

**OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA**

NINTH DAY'S PROCEEDINGS

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

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Wednesday, February 15, 2006

The Senate was called to order at 3:00 o'clock P.M., by Hon. Donald E. Hines, President of the Senate.

ROLL CALL

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

PRESENT

Mr. President	Dupre	Marionneaux
Adley	Ellington	McPherson
Amedee	Fields	Michot
Bajoie	Fontenot	Mount
Barham	Gautreaux B	Murray
Boasso	Gautreaux N	Nevers
Broome	Heitmeier	Quinn
Cain	Hollis	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Shepherd
Cravins	Kostelka	Smith
Dardenne	Lentini	Theunissen
Duplessis	Malone	Ullo
Total - 39		

ABSENT

Total - 0

The President of the Senate announced there were 39 Senators present and a quorum.

Prayer

The prayer was offered by Senator Quinn, following which the Senate joined in pledging allegiance to the flag of the United States of America.

Reading of the Journal

On motion of Senator Quinn, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

Morning Hour

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

**PASSED SENATE BILLS AND
JOINT RESOLUTIONS**

February 15, 2006

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed the following Senate Bills and Joint Resolutions:

SENATE BILL NO. 2—
BY SENATOR THEUNISSEN
AN ACT

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

Reported without amendments.

SENATE BILL NO. 3—
BY SENATOR FIELDS AND REPRESENTATIVE DORSEY
AN ACT

To amend and reenact R.S. 13:992.1(D), relative to the judicial building fund; to provide for an extension of the deadline for letting public bids for construction of a new facility for the Nineteenth Judicial District Court; and to provide for related matters.

Reported without amendments.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

Message from the House

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

February 15, 2006

To the Honorable President and Members of the Senate:

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

SENATE CONCURRENT RESOLUTION NO. 12—
BY SENATORS SHEPHERD AND QUINN
A CONCURRENT RESOLUTION

To urge and request the Jefferson Parish School Board to provide transportation to each public school student within the parish including those who choose to attend magnet or charter schools at no cost to the student or his family.

Reported without amendments.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

**Privilege Report of the
Legislative Bureau**

February 15, 2006

To the President and Members of the Senate:

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

The following bills are approved as to construction and duplication.

HOUSE BILL NO. 29—
BY REPRESENTATIVE LANCASTER
AN ACT

To amend and reenact Section 3 of Act No. 69 of the 2005 First Extraordinary Session of the Legislature, relative to the proposed constitutional amendment to change the name of the Wetlands Conservation and Restoration Fund to the Coastal Protection and Restoration Fund and to provide relative to such fund; to change the date on which the proposed amendment

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shall be submitted to the electors; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 40— BY REPRESENTATIVE RICHMOND AN ACT

To enact R.S. 9:5633(A)(2)(c), relative to three-year acquisitive prescription; to provide for acquisition of blighted property; to provide for the filing of certain affidavits and judgments; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 47— BY REPRESENTATIVE TRICHE AN ACT

To amend and reenact R.S. 38:291(F)(1) and (2)(introductory paragraph) and (f), (P)(1), and (T)(1), to enact R.S. 38:329.1 through 329.3, and to repeal R.S. 38:291(F)(2)(g), relative to the consolidation of certain levee districts in Lafourche Parish; to change the boundaries of the North Lafourche Conservation, Levee and Drainage District and the Lafourche Basin Levee District; to provide for exclusive jurisdiction of the South Lafourche Levee District and its powers and duties; to provide relative to boards of commissioners; to provide for the transfer of certain property and documents; to provide relative to certain payments; to provide for an effective date; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 78— BY REPRESENTATIVES MONTGOMERY, HUTTER, BEARD, BURNS, DOVE, DOWNS, FANNIN, M. GUILLORY, KATZ, ODINET, PITRE, AND ST. GERMAIN AND SENATOR CHEEK AN ACT

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

Reported without amendments.

Respectfully submitted, ARTHUR J. "ART" LENTINI Chairman

Adoption of Legislative Bureau Report

On motion of Senator Lentini, the Bills and Joint Resolutions were read by title and passed to a third reading.

Senate Concurrent Resolutions on Second Reading

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

SENATE CONCURRENT RESOLUTION NO. 20— BY SENATOR MOUNT A CONCURRENT RESOLUTION

To urge and request the division of state police in the Department of Public Safety and Corrections to include Interstate I-10 and United States Highways 165 and 171 in their development of a contra-flow plan to meet the needs of citizens evacuating from Southwest Louisiana who are traveling north during an emergency catastrophic event.

The resolution was read by title. Senator Mount moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Dardenne, Malone. Lists names of senators and their counts for YEAS.

NAYS

Total - 0

ABSENT

Table with 3 columns: Name, Gautreaux N, McPherson. Lists names of senators and their counts for ABSENT.

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 22— BY SENATOR JONES A CONCURRENT RESOLUTION

To urge and request the Department of Public Safety and Corrections to create a program whereby non-violent state inmates can assist in the recovery, rebuilding, and restoration of Louisiana in the wake of hurricanes Rita and Katrina.

The resolution was read by title. Senator Jones moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Dupre, Michot. Lists names of senators and their counts for YEAS.

NAYS

Total - 0

ABSENT

Table with 3 columns: Name, Gautreaux N, Nevers. Lists names of senators and their counts for ABSENT.

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

ASKING CONCURRENCE IN HOUSE CONCURRENT RESOLUTIONS

February 14, 2006

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 44—
BY REPRESENTATIVE GLOVER

A CONCURRENT RESOLUTION

To commend Jerry Jones, Paul Tagliabue, Tom Benson, and other National Football League leaders who are involved in planning a preseason game between the New Orleans Saints and the Dallas Cowboys to benefit Hurricane Katrina relief efforts and to show support for the Saints as the team prepares to return to New Orleans.

HOUSE CONCURRENT RESOLUTION NO. 45—
BY REPRESENTATIVE LAFONTA

A CONCURRENT RESOLUTION

To commend the National Basketball Association, Kenny Smith, and Nike for their contributions to the hurricane relief effort.

HOUSE CONCURRENT RESOLUTION NO. 46—
BY REPRESENTATIVE GLOVER

A CONCURRENT RESOLUTION

To commend Mrs. Otis Dolton Whiten Emanuel of Shreveport for her outstanding accomplishments.

HOUSE CONCURRENT RESOLUTION NO. 47—
BY REPRESENTATIVE MORRELL

A CONCURRENT RESOLUTION

To urge and request the United States Postal Service, particularly the Postmaster of New Orleans, to take necessary measures to restore regular mail service to the citizens of New Orleans, including regular home delivery.

HOUSE CONCURRENT RESOLUTION NO. 48—
BY REPRESENTATIVE LAFONTA

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to reduce by twenty-five percent the amount of outstanding federal student loan debt of any college graduate who resides in certain areas of Louisiana most affected by Hurricane Katrina or Hurricane Rita for at least five consecutive years immediately following graduation and to memorialize congress to provide for the establishment of conditions and requirements for such debt reduction.

HOUSE CONCURRENT RESOLUTION NO. 49—
BY REPRESENTATIVE PINAC

A CONCURRENT RESOLUTION

To commend Guy T. Williams upon being named a Community Banker of the Year.

HOUSE CONCURRENT RESOLUTION NO. 50—
BY REPRESENTATIVE HAMMETT

A CONCURRENT RESOLUTION

To express the condolences and heartfelt sorrow of the Legislature of Louisiana upon the death of United States Marine Lance Corporal Billy D. "B.J." Brixey, Jr. of Vidalia.

HOUSE CONCURRENT RESOLUTION NO. 51—
BY REPRESENTATIVE ARNOLD

A CONCURRENT RESOLUTION

To urge and request the Louisiana Tax Commission to recognize and honor the legislative intent of Acts 30 and 70 of the 2005 First Extraordinary Session of the Legislature, relative to the homestead exemption and special assessment level.

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.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

House Concurrent Resolutions

Senator Bajoie asked for and obtained a suspension of the rules to take up at this time the following House Concurrent Resolutions just received from the House which were taken up, read a first and second time by their titles and acted upon as follows:

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.

The resolution was read by title; lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 44—
BY REPRESENTATIVE GLOVER

A CONCURRENT RESOLUTION

To commend Jerry Jones, Paul Tagliabue, Tom Benson, and other National Football League leaders who are involved in planning a preseason game between the New Orleans Saints and the Dallas Cowboys to benefit Hurricane Katrina relief efforts and to show support for the Saints as the team prepares to return to New Orleans.

The resolution was read by title. Senator Jackson moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Michot
Amedee	Ellington	Mount
Bajoie	Fields	Murray
Barham	Gautreaux B	Quinn
Boasso	Hollis	Shepherd
Broome	Jackson	Smith
Cain	Jones	Theunissen
Chaisson	Kostelka	Ullo
Dardenne	Lentini	
Total - 29		

NAYS

Total - 0

ABSENT

Cheek	Heitmeier	Romero
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February 15, 2006

Cravins	Marionneaux	Schedler
Fontenot	McPherson	
Gautreaux N	Nevers	
Total - 10		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 45—
BY REPRESENTATIVE LAFONTA

A CONCURRENT RESOLUTION

To commend the National Basketball Association, Kenny Smith, and Nike for their contributions to the hurricane relief effort.

The resolution was read by title. Senator Murray moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	Michot
Bajoie	Fields	Mount
Barham	Gautreaux B	Murray
Boasso	Hollis	Quinn
Broome	Jackson	Shepherd
Cain	Jones	Smith
Chaisson	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Total - 30		

NAYS

Total - 0

ABSENT

Cheek	Gautreaux N	Nevers
Cravins	Heitmeier	Romero
Fontenot	McPherson	Schedler
Total - 9		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 46—
BY REPRESENTATIVE GLOVER

A CONCURRENT RESOLUTION

To commend Mrs. Otis Dolton Whiten Emanuel of Shreveport for her outstanding accomplishments.

The resolution was read by title. Senator Jackson moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Marionneaux
Adley	Ellington	Michot
Amedee	Fields	Mount
Bajoie	Gautreaux B	Murray
Barham	Heitmeier	Quinn
Boasso	Hollis	Shepherd
Broome	Jackson	Smith
Cain	Jones	Theunissen
Chaisson	Kostelka	Ullo
Dardenne	Lentini	
Duplessis	Malone	
Total - 31		

NAYS

Total - 0

ABSENT

Cheek	Gautreaux N	Romero
Cravins	McPherson	Schedler
Fontenot	Nevers	
Total - 8		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 47—
BY REPRESENTATIVE MORRELL

A CONCURRENT RESOLUTION

To urge and request the United States Postal Service, particularly the Postmaster of New Orleans, to take necessary measures to restore regular mail service to the citizens of New Orleans, including regular home delivery.

The resolution was read by title; lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 48—
BY REPRESENTATIVE LAFONTA

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to reduce by twenty-five percent the amount of outstanding federal student loan debt of any college graduate who resides in certain areas of Louisiana most affected by Hurricane Katrina or Hurricane Rita for at least five consecutive years immediately following graduation and to memorialize congress to provide for the establishment of conditions and requirements for such debt reduction.

