consisting of nine members selected as follows:~~

(i) ~~Each member of the legislative delegation serving any part of the district shall submit a list of nominations of Terrebonne Parish residents and the governor shall appoint one member from each legislator's list.~~

(ii) ~~The Terrebonne Parish president, with the approval of the Terrebonne Parish Council, shall submit a list of three names of Terrebonne Parish residents residing north of the Intracoastal Canal and a list of three names of Terrebonne Parish residents residing south of the Intracoastal Canal, from each of which lists the governor shall appoint one commissioner.~~

(iii) ~~The members of the Russell Redmond American Legion Post 272, Kenneth C. Boudreaux American Legion Post 380,~~

Boquet-Breaux VFW Post 7755, Aswell-Picou VFW Post 9608, and Bourg-Leblanc VFW Post 4752 may each submit one nomination from which the governor shall appoint one commissioner. In the event that nine commissioners are appointed notwithstanding the provisions of this Paragraph, then the provisions of this Paragraph shall not apply.

(c) In the event that there are not appointed nine commissioners pursuant to the foregoing, then the legislative delegation serving all or any part of the district shall submit another list of Terrebonne Parish residents from which the governor shall appoint the remaining required commissioner to bring the total number of commissioners to nine.

(d) Notwithstanding any other law to the contrary, a vacancy now or hereafter created whether by reason of death, resignation, expiration of term, or any other cause of a member of the board of commissioners shall be filled in the same manner as provided for the original appointment in Subparagraph (c) of this Paragraph.

(2)(a) For each levee district enumerated in Paragraph (1) of this Subsection, there shall be a board of commissioners consisting of five members appointed by the governor from two nominations for each vacancy submitted by a nominating committee comprised of the following:

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

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

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

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

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

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

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

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

(ix) A member of the National Society of Professional Engineering designated by the society.

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

(b) The nominating committee shall elect a chairman from its number who shall call meetings of the committee as needed.

(c) The term of a commissioner shall be four years except for the initial terms. Two members shall serve initial terms of two years, two shall serve an initial term of three years, and one shall serve an initial term of four years as determined by lot at the first meeting of the board. Vacancies occurring during a term shall be filled for the remainder of the unexpired term.

#### AMENDMENT NO. 3

On page 23, line 26, change "Section 2." to "Section 3."

#### AMENDMENT NO. 4

On page 28, line 1, change "Section 3." to "Section 4."

#### AMENDMENT NO. 5

On page 30, line 12, change "Section 4." to "Section 5."

#### AMENDMENT NO. 6

On page 30, after line 13, add the following:

"Section 6. The provisions of Section 2 of this Act shall become effective on January 1, 2008."

Rep. Martiny moved the adoption of the amendments.

Rep. Dartez objected.

By a vote of 69 yeas and 10 nays, the amendments were adopted.

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

### **HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Martiny to Engrossed House Bill No. 52 by Representative Martiny

#### AMENDMENT NO. 1

On page 2, line 29, between "parishes of" and "Orleans" insert "Lafourche."

#### AMENDMENT NO. 2

On page 3, at the end of line 3, insert "and"

#### AMENDMENT NO. 3

On page 3, line 4, after "Assumption" delete the comma "," and delete "and Lafourche"

#### AMENDMENT NO. 4

On page 7, line 10, change "Academy" to "Society"

#### AMENDMENT NO. 5

On page 16, at the end of line 20, delete "ex" and at the beginning of line 21, delete "officio"

#### AMENDMENT NO. 6

On page 16, delete lines 25 through 29 and on page 17, delete lines 1 through 5 and insert the following:

"Lafourche lying south of the south bank of the Intracoastal Canal shall be embraced within the limits of a levee district to be known as the South Lafourche Levee District. These lands and all"

#### AMENDMENT NO. 7

On page 19, line 5, after "lying" delete the remainder of the line and delete lines 6, 7, and 8, and insert "north of the north bank of the Intracoastal Canal"

#### AMENDMENT NO. 8

On page 22, at the end of line 28 insert "Subject to approval of the office and in accordance with the priority program, a district may construct levees financed by funds from nonstate sources."

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

### Motion

On motion of Rep. Martiny, the vote by which the set of six House Floor Amendments proposed by Rep. Martiny was adopted by the House was reconsidered.

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

### HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Martiny to Engrossed House Bill No. 52 by Representative Martiny

#### AMENDMENT NO. 1

On page 1, at the beginning of line 3, change "38:291(A)(1)," to "38:249(A), 291(A)(1),"

#### AMENDMENT NO. 2

On page 23, between lines 25 and 26, insert the following:

"Section 2. R.S. 38:249(A) is hereby amended and reenacted to read as follows:

§249. Coastal zone levee districts

A.(1) The following levee districts shall continue in existence with the jurisdiction indicated subject to the provisions of this Section:

~~(1)(a)~~ East Jefferson Levee District. All the land in the parish of Jefferson lying on the east side of the Mississippi River shall constitute a levee district to be known as the East Jefferson Levee District. These lands and all property thereon situated, not exempt from taxation, shall be subject to the provisions of this Chapter.

~~(b) One member of the East Jefferson Levee District shall be appointed by the governor upon recommendation of the president of Jefferson Parish with the approval of the Jefferson Parish Council and shall meet the residency requirements provided in R.S. 38:304(A). Four members shall be appointed as provided in R.S. 38:304.~~

~~(c) A vacancy now or hereafter created whether by reason of death, resignation, expiration of term, or any other cause of the member appointed under the provisions of this Section to the East Jefferson Levee District shall be filled in the same manner as the original appointment.~~

~~(d) All appointments to the board shall be submitted to the Senate for confirmation.~~

~~(2)(a)~~ (b) Lake Borgne Basin Levee District. All the territory contained within the parish of St. Bernard shall be embraced in the limits of a levee district to be known as the Lake Borgne Basin Levee District. These lands and all property thereon situated, not exempt from taxation, shall be subject to the provisions of this Chapter.

~~(b) The governor shall appoint in accordance with the provisions of R.S. 38:304 three persons from the parish of St. Bernard.~~

~~(3)(a)~~ (c) Orleans Levee District. The parish of Orleans is formed into a public levee district, to be known as the Orleans Levee District. These lands and all property thereon situated, not exempt from taxation, shall be subject to the provisions of this Chapter.