The resolution was read by title; lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 49—
BY REPRESENTATIVE PINAC

A CONCURRENT RESOLUTION

To commend Guy T. Williams upon being named a Community Banker of the Year.

The resolution was read by title. Senator Theunissen moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	Michot
Bajoie	Fields	Mount
Barham	Gautreaux B	Murray
Boasso	Heitmeier	Quinn
Broome	Hollis	Shepherd
Cain	Jackson	Smith
Chaisson	Jones	Theunissen
Cheek	Kostelka	Ullo
Dardenne	Lentini	
Total - 32		

NAYS

Total - 0

ABSENT

Cravins	McPherson	Schedler
Fontenot	Nevers	
Gautreaux N	Romero	
Total - 7		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 50—
BY REPRESENTATIVE HAMMETT

A CONCURRENT RESOLUTION

To express the condolences and heartfelt sorrow of the Legislature of Louisiana upon the death of United States Marine Lance Corporal Billy D. "B.J." Brixey, Jr. of Vidalia.

The resolution was read by title. Senator Ellington moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneau
Amedee	Ellington	Michot
Bajoie	Fields	Mount
Barham	Gautreaux B	Murray
Boasso	Heitmeier	Nevers
Broome	Hollis	Quinn
Cain	Jackson	Shepherd
Chaisson	Jones	Smith
Cheek	Kostelka	Theunissen
Dardenne	Lentini	Ullo

Total - 33

NAYS

Total - 0

ABSENT

Cravins	Gautreaux N	Romero
Fontenot	McPherson	Schedler

Total - 6

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 51—
BY REPRESENTATIVE ARNOLD

A CONCURRENT RESOLUTION

To urge and request the Louisiana Tax Commission to recognize and honor the legislative intent of Acts 30 and 70 of the 2005 First Extraordinary Session of the Legislature, relative to the homestead exemption and special assessment level.

The resolution was read by title; lies over under the rules.

**House Concurrent Resolutions
on Second Reading**

The following House Concurrent Resolutions were read and acted upon as follows:

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.

The resolution was read by title. Senator Amedee moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Marionneau
Adley	Dupre	McPherson
Amedee	Ellington	Michot
Bajoie	Fields	Mount
Barham	Fontenot	Murray
Boasso	Gautreaux B	Nevers
Broome	Heitmeier	Quinn
Cain	Jackson	Schedler
Chaisson	Jones	Shepherd
Cheek	Kostelka	Smith
Cravins	Lentini	Theunissen
Dardenne	Malone	Ullo

Total - 36

NAYS

Total - 0

ABSENT

Gautreaux N	Hollis	Romero
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Total - 3

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

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.

The resolution was read by title. Senator Jones moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Marionneau
Adley	Ellington	McPherson
Amedee	Fields	Michot
Bajoie	Fontenot	Mount
Barham	Gautreaux B	Murray
Boasso	Gautreaux N	Nevers
Broome	Heitmeier	Quinn
Cain	Hollis	Schedler
Chaisson	Jackson	Shepherd
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Duplessis	Malone	

Total - 38

NAYS

Total - 0

ABSENT

Romero

Total - 1

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

February 15, 2006

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.

On motion of Senator Bajoie, the resolution was read by title and returned to the Calendar, subject to call.

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.

The resolution was read by title. Senator N. Gautreaux moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Dupre Marionneaux
Adley Ellington McPherson
Amedee Fields Michot
Bajoie Fontenot Mount
Barham Gautreaux B Murray
Boasso Gautreaux N Nevers
Broome Heitmeier Quinn
Cain Hollis Schedler
Chaisson Jackson Shepherd
Cheek Jones Smith
Cravins Kostelka Theunissen
Dardenne Lentini Ullo
Duplessis Malone

Total - 38

NAYS

Total - 0

ABSENT

Romero
Total - 1

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

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.

On motion of Senator Bajoie, the resolution was read by title and returned to the Calendar, subject to call.

HOUSE CONCURRENT RESOLUTION NO. 42—
BY REPRESENTATIVE FRITH
A CONCURRENT RESOLUTION

To urge and request the Wildlife and Fisheries Commission not to reduce the current creel limit for spotted seatrout.

The resolution was read by title. Senator N. Gautreaux moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Dupre Marionneaux
Adley Ellington McPherson
Amedee Fields Michot
Bajoie Fontenot Mount
Barham Gautreaux B Murray
Boasso Gautreaux N Nevers
Broome Heitmeier Quinn
Cain Hollis Schedler
Chaisson Jackson Shepherd
Cheek Jones Smith
Cravins Kostelka Theunissen
Dardenne Lentini Ullo
Duplessis Malone

Total - 38

NAYS

Total - 0

ABSENT

Romero
Total - 1

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

House Concurrent Resolutions
on Second Reading, Subject to Call

The following House Concurrent Resolutions, subject to call, were read and acted upon as follows:

Called from the Calendar

Senator Theunissen asked that House Concurrent Resolution No. 16 be called from the Calendar at this time.

HOUSE CONCURRENT RESOLUTION NO. 16—
BY REPRESENTATIVE JOHNS
A CONCURRENT RESOLUTION

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

The resolution was read by title.

Floor Amendments Sent Up

Senator Theunissen sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Theunissen to Original House Concurrent Resolution No. 16 by Representative Johns

AMENDMENT NO. 1
On page 1, line 8, change "1930," to "1936,"

AMENDMENT NO. 2

On page 1, at the end of line 9, after "Louisianian;" insert "there was no crib in the Hodge Clinic, he slept in the drawer of a chest;"

AMENDMENT NO. 3

On page 2, between lines 26 and 27, insert the following:
 "WHEREAS, Mr. Henry's leadership secrets for building consensus during the Constitutional Convention were in great demand, and he toured the nation advising his colleagues in many of Louisiana's sister states on the intricacies of the constitutional process; and"

AMENDMENT NO. 4

On page 3, between lines 4 and 5, insert the following:
 "WHEREAS, Mr. Henry was recognized for his exemplary leadership by President Gerald Ford in an Oval Office ceremony in the spring of 1974 as the only Louisianian to be so honored; and"

AMENDMENT NO. 5

On page 3, line 6, after "institution" insert "and its absolute independence"

AMENDMENT NO. 6

On page 3, between lines 17 and 18, insert the following:
 "WHEREAS, as commissioner of administration, Mr. Henry had the inspiration for and prepared the plans and blueprints for what was to become the State Capitol Complex and the consolidation of state offices in the Capitol environs, and he advocated and pushed through comprehensive reform of state procurement and selection procedures; and"

AMENDMENT NO. 7

On page 3, line 22, after "Henry" change "also serves" to "has served"

AMENDMENT NO. 8

On page 3, at the end of line 25, after "organizations" insert ", such as the Council for a Better Louisiana, the Public Affairs Research Council, the Greater Baton Rouge Food Bank, and others"

AMENDMENT NO. 9

On page 3, between lines 25 and 26, insert the following:
 "WHEREAS, Bubba Henry lives his life based on his faith in his Creator and manifests his faith in part through his devotion to University Baptist Church in multiple roles, including teaching Sunday school to young adults for many years; and"

AMENDMENT NO. 10

On page 4, at the end of line 18, after "Louisiana" insert "and a humble country lawyer"

On motion of Senator Theunissen, the amendments were adopted.

Senator Theunissen moved to concur in the amended House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Marionneaux
Adley	Ellington	McPherson
Amedee	Fields	Michot
Bajoie	Fontenot	Mount
Barham	Gautreaux B	Murray
Boasso	Gautreaux N	Nevers
Broome	Heitmeier	Quinn
Cain	Hollis	Schedler
Chaisson	Jackson	Shepherd
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Duplessis	Malone	

Total - 38

NAYS

Total - 0

ABSENT

Romero

Total - 1

The Chair declared the Senate had concurred in the amended House Concurrent Resolution and ordered it returned to the House.

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON SENATE AND GOVERNMENTAL AFFAIRS

Senator Jones, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

February 15, 2006

To the President and Members of the Senate:

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

HOUSE BILL NO. 61—

BY REPRESENTATIVES THOMPSON, DORSEY, HAMMETT, SALTER, ALARIO, ANSARDI, CAZAYOUX, DAMICO, DOERGE, DURAND, GALLOT, HILL, KENNEY, LAFLEUR, MARTINY, MCDONALD, MONTGOMERY, PIERRE, PINAC, QUEZAIRE, JACK SMITH, JOHN SMITH, ST. GERMAIN, AND WOOTON AND SENATORS HINES, MOUNT, AND NEVERS

AN ACT

To amend and reenact R.S. 29:1(B), 722(A)(1), 724(B)(3), 725, 726(A), (E)(introductory paragraph), and (F), 727(A), 728(A) and (C), 730(C), 731.1(A), 737(C), 764(A)(1), 766(B), and 767, R.S. 30:2458(A)(9), R.S. 36:4(B)(1)(n), R.S. 40:2841, 2842(3), and 2844(B)(6), and R.S. 49:1055(D) and to enact R.S. 36:4(B)(1)(g), relative to reorganization of governmental powers, functions, and responsibilities regarding homeland security and emergency preparedness; to abolish the office of homeland security and emergency preparedness in the Military Department and to create the Governor's Office of Homeland Security and Emergency Preparedness as an agency in the office of the governor reporting directly to the governor; to provide for the powers, duties, organization, and responsibilities of such office; to provide for a director of such office; to provide that the new office is the successor to the abolished office; to provide for the transfer of powers, duties, functions, responsibilities, property, and employees and to otherwise provide for implementation; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 88—

BY REPRESENTATIVES GRAY, BURRELL, DORSEY, FAUCHEUX, GALLOT, GREENE, HEBERT, M. POWELL, RICHMOND, SMILEY, AND WHITE

AN ACT

To amend and reenact R.S. 29:726(E)(13) and to enact R.S. 29:726(E)(14), (15), (16), and (17), relative to the duties of the office of homeland security and emergency preparedness; to require the office to prepare and maintain a homeland security and state emergency operations plan to include components providing for evacuation, shelter, post-disaster response and recovery, and lead and support responsibilities of state agencies; and to provide for related matters.

Reported with amendments.

Respectfully submitted,

CHARLES D. JONES
Chairman

REPORT OF COMMITTEE ON

FINANCE

Senator Heitmeier, Chairman on behalf of the Committee on Finance, submitted the following report:

February 15, 2006

To the President and Members of the Senate:

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

HOUSE BILL NO. 3—

BY REPRESENTATIVE ALARIO

AN ACT

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

Reported favorably.

HOUSE BILL NO. 71—

BY REPRESENTATIVES ALARIO AND SCALISE

AN ACT

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

Reported favorably.

Respectfully submitted,
FRANCIS C. HEITMEIER
Chairman

House Bills and Joint Resolutions
on Second Reading
Reported by Committees

Senator Jones asked for and obtained a suspension of the rules to take up at this time the following House Bills and Joint Resolutions just reported by Committees.

HOUSE BILL NO. 3—

BY REPRESENTATIVE ALARIO

AN ACT

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

Reported favorably by the Committee on Finance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 61—

BY REPRESENTATIVES THOMPSON, DORSEY, HAMMETT, SALTER, ALARIO, ANSARDI, CAZAYOUX, DAMICO, DOERGE, DURAND, GALLOT, HILL, KENNEY, LAFLEUR, MARTINY, MCDONALD, MONTGOMERY, PIERRE, PINAC, QUEZAIRE, JACK SMITH, JOHN SMITH, ST. GERMAIN, AND WOOTON AND SENATORS HINES, MOUNT, AND NEVERS

AN ACT

To amend and reenact R.S. 29:1(B), 722(A)(1), 724(B)(3), 725, 726(A), (E)(introductory paragraph), and (F), 727(A), 728(A) and (C), 730(C), 731.1(A), 737(C), 764(A)(1), 766(B), and 767, R.S. 30:2458(A)(9), R.S. 36:4(B)(1)(n), R.S. 40:2841, 2842(3), and 2844(B)(6), and R.S. 49:1055(D) and to enact R.S. 36:4(B)(1)(g), relative to reorganization of governmental powers, functions, and responsibilities regarding homeland security and emergency preparedness; to abolish the office of homeland security and emergency preparedness in the Military Department and to create the Governor's Office of Homeland Security and Emergency Preparedness as an agency in the office of the governor reporting directly to the governor; to provide for the powers, duties, organization, and responsibilities of such office; to provide for a director of such office; to provide that the new office is the successor to the abolished office; to provide for the transfer of powers, duties, functions, responsibilities, property, and employees and to otherwise provide for implementation; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Reengrossed House Bill No. 61 by Representative Thompson

AMENDMENT NO. 1

On page 1, line 5 after "enact" insert "R.S. 29:525(H) and"

AMENDMENT NO. 2

On page 1, line 19 after "reenacted" insert "and R.S. 29:525(H) is hereby enacted"

AMENDMENT NO. 3

On page 4, between lines 27 and 28 insert the following:

"H. The Governor's Office of Homeland Security shall operate pursuant to rules developed, adopted and promulgated as provided for state agencies in the Administrative Procedures Act. Such rules shall be subject to the authority of the legislature to oversee their development as provided in such Act, and for such purpose shall be submitted to the Senate Committee on Senate and Governmental Affairs and the House Committee on House and Governmental Affairs."

AMENDMENT NO. 4

On page 11, line 10 after "office." insert the following:

"There is no intent to reallocate or redirect funds which have, as of the effective date of this Act, been allocated to a local government provided that the funds are used or expended consistent with the requirements of the applicable state or federal guidelines in which the funds were originally allocated."

AMENDMENT NO. 5

On page 11, line 18, change performed. Subject to state civil service" to "performed, subject to"

AMENDMENT NO. 6

On page 11, line 19, change "service laws, rules, and regulation" to "laws, rules, and regulations governing employees in the unclassified civil service"

AMENDMENT NO. 7

On page 12, line 2, change "and 9" to ", 9, and 10"

AMENDMENT NO. 8

On page 12, line 6, change "and 9" to ", 9, and 10"

AMENDMENT NO. 9

On page 12, line 8, after "terminate" delete the remainder of the line and insert "and have no effect on and after July 1, 2010, and on and after such date the law shall revert to the law in effect prior to the amendments provided in this Act."

On motion of Senator Jones, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 71—
BY REPRESENTATIVES ALARIO AND SCALISE
AN ACT

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

Reported favorably by the Committee on Finance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 88—
BY REPRESENTATIVES GRAY, BURRELL, DORSEY, FAUCHEUX,
GALLOT, GREENE, HEBERT, M. POWELL, RICHMOND, SMILEY, AND
WHITE

AN ACT

To amend and reenact R.S. 29:726(E)(13) and to enact R.S. 29:726(E)(14), (15), (16), and (17), relative to the duties of the office of homeland security and emergency preparedness; to require the office to prepare and maintain a homeland security and state emergency operations plan to include components providing for evacuation, shelter, post-disaster response and recovery, and lead and support responsibilities of state agencies; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Engrossed House Bill No. 88 by Representative Gray

AMENDMENT NO. 1

On page 1, line 5 after "include" insert "proposed"

AMENDMENT NO. 2

On page 1, line 16 change "Include an" to "Include a. proposed"

AMENDMENT NO. 3

On page 2, line 1 between "The" and "evacuation" insert "proposed"

AMENDMENT NO. 4

On page 2, line 12 after "Include a" insert "proposed"

AMENDMENT NO. 5

On page 2, line 16 between "The" and "shelter" insert "proposed"

AMENDMENT NO. 6

On page 2, line 28 after "Include a" insert "proposed"

AMENDMENT NO. 7

On page 3, line 2 between "This" and "component" insert "proposed"

AMENDMENT NO. 8

On page 3, line 6 between "The" and "post-disaster" insert "proposed"

AMENDMENT NO. 9

On page 3, line 25 change "Assign" to "Proposed the assignment of"

AMENDMENT NO. 10

On page 3, delete lines 27 and 28, and on page 4, delete lines 1 through 5 and insert the following:

"(b) Work in coordination with parish governing authorities to facilitate parish evacuation plans."

(c) Provide assistance to parish offices of emergency preparedness in the preparation of parish emergency operations plans."

AMENDMENT NO. 11

On page 4, line 12 between "Provide an" and "initial" insert "proposed" and between "initial" and "report" insert "progress"

AMENDMENT NO. 12

On page 4, line 13 change "House Committee on Judiciary" to "House Committee on House and Governmental Affairs" and change "Senate Committee on Judiciary A" to "Senate Committee on Senate and Governmental Affairs"

On motion of Senator Jones, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

**Senate Bills and Joint Resolutions
Returned from the House
of Representatives with Amendments**

The following Senate Bills and Joint Resolutions returned from the House of Representatives with amendments were taken up and acted upon as follows:

SENATE BILL NO. 1—

BY SENATORS NEVERS AND HINES AND COAUTHORED BY
SENATORS JACKSON AND SCHEDLER
AN ACT

To enact R.S. 23:1552 (B)(6) and (7), relative to unemployment compensation; to provide with respect to contributions; to provide for reimbursement of unemployment compensation benefits charged to state and local governments and eligible nonprofit organizations during a gubernatorially declared disaster or emergency; to provide for deferment of payments; to provide for the waiver of penalty and interest; to provide for extended payment terms; and to provide for related matters.

The bill was read by title. Returned from the House of Representatives with the following amendments:

HOUSE FLOOR AMENDMENTS

Conforming amendments proposed by Representative Gray to Reengrossed Senate Bill No. 1 by Senator Nevers (Duplicate of HB No. 89)

AMENDMENT NO. 1

On page 2, line 7, change "regards" to "regard"

AMENDMENT NO. 2

On page 2, line 8, insert a comma "," after "2005-46"

AMENDMENT NO. 3

On page 2, line 9, change "hurricane related" to "hurricane-related"

AMENDMENT NO. 4

On page 2, line 10, delete "R.S. 23:1552" and insert "this Section"

AMENDMENT NO. 5

On page 2, at the end of line 10, delete "R.S." and at the beginning of line 11, delete "23:1552(B)." and insert "Subsection B of this Section."

AMENDMENT NO. 6

On page 2, line 18, delete "Subsection 5 of this Section." and insert "Paragraph (6) of this Subsection."

Senator Nevers moved to concur in the amendments proposed by the House.

February 15, 2006

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	McPherson
Amedee	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Quinn
Chaisson	Hollis	Shepherd
Cheek	Jackson	Smith
Cravins	Jones	Theunissen
Dardenne	Kostelka	Ullo
Duplessis	Malone	
Dupre	Marionneaux	
Total - 34		

NAYS

Total - 0

ABSENT

Adley	Lentini	Schedler
Bajoie	Romero	
Total - 5		

The Chair declared the amendments proposed by the House were concurred in. Senator Nevers moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

SENATE BILL NO. 4—

BY SENATORS B. GAUTREAU, AMEDEE, CAIN, DUPRE, N. GAUTREAU, 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.

The bill was read by title. Returned from the House of Representatives with the following amendments:

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**"

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.**"

Senator B. Gautreaux moved to concur in the amendments proposed by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Malone
Adley	Ellington	Marionneaux
Amedee	Fields	McPherson
Barham	Fontenot	Michot
Boasso	Gautreaux B	Mount
Broome	Gautreaux N	Murray
Cain	Heitmeier	Nevers
Chaisson	Hollis	Shepherd
Cheek	Jackson	Smith
Cravins	Jones	Theunissen
Dardenne	Kostelka	Ullo
Total - 33		

NAYS

Total - 0

ABSENT

Bajoie	Lentini	Romero
Duplessis	Quinn	Schedler
Total - 6		

The Chair declared the amendments proposed by the House were concurred in. Senator B. Gautreaux moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

SENATE BILL NO. 5—

BY SENATOR N. GAUTREUX AND REPRESENTATIVE HEBERT AND COAUTHORED BY REPRESENTATIVE FRITH AN ACT

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

The bill was read by title. Returned from the House of Representatives with the following amendments:

HOUSE FLOOR AMENDMENTS

Conforming amendments proposed by Representative Hebert to Reengrossed Senate Bill No. 5 by Senator N. Gautreaux (Duplicate of HB No. 5)

AMENDMENT NO. 1

On page 1, line 2, after "relative to" delete the remainder of the line and on line 3, delete "certain inspections and inspectors;" and insert "the State Uniform Construction Code;"

AMENDMENT NO. 2

On page 1, line 14, after "architect" insert a comma "," and "contractor,"

AMENDMENT NO. 3

On page 1, line 16, after "40:1730.27." delete the remainder of the line and delete line 17 in its entirety and on page 2, delete lines 1 through 5 in their entirety and insert "a third-party"

AMENDMENT NO. 4

On page 2, line 7, after "registration." insert "Contractors shall not inspect their own work."

AMENDMENT NO. 5

On page 2, line 15, after "providers." delete the remainder of the line and delete lines 16 through 19 in their entirety

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Hebert to Reengrossed Senate Bill No. 5 by Senator N. Gautreaux

AMENDMENT NO. 1

Delete the set of House Floor Amendments proposed by Representative Hebert and adopted by the House of Representatives on February 12, 2006.

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Crowe to Engrossed Senate Bill No. 5 by Senator N. Gautreaux

AMENDMENT NO. 1

On page 2, line 7, after "registration." insert the following: "No architect, contractor, or engineer shall inspect the work of a contractor who is an "immediate family member" during the duration of the emergency provisions. For the purposes of this Section, an "immediate family member" is a parent, child, sibling, or spouse of the architect, contractor, or engineer."