~~(b) The board shall consist of eight members. The governor shall appoint six persons to serve as levee commissioners, who shall~~

possess the qualifications provided in R.S. 38:304. The terms of all such commissioners whether heretofore or hereafter appointed, shall be subject to Senate confirmation and serve at the pleasure of the governor making the appointment. Two commissioners shall be ex officio the mayor of the city of New Orleans, or his designee and one member appointed by the mayor from a list of three city councilmen selected by the members of the city council of New Orleans.

~~(4)(a)~~ (d) South Lafourche Levee District. That portion of the parish of Lafourche lying in a district bounded on the south by the southern boundary of the state of Louisiana, bounded on the north by the south bank of the Intracoastal Canal, bounded on the west by the western boundary of Lafourche Parish, and bounded on the east by the eastern boundary of Lafourche Parish shall be embraced within the limits of a levee district to be known as the South Lafourche Levee District. There shall be shared jurisdiction for flood protection between the South Lafourche Levee District and the Lafourche Basin Levee District. Any and all property, mineral rights, and revenues derived therefrom belonging to the Lafourche Basin Levee District located within the boundaries of the South Lafourche Levee District shall remain the property of the Lafourche Basin Levee District. These lands and all property thereon situated, not exempt from taxation, shall be subject to the provisions of this Chapter.

~~(b) The governor shall appoint, subject to Senate confirmation, a board of commissioners consisting of nine persons from the district selected as follows:~~

~~(i) Three members nominated by the member of the Senate representing Senate District 20;~~

~~(ii) Three members nominated by the member of the House of Representatives representing House District 54;~~

~~(iii) The president of Lafourche Parish shall submit three nominations, subject to ratification by the governing authority of Lafourche Parish, and the governor shall appoint one member from the list;~~

~~(iv) The mayor of the town of Golden Meadow shall submit three nominations, subject to ratification by the governing authority of Golden Meadow, and the governor shall appoint one member from the list;~~

~~(v) The board of commissioners of the Greater Lafourche Port Commission shall submit three nominations, each selected by a majority vote of the board of commissioners, and the governor shall appoint one member from the list;~~

~~(c) In the event nine commissioners are not appointed within sixty days of the beginning of the term or a vacancy pursuant to the foregoing, then another list of nominations selected by a majority of the members of the legislature representing the district shall be submitted, and the governor shall appoint the remaining required commissioner from the list to bring the total number of commissioners to nine.~~

~~(d) All lands, rights-of-way, servitudes, and revenues therefrom which are located within the South Lafourche Levee District and which are owned or held by the Atchafalaya Basin Levee District on August 15, 1997, are hereby granted, conveyed, transferred, and delivered to the South Lafourche Levee District without the necessity of any other act or instrument of grant, conveyance, transfer, or delivery. For the purpose of providing evidence of the grant, conveyance, transfer, and delivery effected by this Paragraph, the Atchafalaya Basin Levee District shall execute an act setting forth the grant, conveyance, transfer, and delivery of those lands, rights-of-way, servitudes, and revenues therefrom to the South Lafourche Levee District. That act shall be executed no later than the thirtieth day after August 15, 1997.~~



(5)(a) (e) West Jefferson Levee District. All lands in the parish of Jefferson lying north of Latitude 29 degrees 17 minutes 52 seconds North and on the west side of the Mississippi River shall constitute a levee district to be known as the West Jefferson Levee District. These lands and all property thereon situated, not exempt from taxation, shall be subject to the provisions of this Chapter.

(b) One member of the West Jefferson Levee District shall be appointed by the governor upon recommendation of the president of Jefferson Parish with the approval of the Jefferson Parish Council and shall meet the residency requirements provided in R.S. 38:304(A). Four members shall be appointed as provided in R.S. 38:304.

(c) A vacancy now or hereafter created whether by reason of death, resignation, expiration of term, or any other cause of the member appointed under the provisions of this Section to the West Jefferson Levee District shall be filled in the same manner as the original appointment.

(6)(a) (f) Grand Isle Independent Levee District. All the land in the parish of Jefferson lying south of Latitude 29 degrees 17 minutes 52 seconds North on the west side of the Mississippi River shall constitute a levee district to be known as the Grand Isle Independent Levee District. These lands and all the property thereon situated, not exempt from taxation, shall be subject to the provisions of this Chapter.

(b) The governor shall appoint, in accordance with the provisions of R.S. 38:304, subject to Senate confirmation, three persons to serve as levee commissioners.

(7)(a) (g) North Lafourche Conservation, Levee and Drainage District. That portion of the parish of Lafourche lying in a district bounded on the south by the northern bank of the Intracoastal Canal, bounded on the west by the western boundary of Lafourche Parish, bounded on the east by the western bank of Bayou Lafourche, and bounded on the north by the northern boundary of Lafourche Parish shall be embraced within the limits of a levee district to be known as the North Lafourche Conservation, Levee and Drainage District. These lands and all property thereon situated, not exempt from taxation, shall be subject to the provisions of this Chapter.

(b) The governor shall appoint, subject to Senate confirmation, a board of commissioners consisting of nine persons from the parish of Lafourche selected as follows:

(i) Each of the six state legislators representing any part of the district shall submit nominations, and the governor shall appoint one member from each such list of nominees.

(ii) The president of Lafourche Parish shall submit three nominations, subject to ratification by the governing authority of Lafourche Parish, and the governor shall appoint one member from the list.

(iii) The mayor of Thibodaux shall submit three nominations, subject to ratification by the governing authority of Thibodaux, and the governor shall appoint one member from the list.

(iv) The mayor of Lockport shall submit three nominations, subject to ratification by the governing authority of Lockport, and the governor shall appoint one member from the list.

(c) In the event nine commissioners are not appointed within sixty days of the beginning of the term or a vacancy pursuant to the foregoing, then another list of nominations selected by a majority of the members of the legislature representing the district shall be submitted, and the governor shall appoint the remaining required commissioner from the list to bring the total number of commissioners to nine.

(d) All lands, rights-of-way, servitudes, and revenues therefrom which are located within the North Lafourche Conservation, Levee and Drainage District and which are owned or held by the Atchafalaya Basin Levee District on August 15, 1997, are hereby granted, conveyed, transferred, and delivered to the North Lafourche Conservation, Levee and Drainage District without the necessity of any other act or instrument of grant, conveyance, transfer, or delivery. For the purpose of proving evidence of the grant, conveyance, transfer, and delivery effected by this Paragraph, the Atchafalaya Basin Levee District shall execute an act setting forth the grant, conveyance, transfer, and delivery of those lands, rights-of-way, servitudes, and revenues therefrom to the North Lafourche Conservation, Levee and Drainage District. That act shall be executed no later than the thirtieth day after August 15, 1997.