Senator N. Gautreaux moved to concur in the amendments proposed by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Ellington Malone

Amedee Fields Marionneau
Barham Fontenot McPherson
Boasso Gautreaux B Michot
Broome Gautreaux N Mount
Cain Heitmeier Murray
Chaisson Hollis Nevers
Cheek Jackson Shepherd
Cravins Jones Smith
Dardenne Kostelka Theunissen
Dupre Lentini Ullo

Total - 33

NAYS

Total - 0

ABSENT

Adley Duplessis Romero
Bajoie Quinn Schedler

Total - 6

The Chair declared the amendments proposed by the House were concurred in. Senator N. Gautreaux moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

SENATE BILL NO. 14—

BY SENATOR CAIN

AN ACT

To amend and reenact R.S. 22:1382(B)(7)(c), 1430.2(C), 1430.3(C), 1430.6(D)(5), 1430.16(G), and 1430.17 and to enact R.S. 22:1430.3(A)(12), 1430.3(E), 1430.6(E), 1430.19, 1430.20 and 1430.21, relative to the Louisiana Citizens Property Insurance Corporation, to prohibit the rehabilitation, liquidation or dissolution of the corporation; to authorize the corporation to assign and grant a security interest in assessment, insurance and reinsurance recoverable as security for loans or bonds; to clarify that any future statutory amendment or amendments to the plan of operation may not impair the obligation to any bond holders; to prohibit the corporation from filing bankruptcy; to authorize the corporation to borrow money from the Louisiana Insurance Guaranty Association; to reaffirm severability; to provide for an additional member to the board of directors; and to provide for related matters.

The bill was read by title. Returned from the House of Representatives with the following amendments:

HOUSE FLOOR AMENDMENTS

Conforming amendments proposed by Representative K. Carter to Reengrossed Senate Bill No. 14 by Senator Cain (Duplicate of HB No. 45)

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 22:" delete "1382(B)(7)(c), 1430.2(C), 1430.3(C),"

AMENDMENT NO. 2

On page 1, line 3, after "1430.17" insert a comma "," and delete "and" and after "R.S. 22:" delete "1430.3(A)(12), 1430.3(E),"

AMENDMENT NO. 3

On page 1, line 4, after "1430.20" insert a comma "," and after "1430.21," insert "and to repeal R.S. 22:1430.7(C),"

AMENDMENT NO. 4

On page 1, line 5, after "Corporation" change the comma "," to a semicolon ";" and delete the remainder of the line and delete lines 6 through 12 in their entirety and insert the following:

"to provide for bonds and obligations; to provide for security interests; to provide for dissolution; to provide for payment of bonds and obligations; to provide for the plan of operation; to provide for impairment of obligations; to provide for covenants with the state and the legislature; to provide for bankruptcy; to provide for severability; and to provide for related matters."

February 15, 2006

AMENDMENT NO. 5

On page 1, line 14, after "R.S. 22:" delete "1382(B)(7)(c), 1430.2(C), 1430.3(C),"

AMENDMENT NO. 6

On page 1, line 15, after "R.S. 22:" delete the remainder of the line and on line 16, insert a comma "," after "1430.20"

AMENDMENT NO. 7

On page 1, delete line 17 in its entirety and on page 2, delete lines 1 through 29 in their entirety and on page 3, delete lines 1 through 11 in their entirety

AMENDMENT NO. 8

On page 4, line 25, after "deficits" insert a comma "," and after "and" insert "to" and after "such" change "funds" to "proceeds"

AMENDMENT NO. 9

On page 5, line 8, after "due" change "with" to "in"

AMENDMENT NO. 10

On page 5, line 10, after "imposed" insert a comma "," and delete "remains outstanding."

AMENDMENT NO. 11

On page 5, line 11, after "indebtedness," insert "so long as such bonds or other indebtedness remain outstanding."

AMENDMENT NO. 12

On page 6, line 6, after "purpose." delete the remainder of the line and on line 7, delete "operation to the contrary, any" and insert "Any"

AMENDMENT NO. 13

On page 6, line 14, change "covenants and agrees" to "covenant and agree"

AMENDMENT NO. 14

On page 6, line 15, after "that" delete the comma "," and change "as" to "so"

AMENDMENT NO. 15

On page 6, line 18, after "bonds" insert "until such bonds" and after "indebtedness" insert a comma "," and delete the remainder of the line and on line 19, delete "instrumentality thereof and the Louisiana Legislature."

AMENDMENT NO. 16

On page 6, line 20, delete "as well as" and insert "and"

AMENDMENT NO. 17

On page 6, line 21, delete "until all such bonds" and insert a comma ","

AMENDMENT NO. 18

On page 6, line 23, delete "Limitation on bankruptcy" and insert "Bankruptcy"

AMENDMENT NO. 19

On page 7, line 1, after "period." delete the remainder of the line, and on line 2, delete "plan of operation to the contrary, the" and insert "The" and after "Section" delete the comma ","

AMENDMENT NO. 20

On page 7, at the end of line 5, delete "of" and on line 6, delete "Louisiana"

AMENDMENT NO. 21

On page 7, line 7, change "covenants" to "covenant"

AMENDMENT NO. 22

On page 7, delete lines 15 through 18 in their entirety and insert the following:

"If a provision of this Subpart or its application is held invalid, the invalidity shall not affect other provisions or application of this

Subpart which can be given effect without the invalid provisions or application."

AMENDMENT NO. 23

On page 7, between lines 18 and 19, insert the following: "Section 2. R.S. 22:1430.7(C) is hereby repealed in its entirety."

AMENDMENT NO. 24

On page 7, at the beginning of line 19, change "Section 2." to "Section 3."

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative K. Carter to Reengrossed Senate Bill No. 14 by Senator Cain

AMENDMENT NO. 1

On page 4, line 22, change "13-A" to "13"

AMENDMENT NO. 2

On page 4, line 23, change "1431" to "1421"

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative K. Carter to Reengrossed Senate Bill No. 14 by Senator Cain

AMENDMENT NO. 1

On page 1, line 3, change " 1430.16(G) and 1430.17" to "and 1430.16(G)"

AMENDMENT NO. 2

On page 1, line 14, after "1430.6(D)(5)," and before "1430.16(G)" insert "and"

AMENDMENT NO. 3

On page 1, line 15, at the beginning of the line delete "and 1430.17"

AMENDMENT NO. 4

On page 5, after line 14 delete the remainder of page in its entirety.

AMENDMENT NO. 5

On page 6, delete lines 1 through 11, both inclusive and in their entirety.

Senator Cain moved to reject the amendments proposed by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Malone
Adley	Ellington	Marionneau
Amedee	Fields	McPherson
Barham	Fontenot	Michot
Boasso	Gautreaux B	Mount
Broome	Gautreaux N	Murray
Cain	Heitmeier	Nevers
Chaisson	Hollis	Schedler
Cheek	Jackson	Smith
Cravins	Jones	Theunissen
Dardenne	Kostelka	Ullo
Duplessis	Lentini	
Total - 35		

NAYS

Total - 0

ABSENT

Bajoie	Romero
Quinn	Shepherd

Total - 4

The Chair declared the amendments proposed by the House were rejected. Senator Cain moved to reconsider the vote by which the amendments were rejected and laid the motion on the table.

SENATE BILL NO. 31—
BY SENATOR SCHEDLER AND REPRESENTATIVES CROWE AND SCHNEIDER

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.

The bill was read by title. Returned from the House of Representatives with the following amendments:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Crowe to Engrossed Senate Bill No. 31 by Senator Schedler

AMENDMENT NO. 1
On page 2, line 11, after "more than" delete "sixty" and insert "thirty"

Senator Schedler moved to concur in the amendments proposed by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Marionneaux
Adley	Fields	McPherson
Amedee	Fontenot	Michot
Barham	Gautreaux B	Mount
Boasso	Gautreaux N	Murray
Broome	Heitmeier	Nevers
Cain	Hollis	Schedler
Chaisson	Jackson	Smith
Cheek	Jones	Theunissen
Dardenne	Kostelka	Ullo
Duplessis	Lentini	
Dupre	Malone	

Total - 34

NAYS

Total - 0

ABSENT

Bajoie	Quinn	Shepherd
Cravins	Romero	

Total - 5

The Chair declared the amendments proposed by the House were concurred in. Senator Schedler moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

Senate Bills and Joint Resolutions on Third Reading and Final Passage, Subject to Call

The following Senate Bills and Joint Resolutions on Third Reading and Final Passage, subject to call, were taken up and acted upon as follows:

Called from the Calendar

Senator Duplessis asked that Senate Bill No. 49 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 49—
BY SENATORS DUPLESSIS, HINES AND MOUNT AND REPRESENTATIVES DORSEY, GALLOT, HAMMETT AND SALTER
AN ACT

To enact Chapter 3-C of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:600.51 through 600.63, relative to the Louisiana Housing and Land Trust; to create and provide for such trust and its board of directors and their powers, duties, functions and responsibilities; to provide a tax exemption status for the trust; to provide a termination date for the trust; to provide an effective date; and to provide for related matters.

Floor Amendments Sent Up

Senator Lentini sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 49 by Senator Duplessis

AMENDMENT NO. 1
On page 9, line 1, change "home loan bank" to "Home Loan Bank"

On motion of Senator Lentini, the amendments were adopted.

Floor Amendments Sent Up

Senator Schedler sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senators Schedler, Duplessis, Jackson and Mount to Engrossed Senate Bill No. 49 by Senator Duplessis

AMENDMENT NO. 1
On page 1, lines 3 and 10, change "600.63" to "600.60"

AMENDMENT NO. 2
On page 1, line 11 after "TRUST" insert "CORPORATION"

AMENDMENT NO. 3
On page 1, line 13 after "Trust" insert "Corporation"

AMENDMENT NO. 4
On page 2, line 4, after "properties.", delete the remainder of the line and delete lines 15 through 18.

AMENDMENT NO. 5
On page 2, line 14, between "properties" and ":" insert "and help resettle displaced residents"

AMENDMENT NO. 6
On page 2, line 19 delete "trust" and insert "The Louisiana Housing and Land Trust Corporation"

AMENDMENT NO. 7
On page 2, line 20 after "Trust" insert "Corporation"

AMENDMENT NO. 8
On page 2, line 21 after "trust." delete the remainder of the line and insert the following:

"a non-profit corporation incorporated under the laws of the state of Louisiana, domiciled in the parish of East Baton Rouge, state of Louisiana. The corporation shall apply for tax exempt status under Section 501 of the Internal Revenue Code."

AMENDMENT NO. 9

On page 2, line 22, change "full corporate powers" to "corporate powers as provided in this Chapter"

AMENDMENT NO. 10
On page 2, delete line 29

AMENDMENT NO. 11
On page 3, at the beginning of line 1, change "D." to "C."

AMENDMENT NO. 12
On page 3, line 1, after "parishes" delete the remainder of the line and insert the following:

"designated for individual assistance by the federal emergency management association as a result of Hurricane Katrina or Hurricane Rita. The parishes shall be divided into the following areas:

1. Southwest Region, which shall include the parishes of Acadia, Allen, Beauregard, Calcasieu, Cameron, Evangeline, Iberia, Jefferson Davis, Lafayette, Sabine, St. Landry, St. Martin, St. Mary, Vermilion and Vernon.

2. Southeast Region, which shall include the parishes Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Jefferson, Lafourche, Plaquemines, Pointe Coupe, St. Bernard, St. Charles, St. James, St. John the Baptist, Terrebonne, West Baton Rouge, and West Feliciana

3. North Shore Region, which shall include the parishes of Livingston, St. Helena, St. Tammany, Tangipahoa and Washington.

4. Orleans Region, which shall include the parish of Orleans.

AMENDMENT NO. 13
On page 3, delete lines 2 through 7

AMENDMENT NO. 14
On page 3, line 10 change "seven" to "eleven"

AMENDMENT NO. 15
On page 3, line 19, between "Representatives" and ";" insert "who, by virtue of his education, training or experience in banking, mortgage financing, housing development, land use or urban planning are especially qualified to serve on the board."

AMENDMENT NO. 16
On page 3, line 20, between "Senate" and ";" insert "who, by virtue of his education, training or experience in banking, mortgage financing, housing development, land use or urban planning are especially qualified to serve on the board."

AMENDMENT NO. 17
On page 3, line 21 after "governor" delete the remainder of the line and insert "from a list of three names submitted by the Colleges or Schools of Urban and Public Affairs at any Louisiana College or University of individuals who, by virtue of their education, training or experience in banking, mortgage financing, housing development, land use or urban planning are especially qualified to serve on the board."

AMENDMENT NO. 18
On page 3, delete lines 22 through 26, and insert the following:
"(8) One person appointed by the governor from a list of three names submitted by the Louisiana Home Builders Association of individuals who, by virtue of their education, training or experience in banking, mortgage financing, housing development, land use or urban planning are especially qualified to serve on the board."

"(9) One person appointed by the governor from two lists of three names each submitted by the Louisiana Bankers Association and the Louisiana Mortgage Lenders Association of individuals who, by virtue of their education, training or experience in banking, mortgage financing, housing development, land use or urban planning are especially qualified to serve on the board."

"(10) One person appointed by the governor from two lists of three names each submitted by the Council for a Better Louisiana

and the Public Affairs Research Council of individuals who, by virtue of their education, training or experience in banking, mortgage financing, housing development, land use or urban planning are especially qualified to serve on the board."

"(11) One person appointed by the governor from a list of three names submitted by the Louisiana Association of Nonprofit Organizations of individuals who, by virtue of their education, training or experience in banking, mortgage financing, housing development, land use or urban planning are especially qualified to serve on the board."

AMENDMENT NO. 19
On page 3, line 27 change "four" to "five"

AMENDMENT NO. 20
On page 3, line 28 delete "R.S. 40:600.52(D)" and insert "R.S. 40:600.53(D)"

AMENDMENT NO. 21
On page 4, line 1 after "state," insert "one member from the southeast region of the state,"

AMENDMENT NO. 22
On page 4, line 1 change "New Orleans area" to "Orleans Region"

AMENDMENT NO. 23
On page 4, line 13 after "trust" insert the following:
"Each member of the board, officer and employee of the trust, or members of their immediate family, shall comply with R.S. 42:1113(B)."

AMENDMENT NO. 24
On page 5, between lines 1 and 2, insert the following:
"(D.) All funding received, expended, or disbursed by the trust shall be subject to audit, review, and examination by an independent accounting firm or firms engaged by the state or any agency of the state to oversee the receipt and disbursement of funds as well as audit by the legislative auditor pursuant to R.S. 24:513.

"(E.) To the extent consistent with allocation restrictions imposed by the sources of any funds received, the trust shall allocate all funds among the impacted parishes in proportion to the total amount of property damage in and the number of residents displaced for more than forty-five (45) days from the parishes, respectively."

AMENDMENT NO. 25
On page 5, line 9 after "for" insert "a chief executive officer, a chief financial officer and"

AMENDMENT NO. 26
On page 5, line 10 after "duties," insert "The chief executive officer and a chief financial officer shall be subject to Senate confirmation."

AMENDMENT NO. 27
On page 5, delete lines 24 through 29.

AMENDMENT NO. 28
On page 6, delete lines 1 through 7 and at the beginning of line 8, change "D." to "C."

AMENDMENT NO. 29
On page 6, delete lines 12 through 17.

AMENDMENT NO. 30
On page 6, between lines 17 and 18, insert the following:
"F. A plan of operation shall be adopted by the governing board of the trust and after approval by the Louisiana Recovery Authority, shall be filed with and approved by the Joint Legislative Committee on the Budget. The Joint Legislative Committee on the Budget may reject or order that a portion of the plan be rewritten to ensure compliance with the provisions of this Chapter. Any amendments of the plan of operation adopted

by the governing board of the trust shall be filed with and approved by the Joint Legislative Committee on the Budget. Once the Joint Legislative Committee on the Budget approves the plan, the plan of operation shall be approved by resolution by a majority of the members of the House and Senate. Nothing herein shall prohibit the Legislature from adopting a resolution which shall amend the plan of operation."

AMENDMENT NO. 31

On page 6, between lines 22 and 23 insert the following:

"B. The board of directors shall solicit and receive an external audit on an annual basis. The board of directors shall issue a request for proposals to prospective accounting firms who are qualified to perform such an audit of the trust. The name and qualifications of the accounting firm chosen shall be submitted to the Senate Committee on Finance and the House Committee on Appropriations along with a copy of the report. The report shall also be made to the board of directors, Louisiana Recovery Trust Authority and the Legislative Auditor pursuant to R.S. 24:513."

AMENDMENT NO. 32

On page 6, line 23, change "Economic assistance authority and activities" to "Referral for financial counseling"

AMENDMENT NO. 33

On page 6, line 24, delete "A.", delete lines 28 and 29, delete pages 7 and 8 in their entirety, and on page 9, delete lines 1 through 18.

AMENDMENT NO. 34

On page 9, line 5, after "requiring" delete "twenty" and insert "fifteen"

AMENDMENT NO. 35

On page 9, line 7, after "sixty percent" delete the remainder of the line and insert "or below of the AMI in the jurisdiction where the property is located and"

AMENDMENT NO. 36

On page 9, at the beginning of line 8, delete "fifteen" and insert "ten"

AMENDMENT NO. 37

On page 9, line 9, after "earning" delete the remainder of the line and insert "between sixty-one and one hundred percent of the AIM in the jurisdiction where the property is located."

AMENDMENT NO. 38

On page 9, line 19, change "600.62" to "600.59"

AMENDMENT NO. 39

On page 10, line 2, change "600.63" to "600.60"

Motion

Senator Bajoie moved the previous question on the amendment.

Without objection, so ordered.

On motion of Senator Schedler, the amendments were adopted.

The bill was read by title. Senator Duplessis moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Mount
Adley	Fields	Murray
Bajoie	Gautreaux B	Nevers
Broome	Jackson	Schedler
Cravins	Jones	Shepherd

Duplessis
Dupre
Total - 19

Lentini
McPherson

NAYS

Amedee	Fontenot	Romero
Barham	Hollis	Smith
Boasso	Kostelka	Theunissen
Cheek	Malone	Ullo
Dardenne	Michot	
Total - 14		

ABSENT

Cain	Gautreaux N	Marionneaux
Chaisson	Heitmeier	Quinn
Total - 6		

The Chair declared the amended bill failed to pass.

Notice of Reconsideration

Senator Duplessis, pursuant to Senate Rule Number 11.12, gave notice that before the expiration of the Morning Hour of the next succeeding legislative day of the Senate, she would move to reconsider the vote by which the amended bill failed to pass.

Rules Suspended

Senator Ullo asked for and obtained a suspension of the rules for the purpose of reverting to the Morning Hour.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

PASSED SENATE BILLS AND JOINT RESOLUTIONS

February 15, 2006

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed the following Senate Bills and Joint Resolutions:

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.

Reported with amendments.

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.

Reported with amendments.

February 15, 2006

SENATE BILL NO. 32—
BY SENATOR MOUNT

AN ACT

To amend and reenact R.S. 33:1395.4, relative to the organization or reorganization of local governmental subdivisions; to provide for amending a home rule charter; to provide for an effective date; and to provide for related matters.

Reported without amendments.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

Appointment of Conference Committee
on Senate Bill No. 14

The President of the Senate appointed the following members to confer with a like committee from the House for the purpose of considering the disagreement on Senate Bill No. 14: Senators Cain, Murray and Cravins.

Introduction of Resolutions,
Senate and Concurrent

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Resolutions, Senate and Concurrent, a first and second time and acting upon them as follows:

SENATE RESOLUTION NO. 7—

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

A RESOLUTION

To commend the 199th Support Battalion of the Louisiana National Guard for their brave, outstanding and selfless service to our country in the war in Iraq and the continued service by those members who volunteered to assist the citizens of Louisiana after the devastation inflicted by hurricanes Katrina and Rita.

The resolution was read by title; lies over under the rules.

SENATE CONCURRENT RESOLUTION NO. 23—
BY SENATOR N. GAUTREAU

A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the passing of Warren L. "Rusty" Brown, Jr., of Lafayette, Louisiana.

The resolution was read by title; lies over under the rules.

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

TRANSPORTATION, HIGHWAYS AND PUBLIC WORKS

Senator Ellington, Chairman on behalf of the Committee on Transportation, Highways and Public Works, submitted the following report:

February 15, 2006

To the President and Members of the Senate:

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

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 provide relative to the residency requirement for levee district commissioners; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 44—

BY REPRESENTATIVE BURNS
AN ACT

To enact R.S. 38:291.1, 291.2, 291.3, 291.4, 291.5, and 291.6 and to repeal R.S. 38:291(D) and (K), 304.3, 307, 326.2, 327, 328, 335, 336, 337, and 421(F), relative to levee districts; to consolidate the East Jefferson and Orleans 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 provide relative to the management of non-flood protection functions and activities of certain districts; 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 and Orleans levee districts; to provide relative to the debts, assets, property, and employees of the East Jefferson, and Orleans levee districts; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 52—

BY REPRESENTATIVES MARTINY, BEARD, DANIEL, DOWNS, KATZ, SCHNEIDER, TUCKER, WOOTON, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BALDONE, BAUDOIN, BOWLER, BRUCE, BRUNEAU, BURNS, CAZAYOUX, CRANE, DAMICO, DEWITT, DORSEY, DOVE, ERDEY, FANNIN, FAUCHEUX, FRITH, M. GUILLORY, HAMMETT, HEATON, HILL, HOPKINS, JOHNS, KLECKLEY, LAMBERT, LANCASTER, MCDONALD, MORRISH, ODINET, PINAC, PITRE, M. POWELL, T. POWELL, RITCHIE, SALTER, SMILEY, GARY SMITH, JANE SMITH, STRAIN, THOMPSON, TOOMY, TRAHAN, WADDELL, WALKER, WALSWORTH, AND WHITE

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.

Reported with amendments.