(8)(a) (h) Terrebonne Levee and Conservation District. All lands in the parish of Terrebonne shall constitute a levee district to be known as the Terrebonne Levee and Conservation District. These lands and all property thereon situated, not exempt from taxation, shall be subject to the provisions of this Chapter.

(b) The governor shall appoint a board of commissioners consisting of nine members selected as follows:

(i) Each member of the legislative delegation serving any part of the district shall submit a list of nominations of Terrebonne Parish residents and the governor shall appoint one member from each legislator's list.

(ii) The Terrebonne Parish president, with the approval of the Terrebonne Parish Council, shall submit a list of three names of Terrebonne Parish residents residing north of the Intracoastal Canal and a list of three names of Terrebonne Parish residents residing south of the Intracoastal Canal, from each of which lists the governor shall appoint one commissioner.

(iii) The members of the Russell Redmond American Legion Post 272, Kenneth C. Boudreaux American Legion Post 380, Boquet-Breaux VFW Post 7755, Aswell Picou VFW Post 9608, and Bourg-Leblanc VFW Post 4752 may each submit one nomination from which the governor shall appoint one commissioner. In the event that nine commissioners are appointed notwithstanding the provisions of this Paragraph, then the provisions of this Paragraph shall not apply.

(c) In the event that there are not appointed nine commissioners pursuant to the foregoing, then the legislative delegation serving all or any part of the district shall submit another list of Terrebonne Parish residents from which the governor shall appoint the remaining required commissioner to bring the total number of commissioners to nine.

(d) Notwithstanding any other law to the contrary, a vacancy now or hereafter created whether by reason of death, resignation, expiration of term, or any other cause of a member of the board of commissioners shall be filled in the same manner as provided for the original appointment in Subparagraph (c) of this Paragraph.

(2)(a) For each levee district enumerated in Paragraph (1) of this Subsection, there shall be a board of commissioners consisting of five members appointed by the governor from two nominations for each vacancy submitted by a nominating committee comprised of the following:

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

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

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

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

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

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

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

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

(ix) A member of the National Society of Professional Engineering designated by the society.

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

(b) The nominating committee shall elect a chairman from its number who shall call meetings of the committee as needed.

(c) The term of a commissioner shall be four years except for the initial terms. Two members shall serve initial terms of two years, two shall serve an initial term of three years, and one shall serve an initial term of four years as determined by lot at the first meeting of the board. Vacancies occurring during a term shall be filled for the remainder of the unexpired term."

### AMENDMENT NO. 3

On page 23, line 26, change "Section 2." to "Section 3."

### AMENDMENT NO. 4

On page 28, line 1, change "Section 3." to "Section 4."

### AMENDMENT NO. 5

On page 30, line 12, change "Section 4." to "Section 5."

### AMENDMENT NO. 6

On page 30, after line 13, add the following:

"Section 6. The provisions of Section 2 of this Act shall become effective on January 1, 2008."

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

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

### **ROLL CALL**

The roll was called with the following result:

#### **YEAS**

Mr. Speaker	Faucheux	Pitre
Alario	Frith	Powell, M.
Alexander	Geymann	Powell, T.
Ansardi	Greene	Ritchie
Arnold	Guillory, M.	Robideaux
Baldone	Hammett	Romero
Baudoin	Heaton	Scalise
Beard	Hebert	Schneider
Bowler	Hill	Smiley
Bruce	Hopkins	Smith, G.
Bruneau	Hutter	Smith, J.D.—50th

Burns  
Carter, R.  
Cazayoux  
Crane  
Crowe  
Damico  
Daniel  
DeWitt  
Doerge  
Dorsey  
Dove  
Downs  
Durand  
Erdey  
Fannin  
Farrar

Total - 80

Johns  
Katz  
Kennard  
Kenney  
Kleckley  
LaBruzzo  
LaFleur  
Lambert  
Lancaster  
Martiny  
McDonald  
McVea  
Montgomery  
Morrish  
Odinet  
Pinac

Smith, J.H.—8th  
Smith, J.R.—30th  
Strain  
Thompson  
Toomy  
Townsend  
Trahan  
Triche  
Tucker  
Waddell  
Walker  
Walsworth  
White  
Winston  
Wooton

#### **NAYS**

Dartez  
Total - 2

St. Germain

#### **ABSENT**

Badon  
Barrow  
Baylor  
Burrell  
Carter, K.  
Cravins  
Curtis  
Gallot  
Total - 22

Glover  
Gray  
Guillory, E.  
Harris  
Honey  
Hunter  
Jackson  
Jefferson

LaFonta  
Marchand  
Morrell  
Pierre  
Quezaire  
Richmond

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

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

### **HOUSE BILL NO. 72—**

BY REPRESENTATIVES SCHNEIDER, BEARD, DOWNS, ERDEY, GREENE, KATZ, AND KENNARD

#### **A JOINT RESOLUTION**

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

Read by title.

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

### **HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Schneider to Engrossed House Bill No. 72 by Representative Schneider

### AMENDMENT NO. 1

On page 2, delete lines 22 through 24 and insert the following:

"To authorize the governing authority of a levee district created after January 1, 2006 to annually levy a tax on certain property within the district if approved by a majority of the electors of the district. (Amends Article VI, Section 39)"

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

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

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. Speaker	Faucheux	Powell, M.
Alario	Frith	Powell, T.
Alexander	Geymann	Ritchie
Ansardi	Greene	Robideaux
Arnold	Guillory, M.	Romero
Baldone	Hammett	Scalise
Baudoin	Heaton	Schneider
Beard	Hebert	Smiley
Bowler	Hill	Smith, G.
Bruce	Hopkins	Smith, J.D.—50th
Bruneau	Hutter	Smith, J.H.—8th
Burns	Johns	Smith, J.R.—30th
Carter, R.	Katz	St. Germain
Cazayoux	Kennard	Strain
Crane	Kenney	Thompson
Crowe	Kleckley	Toomy
Damico	LaBruzzo	Townsend
Daniel	LaFleur	Trahan
Dartez	Lambert	Triche
DeWitt	Lancaster	Tucker
Doerge	Martiny	Waddell
Dorsey	McDonald	Walker
Dove	McVea	Walsworth
Downs	Montgomery	White
Durand	Morrish	Winston
Erdey	Odinet	Wooton
Fannin	Pinac	
Farrar	Pitre	

Total - 82

#### NAYS

Total - 0

#### ABSENT

Badon	Glover	LaFonta
Barrow	Gray	Marchand
Baylor	Guillory, E.	Morrell
Burrell	Harris	Pierre
Carter, K.	Honey	Quezaire
Cravins	Hunter	Richmond
Curtis	Jackson	
Gallot	Jefferson	

Total - 22

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

The title of the above bill was read and adopted.