HOUSE BILL NO. 72—

BY REPRESENTATIVES SCHNEIDER, BEARD, DOWNS, ERDEY, GREENE, KATZ, KENNARD, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BALDONE, BAUDOIN, BOWLER, BRUCE, BRUNEAU, BURNS, CRANE, CROWE, DAMICO, DANIEL, DARTEZ, DEWITT, DOVE, DURAND, FANNIN, FARRAR, FAUCHEUX, FRITH, M. GUILLORY, HEATON, HEBERT, HOPKINS, JOHNS, KLECKLEY, LAMBERT, LANCASTER, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRISH, ODINET, PINAC, PITRE, M. POWELL, T. POWELL, RITCHIE, SCALISE, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, STRAIN, THOMPSON, TOOMY, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, AND WOOTON

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.

Reported favorably.

HOUSE BILL NO. 82—

BY REPRESENTATIVE SCHNEIDER
AN ACT

To amend and reenact R.S. 38:291(D)(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.

Reported with amendments.

Respectfully submitted,
NOBLE E. ELLINGTON
Chairman

REPORT OF COMMITTEE ON

LOCAL AND MUNICIPAL AFFAIRS

Senator Fields, Chairman on behalf of the Committee on Local and Municipal Affairs, submitted the following report:

February 15, 2006

To the President and Members of the Senate:

I am directed by your Committee on Local and Municipal Affairs to submit the following report:

SENATE BILL NO. 57—

BY SENATOR MURRAY

AN ACT

To enact R.S. 33:4720.56(20), relative to the authority and powers of the New Orleans Redevelopment Authority; to provide with respect to the transfer of its authority and powers; to provide for an effective date; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 1—

BY REPRESENTATIVES BURRELL AND GLOVER

AN ACT

To amend and reenact R.S. 33:2891.3(C), relative to acquisition of abandoned property by a parish or municipality; to change the period of time for owners or other interested parties to contest the acquisition of property adjudicated more than five years; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 49—

BY REPRESENTATIVES ANSARDI AND TOOMY

AN ACT

To enact R.S. 38:85, relative to contracts for hurricane protection and flood control projects in Jefferson Parish; to authorize the parish governing authority to let a single contract combining the design and construction phases of any such project; to provide procedures, requirements, and limitations; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 70—

BY REPRESENTATIVES JEFFERSON, BURRELL, DORSEY, FAUCHEUX, GALLOT, GREENE, M. POWELL, RICHMOND, SMILEY, AND WHITE

AN ACT

To amend and reenact R.S. 29:726(E)(13) and to enact R.S. 29:726(E)(14), (15), and (16), relative to the duties of the office of homeland security and emergency preparedness; to require the office to promulgate standards and requirements for local governments to follow relative to mandatory evacuations; to require the office to give priority consideration to the evacuation of certain designated special needs persons; to require the office to promulgate standards and requirements for local governments to follow for the evacuation or safe housing of essential workers; to provide for time limitations for the office to comply; to provide for reporting by the office to legislative committees; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
CLEO FIELDS
Chairman

**Senate Bills and Joint Resolutions
on Second Reading
Reported by Committees**

Senator Fields asked for and obtained a suspension of the rules to take up at this time the following Senate Bills and Joint Resolutions just reported by Committees.

SENATE BILL NO. 57—

BY SENATOR MURRAY

AN ACT

To enact R.S. 33:4720.56(20), relative to the authority and powers of the New Orleans Redevelopment Authority; to provide with respect to the transfer of its authority and powers; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Local and Municipal Affairs.

February 15, 2006

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 57 by Senator Murray

AMENDMENT NO. 1

On page 1, delete lines 2-15 and insert the following:

"To amend and reenact R.S. 33:4720.55(D) and (E), relative to the composition of the board of commissioners of the New Orleans Redevelopment Authority; to provide for the number of commissioners; to provide for the method of appointment of commissioners; to provide for the terms of commissioners; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4720.55 is hereby amended and reenacted to read as follows:

§4720.55 Creation of the New Orleans Redevelopment Authority by local option

* * *

D. Upon the certification of a resolution declaring the need for an authority to operate, as set forth in the Section, the mayor of the city of New Orleans shall appoint as commissioners of the authority with the advice and consent of the city council of the city of New Orleans, seven eleven citizens who shall be qualified electors of the municipality from each councilmanic district of the city, and two from the city at large, as follows:

(1) Seven commissioners shall be appointed, one from each councilmanic district of the city and two from the city at large from among nominees submitted by members of the legislature representing the city of New Orleans. The mayor shall request each of the members of the legislature representing the city of New Orleans to submit to him one nominee from his district for the position of commissioner. This request shall be made in writing and shall be mailed to each such legislator at his last known address. The legislator shall have ten days from the date of the mailing of the request by the mayor in which he may submit to the mayor the name of a nominee. Within twenty days after the mailing of the request to such members of the legislature, the mayor shall appoint from those nominees submitted by the members of the legislature the seven commissioners of the authority.

* * *

(3) Four additional commissioners from the city at large shall be appointed by the mayor from nominees submitted by each of the following groups as follows:

(A) The mayor shall request the chief executive officers of the universities based in New Orleans to collectively submit to him three nominees. This request shall be made in writing. The chief executive officers shall have ten days from the date of the mailing of the request by the mayor in which they shall submit to the mayor the name of the three nominees. Within twenty days after the mailing of the request, the mayor shall appoint from those nominees one commissioner of the authority.

(B) The mayor shall request the leaders of the faith based community in New Orleans to collectively submit to him three nominees. This request shall be made in writing. The faith based community shall have ten days from the date of the mailing of the request by the mayor in which they shall submit to the mayor the name of the three nominees. Within twenty days after the mailing of the request, the mayor shall appoint from those nominees one commissioner of the authority.

(C) The mayor shall request leaders of the business groups domiciled in New Orleans to collectively submit to him six nominees. This request shall be made in writing. The business groups shall have ten days from the date of the mailing of the request by the mayor in which they shall submit to the mayor the name of the six nominees. Within twenty days after the mailing of the request, the mayor shall appoint from those nominees two commissioners of the authority.

(3)-(4) Appointment of a commissioner at the expiration of the term of an appointed commissioner, or appointment of a commissioner to fill the unexpired term of a position vacated by a commissioner, shall be made by the mayor from a panel nominated by the legislators respective nominating authorities following the

same procedure as above set forth for the appointment of the first commissioners of the authority.

(4)-(5) A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the city council, and such certificate shall be conclusive evidence of the due proper appointment of such commissioner.

* * *

E. (1) The commissioners who are first appointed shall serve for terms as follows: one for one year, one for two years, one for three years, two for four years, and two for five years, respectively, from the date of their appointment as shall be specified at the time of their appointment. The commissioners who are appointed under the provisions of 4720.55 D.(3) shall serve for terms as follows: two shall serve for four years and two shall serve for five years. Thereafter the term of office of all commissioners shall be FIVE years. A commissioner shall hold office until his successor has been appointed and qualified. Notwithstanding this provision, the terms of the commissioners authorized under this chapter as of February 17, 2006 shall be five years from the date of their appointment.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval."

On motion of Senator Fields, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

House Bills and Joint Resolutions on Second Reading Reported by Committees

Senator Fields asked for and obtained a suspension of the rules to take up at this time the following House Bills and Joint Resolutions just reported by Committees.

HOUSE BILL NO. 1— BY REPRESENTATIVES BURRELL AND GLOVER AN ACT

To amend and reenact R.S. 33:2891.3(C), relative to acquisition of abandoned property by a parish or municipality; to change the period of time for owners or other interested parties to contest the acquisition of property adjudicated more than five years; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

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 provide relative to the residency requirement for levee district commissioners; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Reengrossed House Bill No. 11 by Representative Schneider

AMENDMENT NO. 1

On page 1, line 2, after "amend" delete the remainder of the line and delete lines 3 and 4 and insert as follows:

"Section 38(A)(1) and Section 39(A) and to add Section 38.1 of Article VI of the Constitution of Louisiana and to redesignate the title to Part III of said Article, relative to flood protection; to provide for the establishment of regional flood protection authorities and its governing authority, powers, duties, functions; to provide for the governing authority of levee districts within the territorial jurisdiction of a regional flood protection authority; to provide for taxing authority; to specify an election for submission of the proposition to electors and provide a ballot proposition; and to provide"

AMENDMENT NO. 2

On page 1, delete lines 9 through 21 and insert as follows: "amend Section 38(A)(1) and Section 39(A) and to add Section 38.1 of Article VI of the Constitution of Louisiana and to redesignate the title to Part III of said Article, to read as follows:

PART III. LEEVE DISTRICTS

AND REGIONAL FLOOD PROTECTION AUTHORITIES

§38. Levee Districts

Section 38.(A) Retention; Reorganization; Consolidation. Levee districts as organized and constituted on January 1, 1974 shall continue to exist, except that

(1) The legislature may provide by law for the consolidation, division, or reorganization of existing levee districts or, may create new levee districts, or may establish regional flood protection authorities as authorized by Section 38.1 of this Part. However, except for the board of commissioners of a regional flood protection authority 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.

* * *

§38.1. Regional flood protection authorities

Section 38.1.(A) Establishment. (1) The legislature by law may establish regional flood protection authorities and provide for their territorial jurisdiction, governing authority, powers, duties, and functions for the purpose of constructing and maintaining levees, levee drainage, flood protection, and hurricane flood protection within the territorial jurisdiction of the authority, and for all other purposes incidental thereto. Each authority shall be governed by a board of commissioners which shall also be the governing authority of each levee district within the territorial jurisdiction of the authority.

(2) The legislature, by law, may include within territorial jurisdiction of the regional flood protection authority one or more parishes or portions of parishes which are included in one or more levee districts that are not included within territorial jurisdiction of the authority. The inclusion of such parishes or portions of parishes shall not affect the authority of the respective levee district (a) to levy taxes in such areas nor prohibit the levy of taxes provided for in this Section in such areas, (b) to employ and provide for its employees, or (c) to own, construct, and maintain its property.

(B) Authority-wide Tax. In addition to the taxes authorized to be levied by any levee district situated within the territorial jurisdiction of a regional flood protection authority, the board of commissioners of the authority may levy annually a tax on the dollar of the assessed valuation of all taxable property situated within the territorial jurisdiction of the authority. The necessity and the levy and rate of the tax, or any increase thereof, shall be submitted to the electors within the authority, and the tax or increase shall take effect only if approved by:

(1) A majority of the electors voting thereon within that authority, and

(2) Each of the parishes in that authority, by a majority of the electors voting thereon in each parish, in an election held for that purpose.

(C) Notwithstanding the provisions of Article VII, Section 10.2(D) of this Constitution, the legislature may appropriate up to five hundred thousand dollars annually to regional flood protection authorities from the Coastal Protection and Restoration Fund.

(D) Obligation of Contract Affirmed. No action taken under this Section shall impair the obligation of outstanding bonded indebtedness or of any other contract of a levee district.

(E) The phrase "levee district" when used in Sections 40 and 41 of this Part and in Articles VII and IX of this Constitution shall include regional flood protection authorities.

§39. Levee District Taxes

Section 39.(A) District Tax; Millage Limit. For the purpose of constructing and maintaining levees, levee drainage, flood protection, hurricane flood protection, and for all other purposes incidental thereto, the governing authority of a levee district existing on the effective date of Section 38.1 of this Part, or created thereafter outside of the territorial jurisdiction of the regional flood protection authority, may levy annually on the dollar of the assessed valuation of all taxable property situated within the alluvial portions of the district subject to overflow a tax not to exceed five mills or the maximum millage authorized for such district as of the effective date of Section 38.1 of this Part, except that the Board of Levee Commissioners of the Orleans Levee District, or its successor, which may levy annually a tax not to exceed two and one-half mills or the maximum millage authorized for such district as of the effective date of Section 38.1 of this Part, on the dollar of the assessed valuation of all taxable property situated within the alluvial portions of the district subject to overflow. In no event shall a district existing on the effective date of Section 38.1 of this Part levy a millage, without voter approval, which is in excess of the maximum authorized millage as of December 31, 2005.

* * *

AMENDMENT NO. 3

On page 2, delete lines 8 through 10 and insert as follows:

"To authorize the legislature to establish regional flood protection authorities and provide for its governing authority, powers, duties, and functions, for the governing authority of levee districts within the territorial jurisdiction of the regional authority, and authorizing ad valorem taxes subject to voter approval. (Amends Article VI, Sections 38(A)(1) and 39(A) and adds Article VI, Section 38.1)"

On motion of Senator Ellington, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 44—

BY REPRESENTATIVE BURNS

AN ACT

To enact R.S. 38:291.1, 291.2, 291.3, 291.4, 291.5, and 291.6 and to repeal R.S. 38:291(D) and (K), 304.3, 307, 326.2, 327, 328, 335, 336, 337, and 421(F), relative to levee districts; to consolidate the East Jefferson and Orleans 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 provide relative to the management of non-flood protection functions and activities of certain districts; 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 and Orleans levee districts; to provide relative to the debts, assets, property, and employees of the East Jefferson, and Orleans levee districts; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Reengrossed House Bill No. 44 by Representative Burns

February 15, 2006

AMENDMENT NO. 1

On page 1, line 2, after "To" delete the remainder of the line and delete lines 3 through 15 and insert in thereof the following:

"amend and reenact R.S. 38:291(D)(2), (G)(2), (K)(2), and (R)(2), 301(B), 304(A) and (B), 305, and 313(C), 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) and (W), 304(D), Part 3-A of Chapter 4 of Title 38 of the Louisiana Revised Statutes of 1950, comprised of R.S. 38:330.1 through 330.12, and R.S. 49:213.1(E) and 213.4(A)(7), and to repeal R.S. 38:291(D)(3), 304.2, and 304.3, relative to flood protection; to establish the Southeast Louisiana Flood Protection Authority-East; to establish the Southeast Louisiana Flood Protection Authority-West Bank; to provide for its powers, duties, jurisdiction, and members; to provide for appointments to the board of commissioners of each 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 an authority; to provide for obligations, tax proceeds, and property of the district; to provide for a regional director for each authority; to create and provide for the St. Tammany Levee District; to create and provide for the Tangipahoa Levee District; to provide for the inclusion of parishes and portions of parishes in the authority; to provide for funding; to transfer and provide for the management and control of certain facilities and improvements of levee districts within an authority that are not related to flood protection and to provide for the allocation of revenue derived therefrom; to provide for applicability; and to"

AMENDMENT NO. 2

On page 1, line 18, after "Section 1." delete the remainder of the line and insert the following:

"R.S. 38:291(D)(2), (G)(2), (K)(2), and (R)(2), 301(B), 304(A) and (B), 305, and 313(C) are hereby amended and reenacted and R.S. 38:291(V) and (W), 304(D), and Part 3-A of Chapter 4 of Title 38 of the Louisiana Revised Statutes of 1950, comprised of R.S. 38:330.1 through 330.12, are hereby enacted"

AMENDMENT NO. 3

Delete pages 2 through 15 and insert in lieu thereof the following:

"§291. Naming; limits of districts; composition of boards

D. East Jefferson Levee District.

(2) In accordance with the provisions of R.S. 38:304 the governor shall appoint five persons to serve as levee commissioners. On and after January 1, 2007, the district shall be governed by the board of commissioners of the Southeast Louisiana Flood Protection Authority-East pursuant to authority granted by Article VI, Sections 38 and 38.1 of the Constitution of Louisiana and as provided in this Chapter.

G. Lake Borgne Basin Levee District.

(2) The governor shall appoint in accordance with the provisions of R.S. 38:304 three persons from the parish of St. Bernard. On and after January 1, 2007, the district shall be governed by the board of commissioners of the Southeast Louisiana Flood Protection Authority-East pursuant to authority granted by Article VI, Sections 38 and 38.1 of the Constitution of Louisiana and as provided in this Chapter.

K. Orleans Levee District.

(2) 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, after July 10, 1986, 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. On and after January 1, 2007, the district shall be governed by the board of commissioners of the Southeast Louisiana Flood Protection Authority-East for the territory on the east side of the Mississippi River and by the board of commissioners of the Southeast Louisiana Flood Protection Authority-West Bank for the territory on the west side of the Mississippi River, pursuant to authority granted by Article VI, Sections 38 and 38.1 of the Constitution of Louisiana and as provided in this Chapter.

R. West Jefferson Levee District.

(2) The governor shall appoint in accordance with the provisions of R.S. 38:304 nine persons to serve as levee commissioners. On and after January 1, 2007, the district shall be governed by the board of commissioners of the Southeast Louisiana Flood Protection Authority-West Bank pursuant to authority granted by Article VI, Sections 38 and 38.1 of the Constitution of Louisiana and as provided in this Chapter.

V. St. Tammany Levee District. (1) All territory contained within the parish of St. Tammany within the boundaries of the coastal zone pursuant to R.S. 49:214.24 shall be embraced in the limits of a levee district to be known as the St. Tammany Levee District. These lands and all property thereon situated, not exempt from taxation, shall be subject to the provisions of this Chapter.

(2) The district shall be governed by the board of commissioners of the Southeast Louisiana Flood Protection Authority-East.

W. Tangipahoa Levee District. (1) All territory contained within the parish of Tangipahoa within the boundaries of the coastal zone pursuant to R.S. 49:214.24 shall be embraced in the limits of a levee district to be known as the Tangipahoa Levee District. These lands and all property thereon situated, not exempt from taxation, shall be subject to the provisions of this Chapter.

(2) The district shall be governed by the board of commissioners of the Southeast Louisiana Flood Protection Authority-East.

§301. Construction and maintenance of levees and drainage; care and inspection of levees; measure of compensation; right of entry; bicycle paths and walkways

B. The Except as provided in R.S. 38:330.2(I), the care and inspection of levees shall devolve on resident commissioners, assisted by such inspectors and watchmen as may be appointed pursuant to regulations, which the boards are hereby authorized to adopt. Each resident commissioner and any inspector or watchman who may be appointed shall attend once during his term of office an educational training program conducted by the office of public works or its successor Department of Transportation and Development.

§304. Appointment of members; residency requirements; filling of vacancies

A. Any person appointed a levee commissioner or levee and drainage commissioner must have resided in this state the preceding two years, resided in the levee district the preceding year, be a qualified voter of one of the parishes included in the district, and reside in the district while serving as a member of the board, except as provided in R.S. 38:304.1.

B. (1) Notwithstanding any law to the contrary, every vacancy now or hereafter created whether by reason of death, resignation, expiration of term, or any other cause occurring in any levee district or levee and drainage district shall be filled by the governor from panels of names submitted as follows: each member of the House of Representatives representing a parish or part of a parish lying within a levee district or levee and drainage district shall submit one name for each vacancy to be filled from the parish, which he represents in the legislature within said levee district or levee and drainage district, and each member of the Senate shall submit one name for each

vacancy to be filled from the parish or parishes, which he represents in the legislature within said levee district or levee and drainage district, except as provided in R.S. 38:291(P); and 291(T); ~~304.2 and 304.3.~~

(2) In making appointments the governor shall not appoint any person to the board of commissioners to represent a specific parish who was not recommended by one or more of the legislators who represent that specific parish in the legislature except as provided in R.S. 38:291(P); and 291(T); ~~304.2 and 304.3.~~ All members of the boards of commissioners of levee districts or levee and drainage districts shall be appointed by the governor to serve at the pleasure of the governor making the appointment.

D. This Section shall not apply to the Southeast Louisiana Flood Protection Authority-East and the Southeast Louisiana Flood Protection Authority-West Bank.

§305. Employment of attorney

Each Except as provided in R.S. 38:330.5, each levee board and levee and drainage board for a levee district or levee and drainage district may employ one or more attorneys to represent it and to offer advice and assistance of a legal nature and one or more engineers. The salary of each attorney shall be determined by the board.

§313. Cessation of activities

C. The provisions of this Section shall not apply to districts created with multiple objectives listed as conservation, levee, and drainage districts. The provisions of this Section shall not apply to the West Jefferson Levee District, the Lafourche Levee Basin District, the Pontchartrain Levee Basin District, Red River, Atchafalaya, and Bayou Beouf Levee District, Orleans Levee District, Amite River Basin Drainage and Water Conservation District, Grand Isle Independent Levee District, and the Atchafalaya Levee District, the St. Tammany Levee District, the Tangipahoa Levee District, the Southeast Louisiana Flood Protection Authority -East, and the Southeast Louisiana Flood Protection Authority-West Bank.

PART 3-A. SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITIES

§330.1. Southeast Louisiana Flood Protection Authority-East and Southeast Louisiana Flood Protection Authority-West Bank; territorial jurisdiction; board of commissioners; appointments; terms; compensation; vacancy; officers; meetings; domicile

A.(1) The Southeast Louisiana Flood Protection Authority-East and Southeast Louisiana Flood Protection Authority-West Bank, referred to herein as "flood protection authority" or "authority," are established as levee districts pursuant to Article VI, Sections 38 and 38.1 of the Constitution of Louisiana.

(2) The authority shall be subject to Part II of Chapter 2 of Title 49 of the Louisiana Revised Statutes of 1950.

B. On and after January 1, 2007, each flood protection authority, through its board of commissioners as provided for in this Section, shall exercise all authority over and have management, oversight, and control of the following territories as provided by law for the boards of commissioners of such levee districts to which the authority is a successor and to the extent provided for in this Part:

(1)(a) The following levee districts and parts of levee districts and parishes shall be included within the Southeast Louisiana Flood Protection Authority-East:

- (i) East Jefferson Levee District.**
- (ii) Lake Borgne Basin Levee District.**
- (iii) That portion of the Orleans Levee District on the east side of the Mississippi River.**
- (iv) St. Tammany Levee District.**
- (v) Tangipahoa Levee District.**
- (vi) That portion of St. Charles Parish lying east of the Mississippi River.**
- (vii) That portion of St. John the Baptist lying east of the Mississippi River.**

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

(2)(a) The following levee districts and parts of levee districts and parishes shall be included within the Southeast Louisiana Flood Protection Authority-West Bank:

- (i) West Jefferson Levee District.**
- (ii) That portion of the Orleans Levee District on the west side of the Mississippi River.**

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

C.(1) There is hereby created a board of commissioners of each flood protection authority.