Rep. Schneider 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.

### Speaker Pro Tempore Dorsey in the Chair

#### HOUSE BILL NO. 82—

BY REPRESENTATIVE SCHNEIDER  
AN ACT

To amend and reenact R.S. 38:291(D)(2), (G)(2), and (K), 301(B), 304(A) and (B), and 305, R.S. 42:808(A)(10), and R.S. 49:213.1(C), 213.4(A)(2), 213.5(A)(10), and 213.6(A)(2)(b), to enact R.S. 38:291(V), 304(D), and Part 3-A of Chapter 4 of Title 38 of the Louisiana Revised Statutes of 1950, to be

comprised of R.S. 38:330.1 through 330.12, and to repeal R.S. 38:291(D)(3) and 304.3, relative to flood protection; to establish the Pontchartrain Basin Levee Authority; to provide for its powers, duties, jurisdiction, and members; to provide for appointments to the board of commissioners of the authority; to provide for qualifications of commissioners; to provide for meetings of the board; to provide for the management of certain levee districts in areas of southeast Louisiana; to retain the territorial limits of such levee districts; to terminate the terms of commissioners on certain levee boards and to reorganize the governance of such levee districts; to transfer authority, duties, powers, functions, and responsibilities from such levee boards to the authority; to provide for obligations, tax proceeds, and property of the district; to provide for a regional director; to create and provide for the St. Tammany Levee District; to provide for funding; to transfer and provide for the management and control of certain facilities and improvements of levee districts within the authority that are not related to flood protection and to provide for the allocation of revenue derived therefrom; to provide for applicability; and to provide for related matters.

Read by title.

Rep. McDonald, on behalf of the Legislative Bureau, sent up floor amendments which were read as follows:

#### HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative McDonald on behalf of the Legislative Bureau to Engrossed House Bill No. 82 by Representative Schneider

##### AMENDMENT NO. 1

On page 6, line 4, following "be" and before "in" change "be" and before "in" change "an engineer or a professional" to "engineers or professionals"

##### AMENDMENT NO. 2

On page 6, line 6, following "be" and before "in" change "a professional" to "professional"

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

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

#### HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Schneider to Engrossed House Bill No. 82 by Representative Schneider

##### AMENDMENT NO. 1

On page 8, line 24, after "president" delete the period "." and insert a semicolon ";" and the following:

"however, prior to the president calling a special meeting, he shall give no less than two days notice to the board."

##### AMENDMENT NO. 2

On page 23, at the end of line 20, delete the period "." and insert a semicolon ";" and the following:

"however, such commissioners shall continue to serve until their successors have been appointed."

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

## Page 20 HOUSE

7th Day's Proceedings - February 13, 2006

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

### HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Odinet to Engrossed House Bill No. 82 by Representative Schneider

#### AMENDMENT NO. 1

On page 1, line 2, after "38:291(D)(2)" delete the comma "," and delete "(G)(2)."

#### AMENDMENT NO. 2

On page 2, line 2, after "38:291(D)(2)" delete the comma "," and delete "(G)(2)."

#### AMENDMENT NO. 3

On page 2, delete lines 15 through 21

#### AMENDMENT NO. 4

On page 5, delete line 25 and at the beginning of line 26, change "(3)" to "(2)"

#### AMENDMENT NO. 5

On page 5, line 27, change "(4)" to "(3)"

#### AMENDMENT NO. 6

On page 11, line 17, delete "Lake Borgne Basin Levee District."

#### AMENDMENT NO. 7

On page 14, line 7, delete "Lake Borgne Basin Levee District."

#### AMENDMENT NO. 8

On page 14, delete line 24 and insert "District and Orleans Levee District shall be"

#### AMENDMENT NO. 9

On page 14, at the end of line 26, after "Levee" delete the remainder of the line and on line 27 delete "Borgne Basin Levee District." and insert "District"

#### AMENDMENT NO. 10

On page 15, line 2, change "Jefferson, Orleans, and St. Bernard" to "Jefferson and Orleans"

#### AMENDMENT NO. 11

On page 15, delete line 5 and insert "District or Orleans Levee District and, except as"

#### AMENDMENT NO. 12

On page 15, line 17, after "Jefferson" delete the remainder of the line

#### AMENDMENT NO. 13

On page 16, line 20, after "Levee" delete the remainder of the line and on line 21 delete "Borgne Basin Levee District." and insert "District"

#### AMENDMENT NO. 14

On page 19, line 4, after "Levee" delete the remainder of the line

#### AMENDMENT NO. 15

On page 22, at the end of line 28, insert "Lake Borgne Basin Levee District"

#### AMENDMENT NO. 16

On page 23, delete line 19 and insert "District and the Orleans Levee District serving on"

Rep. Odinet moved the adoption of the amendments.

Rep. Schneider objected.

A record vote was asked for and ordered by the House.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Alario	Frith	Powell, T.
Arnold	Guillory, M.	Smith, G.
Baudoin	Hammett	Smith, J.D.-50th
Beard	Heaton	Smith, J.H.-8th
Bruce	Hebert	Smith, J.R.-30th
Carter, R.	Hill	St. Germain
Damico	Hutter	Thompson
Daniel	Kennard	Townsend
DeWitt	Kenney	Triche
Doerge	McDonald	Tucker
Dorsey	McVea	Waddell
Durand	Montgomery	White
Farrar	Odinet	Wooton
Faucheux	Pinac	
Total - 41		

#### NAYS

Alexander	Geymann	Ritchie
Ansardi	Greene	Robideaux
Baldone	Johns	Scalise
Bowler	Katz	Schneider
Bruneau	Kleckley	Smiley
Burns	LaBruzzo	Strain
Cazayoux	LaFleur	Trahan
Crane	Lambert	Walker
Crowe	Martiny	Walsworth
Dove	Morrish	Winston
Downs	Pitre	
Erdey	Powell, M.	
Total - 34		

#### ABSENT

Mr. Speaker	Gallot	LaFonta
Badon	Glover	Lancaster
Barrow	Gray	Marchand
Baylor	Guillory, E.	Morrell
Burrell	Harris	Pierre
Carter, K.	Honey	Quezaire
Cravins	Hopkins	Richmond
Curtis	Hunter	Romero
Dartez	Jackson	Toomy
Fannin	Jefferson	
Total - 29		

The amendments were adopted.

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

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Crowe to Engrossed House Bill No. 82 by Representative Schneider

**AMENDMENT NO. 1**

On page 3, between lines 16 and 17, insert the following:

"(3) The following described property in St. Tammany Parish shall not be included in this district:

A CERTAIN PORTION OF GROUND situated in the State of Louisiana, Parish of St. Tammany, portion of Sections 1, 2, 3 and 4, Township South, Range 14 East, and portion of Sections 25, 26, 27, 33, 34, 36 and 44, Township 9 South, Range 14 East, and all of Section 35, Township 9 South, Range 14 East, and more fully described as follows:

Commence at the corner common to Sections 23, 24, 25 and 26, Township 9 South, Range 14 East and measure South 00 degrees 45'27" East a distance of 1,312.50 feet; thence North 89 degrees 03'57" East 80.00 feet to the point of beginning. Thence from the point of beginning South 51 degrees 54'45" East a distance of 73.70 feet; thence South 26 degrees 32'45" East a distance of 1,001.30 feet; thence South 27 degrees 58'15" West 33.60 feet; thence South 60 degrees 36'15" West 329.30 feet; thence South 16 degrees 04'15" West 83.80 feet; thence South 23 degrees 49'45" East 1,681.00 feet; thence North 89 degrees 39'15" East 486.60 feet; thence North 56 degrees 02'15" East 438.70 feet; thence South 65 degrees 31'08" East 628.87 feet to a point on the westerly right of way line of Louisiana State Highway No. 433; thence along said right of way on a curve to the right, having a radius of 1,106.00 feet, an arc length of 506.81 feet; thence South 08 degrees 28'45" West 79.63 feet; thence leaving said right of way line, go North 81 degrees 31'15" West a distance of 100 feet; thence South 08 degrees 28'45" West 6,800.00 feet; thence along a curve to the right having a radius of 3,169.80 feet; an arc length of 516.91 feet; thence South 17 degrees 56'45" West 3,692.69 feet; thence along a curve to the left, having a radius of 1,798.60 feet, an arc length of 523.73 feet; thence South 01 degrees 28'45" West a distance of 100 feet; thence South 22 degrees 10'33" West a distance of 123.46 feet; thence South 65 degrees 47'34" West a distance of 518.81 feet; thence North 72 degrees 49'51" West a distance of 10.97 feet; thence South 19 degrees 06'19" West a distance of 446.84 feet; thence South 56 degrees 03'57" West a distance of 181.21 feet; thence North 83 degrees 04'06" West a distance of 295.64 feet; thence South 87 degrees 42'51" West a distance of 250.84 feet; thence South 62 degrees 31'26" West 164.14 feet; thence South 46 degrees 45'14" West 179.01 feet; thence South 42 degrees 16'40" West a distance of 150.56 feet; thence South 39 degrees 06'03" West a distance of 70.71 feet; thence South 57 degrees 03'52" West a distance of 76.71 feet; thence South 77 degrees 49'51" West a distance of 108.05 feet to a point in Lake Pontchartrain; thence in 40 courses along said Lake Pontchartrain North 27 degrees 01'41" West 727.70 feet, North 59 degrees 39'11" West 214.14 feet, North 63 degrees 51'58" West 118.00 feet, North 53 degrees 57'57" West 109.01 feet, North 62 degrees 01'33" West 301.45 feet, North 69 degrees 30'33" West 156.50 feet, South 77 degrees 32'27" West 85.15 feet, South 46 degrees 30'27" West 82.52 feet, South 76 degrees 07'45" West 93.54 feet, South 49 degrees 55'33" West 25.36 feet, North 70 degrees 41'25" West 128.71 feet, North 59 degrees 11'27" West 117.37 feet, North 56 degrees 46'03" West 304.13 feet, North 56 degrees 07'03" West 228.13 feet, North 54 degrees 07'57" West 1,878.70 feet, North 56 degrees 23'45" West 447.40 feet, North 59 degrees 05'15" West 68.36 feet, North 55 degrees 18'48" West 91.68 feet, North 60 degrees 34'41" West 398.53 feet, North 65 degrees 59'02" West 201.10 feet, North 62 degrees 33'59" West 200.20 feet, North 60 degrees 33'46" West 200.01 feet, North 53 degrees 03'00" West 407.16 feet, North 55 degrees 37'11" West 200.01 feet, North

50 degrees 28'22" West 200.64 feet, North 54 degrees 28'25" West 200.01 feet North 50 degrees 28'22" West 200.64 feet, North 56 degrees 45'54" West 200.09 feet, North 59 degrees 41'02" West 397.10 feet, North 49 degrees 55'53" West 202.54 feet, North 61 degrees 35'54" West 200.20 feet, North 58 degrees 55'34" West 600.00 feet, North 53 degrees 38'09" West 200.87 feet, North 58 degrees 49'17" West 200.00 feet, North 60 degrees 49'34" West 200.09 feet, North 59 degrees 40'51" West 400.02 feet, North 59 degrees 58'02" West 200.02 feet, North 58 degrees 49'17" feet 200.00 feet, North 69 degrees 02'02" West 203.04 feet, thence South 85 degrees 50'51" West a distance of 59.01 feet; thence North 4 degrees 47'15" East a distance of 177.40 feet; thence North 45 degrees 50'03" West a distance of 100.00 feet; thence North 69 degrees 12'15" West a distance of 410.00 feet; thence South 28 degrees 47'45" West a distance of 428.00 feet; thence North 62 degrees 13'15" West a distance of 460.40 feet, thence North 55 degrees 36'00" West a distance of 561.77 feet, thence North 25 degrees 33'06" West a distance of 587.35 feet to a point on the western right of way line of U.S. Interstate 10, thence North 41 degrees 48'35" East, along said western line a distance of 170.87 feet, thence North 46 degrees 34'22" East, along said western line, a distance of 602.08 feet thence North 41 degrees 48'33" East, along said western line, a distance of 2,810.65; thence along said western line in a westerly direction along the arc of a curve to the left having a radius of 1,380.00 feet and a distance of 682.06 feet, thence along said western line North 6 degrees 43'24" West, a distance of 272.93 feet; thence along said western line in a northerly direction along the arc of a curve to the right having as radius of 370.00 feet and a distance of 313.41 feet, thence along said western line North 41 degrees 48'32" East, a distance of 100.00 feet, thence along said western line in a northerly direction along the arc of a curve to the left having a radius of 90.00 feet and a distance of 141.37 feet, thence along said western line North 48 degrees 11'27" West, a distance of 112.00 feet, thence along said western line North 41 degrees 48'33" East, a distance of 202.00 feet, thence along said western line South 48 degrees 11'27" East, a distance of 100.00 feet; thence along said western line in a northerly direction along the arc of a curve to the right having a radius of 90.00 feet and a distance of 141.37 feet; thence along said westerly line North 41 degrees 48'33" East, a distance of 100.00 feet; thence along said western line in a northerly direction along the arc of a curve to the right having a radius of 406.00 feet and a distance of 453.73 feet; thence along said western line South 74 degrees 09'32" East a distance of 152.35 feet; thence along said western line in a northerly direction along the arc of a curve to the right having a radius of 540.00 feet and a distance of 299.07 feet; thence along to the right having a radius of 1,440.00 feet and a distance of 313.57 feet; thence along said western line South 41 degrees 48'33" West, a distance of 3,676.57 feet; thence along said western line in a northerly direction along the arc of a curve to the left having a radius of 11,234.16 feet and a distance of 1,895.87 feet to the intersection of the western line of U.S. Interstate 10 and the North Diversion Canal; thence South 47 degrees 47'20" East, a distance of 455.46 feet thence South 49 degrees 20'39" East, a distance of 819.64 feet; thence North 71 degrees 17'0" East, a distance of 3,688.82 feet; thence North 70 degrees 10'3" East, a distance of 276.80 feet; thence North 79 degrees 17'15" East, a distance of 191.80 feet; thence to the corner common to Sections 23, 24, 25, and 26, Township 9 South, Range 14 East, North 89 degrees 3'57" East, a distance of 80.00 feet to the Point of Beginning."

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

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

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Scalise to Engrossed House Bill No. 82 by Representative Schneider

## Page 22 HOUSE

7th Day's Proceedings - February 13, 2006

### AMENDMENT NO. 1

On page 19, delete lines 21 through 29 and on page 20 delete lines 1 through 24 and insert the following:

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

A. On and after the effective date of this Section, any facility or improvement within a levee district within the territorial jurisdiction of the authority, which facility or improvement is not directly related to providing adequate drainage, flood control, or water resources development pertaining to tidewater flooding, hurricane protection, or saltwater intrusion, that is owned or operated by a board of commissioners of the levee district, including all land, rights-of-way, servitudes, and improvements situated thereon, or connected therewith, for such purpose, shall be managed and controlled by the New Orleans City Park Improvement Association through its board of directors, without the necessity of any other act or instrument. For the purpose of this Section only, the New Orleans City Park Improvement Association through its board of directors shall be the successor to the board of commissioners of such levee district.

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

(2) The New Orleans City Park Improvement Association through its board of directors may sell, lease, or otherwise transfer any such property and perform any and all things necessary to carry out the objects of this Section.

C. The expense of operating any facility or improvement referred to in Subsection A of this Section, which produces revenue for the levee district shall be collected by the New Orleans City Park Improvement Association through its board of directors and, after deducting an amount for the expense of managing and controlling such facility or improvement, the remaining revenues therefrom shall be disbursed to the authority to the credit of the levee district in which the facility or improvement is located.

D. The New Orleans City Park Improvement Association through its board of directors may otherwise provide for the implementation of this Section by the adoption of rules and regulations pursuant to the Administrative Procedure Act.

E. Notwithstanding any provision to the contrary, the Orleans Levee District shall continue to be responsible for maintaining the grounds of the facilities and improvements of the district placed under the management and control of the New Orleans City Park Improvement Association through its board of directors pursuant to this Section."

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

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

### HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Crowe to Engrossed House Bill No. 82 by Representative Schneider

### AMENDMENT NO. 1

On page 12, at the end of line 17, add: "In the event the board exercises jurisdiction, uses, buys, expropriates, or takes the property

or levee and pump improvements on privately owned land, then, in addition to the fair market value of the land, the property owner shall also be compensated for the value and cost of privately funded levee improvements."

Rep. Crowe moved the adoption of the amendments.

Rep. Walsworth objected.

By a vote of 7 yeas and 69 nays, the amendments were rejected.

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

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. Speaker	Faucheux	Powell, M.
Alario	Frith	Powell, T.
Alexander	Geymann	Ritchie
Ansardi	Greene	Robideaux
Arnold	Guillory, M.	Romero
Baldone	Hammett	Scalise
Baudoin	Heaton	Schneider
Beard	Hebert	Smiley
Bowler	Hill	Smith, G.
Bruce	Hopkins	Smith, J.D.-50th
Bruneau	Hutter	Smith, J.H.-8th
Burns	Johns	Smith, J.R.-30th
Carter, R.	Katz	St. Germain
Cazayoux	Kennard	Strain
Crane	Kenney	Thompson
Crowe	Kleckley	Toomy
Damico	LaBruzzo	Townsend
Daniel	LaFleur	Trahan
Dartez	Lambert	Triche
DeWitt	Lancaster	Tucker
Doerge	Martiny	Waddell
Dorsey	McDonald	Walker
Dove	McVea	Walsworth
Downs	Montgomery	White
Durand	Morrish	Winston
Erdey	Odinet	Wooton
Fannin	Pinac	
Farrar	Pitre	

Total - 82

#### NAYS

Total - 0

#### ABSENT

Badon	Glover	LaFonta
Barrow	Gray	Marchand
Baylor	Guillory, E.	Morrell
Burrell	Harris	Pierre
Carter, K.	Honey	Quezaire
Cravins	Hunter	Richmond
Curtis	Jackson	
Gallot	Jefferson	

Total - 22

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

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

### **Suspension of the Rules**

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

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

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

### **Message from the Senate**

#### **ASKING CONCURRENCE IN SENATE CONCURRENT RESOLUTIONS**

February 13, 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. 10, 16, and 19

Respectfully submitted,

GLENN A. KOEPP  
Secretary of the Senate

### **Message from the Senate**

#### **SENATE BILLS**

February 13, 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 Nos. 36, 37, 48, and 50

Respectfully submitted,

GLENN A. KOEPP  
Secretary of the Senate

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

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

#### **SENATE BILL NO. 36— BY SENATORS MOUNT AND NEVERS AN ACT**

To amend and reenact the introductory paragraph of R.S. 47:293(3)(b)(i) and to enact R.S. 47:293(6)(f), relative to individual income tax; to provide for the taxable periods covered by the tax benefits granted in Act 23 of the First Extraordinary Session of 2005 and other Acts of the legislature; and to provide for related matters.

Read by title.

#### **SENATE BILL NO. 37—**

BY SENATORS MOUNT AND NEVERS AND REPRESENTATIVE ARNOLD

#### **AN ACT**

To amend and reenact R.S. 47:1978.1(A)(1)(b) and (3)(b), (B)(1) and (2), (C)(1)(a), and (D), relative to ad valorem property tax; to provide for a limitation on the authority of certain parishes to prorate certain taxes; to authorize taxpayers to elect the treatment of certain ad valorem property taxes for certain tax purposes; and to provide for related matters.

Read by title.

#### **SENATE BILL NO. 48—**

BY SENATOR SHEPHERD

#### **AN ACT**

To enact R.S. 11:323, relative to provisions affecting more than one retirement system; to provide with respect to participation in Deferred Retirement Option Plans by certain employees of city, parish, and other public elementary and secondary school systems; to allow such employees furloughed or terminated to adjust the periods applicable to their participation in the plan under certain circumstances; to provide for participation in the plan upon reemployment by a city, parish, or other public elementary or secondary school system within one year of such termination; to provide for an effective date; and to provide for related matters.

Read by title.

#### **SENATE BILL NO. 50—**

BY SENATOR JONES

#### **AN ACT**

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

Read by title.

### **Suspension of the Rules**

On motion of Rep. Lancaster, the rules were suspended in order to refer the bill to committee at this time.

Under the rules, the bill was referred to the Committee on House and Governmental Affairs.

### **Message from the Senate**

#### **HOUSE BILLS**

February 13, 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 House Bills:

House Bill No. 22  
Returned without amendments

Respectfully submitted,

GLENN A. KOEPP  
Secretary of the Senate

### **Message from the Senate**

#### **HOUSE CONCURRENT RESOLUTIONS**

February 13, 2006

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. 30  
Returned without amendments

House Concurrent Resolution No. 31  
Returned without amendments

House Concurrent Resolution No. 32  
Returned without amendments

Respectfully submitted,

GLENN A. KOEPP  
Secretary of the Senate

### Introduction of Resolutions, House and House Concurrent

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

#### HOUSE RESOLUTION NO. 5— BY REPRESENTATIVES FAUCHEUX, QUEZAIRE, AND GARY SMITH A RESOLUTION

To urge and request the Louisiana Department of Transportation and Development to construct a westbank expressway along Louisiana Highway 3127 between Baton Rouge and New Orleans in order to create an alternate escape route during hurricane evacuations.

Read by title.

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

#### HOUSE RESOLUTION NO. 6— BY REPRESENTATIVE CROWE A RESOLUTION

To urge and request the seventeen standing committees of the Louisiana House of Representatives to study and make recommendations regarding the laws within their subject matter jurisdictions which will be affected by the anticipated population shift due to Hurricanes Katrina and Rita.

Read by title.

On motion of Rep. Crowe, and under a suspension of the rules, the above resolution was referred to the Committee on House and Governmental Affairs, under the rules.

#### HOUSE CONCURRENT RESOLUTION NO. 34— BY REPRESENTATIVES FAUCHEUX, QUEZAIRE, AND GARY SMITH A CONCURRENT RESOLUTION

To urge and request the Louisiana Department of Transportation and Development to construct a westbank expressway along Louisiana Highway 3127 between Baton Rouge and New Orleans in order to create an alternate escape route during hurricane evacuations.

Read by title.

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

Ordered to the Senate.

#### HOUSE CONCURRENT RESOLUTION NO. 35— BY REPRESENTATIVES THOMPSON, FANNIN, GALLOT, HAMMETT, HUNTER, KATZ, KENNEY, AND McDONALD A CONCURRENT RESOLUTION

To urge and request the commissioner of insurance and the Louisiana Insurance Rating Commission to deny rate increases for property and casualty insurance in those geographical areas of

Louisiana that are outside of areas at high risk for damage by hurricanes.

Read by title.

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

Ordered to the Senate.

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

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

Read by title.

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

Ordered to the Senate.

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

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

Read by title.

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

Ordered to the Senate.

#### HOUSE CONCURRENT RESOLUTION NO. 38— BY REPRESENTATIVES TOOMY AND RICHMOND A CONCURRENT RESOLUTION

To urge and request the Judicial Council of the Louisiana Supreme Court to notify the judges in the parishes of St. Bernard, Plaquemines, and Orleans of the provisions of House Bill No. 74 of this First Extraordinary Session 2006 authorizing incentives for judges in those three parishes to make application for early retirement on or before July 30, 2006, and to request the judges to notify the council by May 1, 2006, of their intent to take early retirement and to request the council to immediately notify the chairmen of the House Committee on Judiciary and the Senate Committee on Judiciary A of the number of judges taking early retirement and the respective judicial districts in which they serve.

Read by title.

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

Ordered to the Senate.

#### HOUSE CONCURRENT RESOLUTION NO. 39— BY REPRESENTATIVE HEBERT A CONCURRENT RESOLUTION

To urge and request the Federal Emergency Management Agency to work with the Louisiana Army National Guard to deliver trailers to storm victims in the state of Louisiana who have been rendered homeless because of the destruction of their homes and apartments by Hurricanes Katrina and Rita.

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. 40—**

BY REPRESENTATIVE BURNS

**A CONCURRENT RESOLUTION**

To urge and request the Military Department, office of homeland security and emergency preparedness, which is under the authority of the governor and the adjutant general, to include a component of an emergency alert system within the development of a rapid communications system for times of disaster or emergencies.

Read by title.

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

Ordered to the Senate.

**Suspension of the Rules**

Rep. Fauchaux moved to suspend the rule which requires a committee chair be present in the chamber at the time a motion is made to discharge a bill from the committee.

Rep. Bowler objected.

By a vote of 36 yeas and 33 nays, the motion not having received a two-thirds vote of the members present and voting, the House refused to suspend the rules.

**Privileged Report of the Legislative Bureau**

February 13, 2006

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. 4  
Reported without amendments.

Senate Bill No. 31  
Reported without amendments.

Respectfully submitted,  
CHARLES MCDONALD  
Chairman

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

Rep. Jack Smith 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. 4—**

BY SENATORS B. GAUTREAUX, AMEDEE, CAIN, DUPRE, N. GAUTREAUX, HEITMEIER, THEUNISSEN AND ULLO AND REPRESENTATIVE JACK SMITH

**AN ACT**

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

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 Engrossed Senate Bill No. 4 by Senator B. Gautreaux

**AMENDMENT NO. 1**

On page 2, between line 14 and 15 insert the following:

"(i) Lake Borgne Basin Levee District.

(j) East Jefferson Levee District.

(k) Orleans Levee District."

**AMENDMENT NO. 2**

On page 2, at the beginning of line 15, change "(i)" to "(l)"

**AMENDMENT NO. 3**

On page 2, line 16, after "limited to" insert "St. Tammany Parish."

**AMENDMENT NO. 4**

On page 2, delete line 18 in its entirety and insert the following:

"created, the parish president or police jury of each such parish, or a designee."

**AMENDMENT NO. 5**

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

"(m) Plaquemines Parish president."

**AMENDMENT NO. 6**

On page 2, delete line 23 in its entirety and insert "parish governing authority."

**AMENDMENT NO. 7**

On page 3, delete lines 2 through 5 in their entirety and at the beginning of line 6, change "(3)" to "(2)"

**AMENDMENT NO. 8**

On page 3, at the beginning of line 9 change "(4)" to "(3)"

**AMENDMENT NO. 9**

On page 3, at the beginning of line 11 change "(5)" to "(4)"

**AMENDMENT NO. 10**

On page 3, at the beginning of line 13, change "(6)" to "(5)"

**AMENDMENT NO. 11**

On page 3, line 14, after "districts" delete "of the consortium" and insert "and parishes"

**AMENDMENT NO. 12**

On page 3, delete lines 15 and 16 and insert the following:

"year to the governor, the Coastal Protection and Restoration Authority as provided for in R.S. 49:213.3 et seq., the Department of Transportation and Development, and the"

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### AMENDMENT NO. 13

On page 3, line 18, after "consortium" and before "and" insert a comma ","

### AMENDMENT NO. 14

On page 3, line 29, after "board" delete the remainder of the line and insert a comma "," and "parish, or police jury."

Reported without amendments by the Legislative Bureau.

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

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

Under the rules, placed on the regular calendar.

### **SENATE BILL NO. 31—** BY SENATOR SCHEDLER

#### AN ACT

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

Read by title.

Reported favorably by the Committee on Commerce.

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.

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

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

### **Message from the Senate**

#### **SIGNED SENATE CONCURRENT RESOLUTIONS**

February 13, 2006

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. 9, 14, and 15

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

Respectfully submitted,

GLENN A. KOEPP  
Secretary of the Senate

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

### **Privileged Report of the Committee on Enrollment**

February 13, 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 Resolutions have been properly enrolled:

#### **HOUSE RESOLUTION NO. 4—**

BY REPRESENTATIVE JOHNS

#### A RESOLUTION

To commend LTC Daniel P. McLemore, outgoing commander of the 3<sup>rd</sup> Battalion, 156<sup>th</sup> Infantry Regiment, 256<sup>th</sup> Brigade Combat Team of the Louisiana Army National Guard, for his outstanding accomplishments.

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**

February 13, 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. 20—**

BY REPRESENTATIVE HEBERT AND SENATORS CAIN, CHEEK, CRAVINS, DUPLESSIS, DUPRE, ELLINGTON, B. GAUTREAUX, N. GAUTREAUX, HINES, HOLLIS, MCPHERSON, MOUNT, MURRAY, NEVERS, QUINN, SCHEDLER, SHEPHERD, THEUNISSEN, AND ULLO

#### 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 certain parishes 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.

#### **HOUSE CONCURRENT RESOLUTION NO. 26—**

BY REPRESENTATIVE HEBERT

#### A CONCURRENT RESOLUTION

To urge and request the United States Army Corps of Engineers to provide a listing of all Hurricane Katrina and Hurricane Rita related projects, including specific details including the type of work, the name of the contractor, and the total price of the contract.

#### **HOUSE CONCURRENT RESOLUTION NO. 27—**

BY REPRESENTATIVE HEBERT

#### A CONCURRENT RESOLUTION

To urge and request Governor Kathleen Babineaux Blanco to provide a list of all executive branch employees who were disciplined, demoted, or terminated for failing to perform their required duties adequately relative to Hurricane Katrina and Hurricane Rita, or, if such information is confidential, to provide a list of the positions of such employees.

**HOUSE CONCURRENT RESOLUTION NO. 28—**

BY REPRESENTATIVES DEWITT, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BADON, BALDONE, BARROW, BAUDOIN, BAYLOR, BEARD, BOWLER, BRUCE, BRUNEAU, BURNS, BURRELL, K. CARTER, R. CARTER, CAZAYOUX, CRANE, CRAVINS, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DOERGE, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FRITH, GALLOT, GEYMAN, 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, TOOMY, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WINSTON, AND WOOTON AND SENATOR MCPHERSON

**A CONCURRENT RESOLUTION**

To commend the members of the 199<sup>th</sup> Forward Support Battalion of the 256<sup>th</sup> Brigade Combat Team of the Louisiana Army National Guard for their extraordinary military service and great sacrifice for their country while serving in Iraq.

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.

**Suspension of the Rules**

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

House Resolution No. 6

Senate Bill Nos. 16, 22, and 50

**Adjournment**

On motion of Rep. Kenney, at 7:10 P.M., the House agreed to adjourn until Tuesday, February 14, 2006, at 3:00 P.M.

The Speaker Pro Tempore of the House declared the House adjourned until 3:00 P.M., Tuesday, February 14, 2006.

ALFRED W. SPEER  
Clerk of the House