(a) The board of commissioners of the Southeast Louisiana Flood Protection Authority-East shall be composed of eleven members, of whom there shall be at least, and not more than, one member from each parish within the territorial jurisdiction of the authority. The members shall be appointed by the governor from nominations submitted by the nominating committee as follows:

(i) Five members who shall either be an engineer or a professional in a related field such as geotechnical, hydrological, or environmental science. Of the five members, one member shall be a civil engineer, and one member shall be a geologist or a hydrologist.

(ii) Three members who shall be a professional in a discipline other than that occurring in (i) with at least ten years of professional experience in that discipline. One of these members shall be a resident of a parish as provided for in (B)(1)(a)(vi) or (vii) of this Section.

(iii) Three members who shall be at-large. One of these members shall be a resident of a parish as provided for in (B)(1)(a)(vi) and (vii) of this Section.

(b) The board of commissioners of the Southeast Louisiana Flood Protection Authority-West Bank shall be composed of seven members of whom there shall be at least, and not more than, two members from each parish within the territorial jurisdiction of the authority. The members shall be appointed by the governor from nominations submitted by the nominating committee as follows:

(i) Three members who shall be either an engineer or a professional in a related field such as geotechnical, hydrological, or environmental science. Of the three members, one member shall be a civil engineer and one shall be a geologist or a hydrologist.

(ii) Two members who shall be a professional in a discipline other than that occurring in (i) with at least ten years of professional experience in that discipline. One of these members shall be a person residing in Orleans Parish on the west side of the Mississippi River.

(iii) Two members who shall be at-large. One of these members shall be a person residing in Orleans Parish on the west side of the Mississippi River.

(2)(a) The nominating committee for each board shall be composed as follows:

- (i) A member designated by the Public Affairs Research Council of Louisiana.**
- (ii) A member designated by the Council for A Better Louisiana.**
- (iii) A representative of the Louisiana Geological Survey at Louisiana State University.**
- (iv) A member of the Association of State Floodplain Managers designated by the association.**
- (v) A member of the National Academy of Engineering designated by the academy.**
- (vi) A member of the National Society of Black Engineers designated by the society.**
- (vii) A member of the American Institute of Hydrology designated by the institute.**
- (viii) The dean of the College of Engineering at the University of New Orleans, or his designee.**
- (ix) The dean of the School of Science and Engineering at Tulane University, or his designee.**

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

(xi) The dean of the College of Engineering at Louisiana State University, or his designee.

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

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

(b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph for the purpose of nominating persons to serve on the Southeast Louisiana Flood Protection Authority-West Bank, the committee shall also include, a member of the Harvey Canal Industrial Association and the president of Our Lady of Holy Cross College, or his designee.

(c) The secretary of state shall be the custodian of the records of the nominating committee. The chairman of the committee, or in his absence, the secretary of state, shall call the meeting of the nominating committee. The secretary of state or his designee shall serve as secretary for the nominating committee.

(3)(a) Within ten days after the effective date of this Section, the governor shall advise the secretary of state of the vacancies on a board. Within ten days after the occurrence of a vacancy on a board, the authority shall advise the secretary of state of the vacancy. Within fourteen days after being advised of a vacancy on a board, the secretary of state shall publish notice of the vacancy in the official journal of the state and of each parish within the territorial jurisdiction of the authority.

(b) No sooner than thirty days after the latest date of publication in any of the journals set forth in (a) of this Paragraph nor later than sixty days after that date, the nominating committee shall meet to determine the nominations to send to the governor to fill each vacancy. The committee shall consider each name submitted to the committee from whatever source and the committee members may propose names of persons to be considered. After review, the committee shall select the nominees for each vacancy who meet the requirements of this Section. The committee shall submit one nominee for a vacancy in a position provided for in R.S. 38:330.1(C)(1)(a)(i) or (b)(i) and shall submit two nominees for each vacancy in a position provided for in R.S. 38:330.1(C)(1)(a)(ii) or (iii) or (b)(ii) or (iii). A majority vote of the total membership of the nominating committee shall be required to nominate persons to positions on the board. The committee shall submit its nominations for each vacancy to the governor for consideration no later than ninety days after the occurrence of the vacancy. The governor shall appoint one of the nominees submitted by the committee.

(c) If the nominating committee fails to submit a nominee within ninety days after the occurrence of a vacancy, the governor shall appoint a person meeting the requirements of this Section.

(4) Each appointment made to the board shall be subject to confirmation by the Senate.

D.(1) The members of each board initially appointed shall at their first meeting determine by lot their terms of office, which terms shall commence immediately upon their appointment and shall expire, respectively, as follows:

(a) For the board of the Southeast Louisiana Flood Protection Authority-East: two members in one year, three members in two years, three members in three years, and three members in four years, from the first day of July immediately succeeding such appointment.

(b) For the board of the Southeast Louisiana Flood Protection Authority-West Bank: one member in one year, two members in two years, two members in three years, and two members in four years, from the first day of July immediately succeeding such appointment.

(2) All commissioners thereafter appointed, except a commissioner appointed to fill an unexpired term, shall be appointed as provided in Subsection C of this Section for staggered terms of four years. No member shall serve more than two consecutive four-year terms.

E. Immediately after the members of the board of commissioners have been appointed, or as soon as thereafter is practicable, they shall meet and organize by electing from their number a president, vice president, and secretary who shall perform the duties normally required of such officers. In case of death or resignation of the president, the vice president shall call the board together to fill the vacancy. In case of absence, inability, or failure to act of the president, the vice president shall perform all the duties of the president.

F.(1) A majority of the commissioners of the board shall constitute a quorum to do business. They shall designate the time and select the place for holding their regular sessions, which shall be convened each month. Special meetings may be convened at any time upon the call of the president. Regular monthly meetings of the board shall be convened on a rotating basis at a place to be determined by the board in a levee district under the jurisdiction of the authority.

(2)(a) In recognition that the primary purpose of the authority is regional coordination of flood protection and in order to promote such coordination over parochial concerns, approval of a proposed project shall require the favorable vote of at least two-thirds of the total voting membership of the board, regardless of whether the project is limited to one or more levee districts within the territorial jurisdiction of the authority.

(b) As used in this Paragraph, "project" means a program or engineering activity, either new or continuing that will be planned and implemented with the primary goal being the reduction of existing flood damages. "Program" means the flood control system which may include, but not be limited to, floodproofing, waterproofing, ring dikes, relocation assistance, information programs, formulation of codes, and engineering studies. "Engineering activities" means functions which may include, but not be limited to, dams, reservoirs, levees, dikes, floodwalls, diversions, channel alterations such as snagging and channel straightening, on site detention, spillways, and land treatment.

(3) Except as provided in Paragraph (2) of this Subsection, a favorable vote of a majority of the total voting membership of the board shall be required to take action.

(4) The members of the board of the Southeast Louisiana Flood Protection Authority-East appointed as residents of St. Charles or St. John the Baptist parishes from the east side of the Mississippi River shall be nonvoting except for any project which includes the parish or a portion of the parish. When these members are eligible to vote, they shall be included in the total voting membership for such purposes.

(5) The members of the board of the Southeast Louisiana Flood Protection Authority-West Bank appointed as residents of Orleans Parish from the west side of the Mississippi River shall be nonvoting except for any project which includes Orleans Parish or a portion of the parish. When these members are eligible to vote, they shall be included in the total voting membership for such purposes.

G. In case of neglect of duty by any board member or of his failure, without good cause, to attend three successive regular meetings, on request of the board, the governor shall remove the commissioner.

H. A vacancy created by reason of death, resignation, expiration of term, removal, or any other cause shall be filled in the same manner as the original appointment.

I.(1) The official domicile of an authority shall be determined by the board. An authority shall maintain an office at its domicile for the transaction of its business.

(2) A flood protection authority may also maintain branch offices within the territorial jurisdiction of the authority.

J. No member of a board, or any of the immediate family of the member, shall own or have any interest or part in any business, company, or entity conducting business of any kind with the authority or levee district within the territorial jurisdiction of the authority or any of the facilities controlled by the authority or any such district. "Immediate family" as used in this Subsection means his children, the spouses of his children, his brothers and their spouses, his sisters and their spouses, his parents, his spouse, the parents of his spouse, his spouse's

brothers and their spouses, his spouse's sisters and their spouses, and his spouse's children.

K.(1) No former board member may qualify as a candidate for any elected office within twelve months of the termination of his term on the board.

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

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

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

(5) No member of a board and no officer or employee of a 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.

(6) Notwithstanding any provision of law to the contrary, no member of a 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.

(7) No person shall be eligible for selection who is a party to any contract with an authority established by this Part or levee district within the territorial jurisdiction of an authority.

L. In lieu of the compensation provided in R.S. 38:308, the members of the board shall receive a per diem equal to the rate allowable for per diem deduction under Section 162(h)(1)(B)(ii) of Title 26 of the United States Code for its official domicile during their attendance on that body. In addition to the per diem, each member shall be paid a mileage allowance for going to and from meetings and for other travel authorized by the board equal to the rate established as the standard mileage rate for business travel for purposes of Section 162(a) of Title 26 of the United States Code.

§330.2. Board of commissioners, powers and duties

A.(1) A flood protection authority shall be governed by a board of commissioners.

(a) The board of commissioners of the Southeast Louisiana Flood Protection Authority-East shall be the successor to the boards of commissioners of the East Jefferson Levee District, Lake Borgne Basin Levee District, and, for territory in Orleans Parish on the east side of the Mississippi River, the Orleans Levee District. The board shall also be the governing authority of the St. Tammany Levee District, and the Tangipahoa Levee District.

(b) The board of commissioners of the Southeast Louisiana Flood Protection Authority-West Bank shall be the successor to the board of commissioners of the West Jefferson Levee District and, for territory in Orleans Parish on the west side of the Mississippi River, the Orleans Levee District.

(2)(a) Each board may, in addition to any other powers and duties provided by law for the boards of commissioners of levee districts, establish on its own behalf or for the areas or the levee districts under its authority adequate drainage, flood control, and water resources development, including but not limited to the planning, maintenance, operation, and construction of reservoirs, diversion canals, gravity and pump drainage systems, erosion control measures, marsh management, coastal restoration, and other flood control works as such activities, facilities, and improvements relate to tidewater flooding, hurricane protection,

and saltwater intrusion. Neither the authority nor any levee district within the territorial jurisdiction of the authority shall own, operate, or control any facility or improvement not directly related to such purposes, except as provided in R.S. 38:330.12.

(b) Nothing in this Paragraph shall transfer authority to operate flood control pump operations from any public entity authorized by law to conduct such activities.

B. Each board may enter into contracts and agreements of any nature on behalf of the authority or on behalf of any levee districts within the territorial jurisdiction of the authority for the purposes of this Chapter with any person or persons, corporation, association, or other entity, including public corporations, port authorities, the state and agencies thereof, levee districts, parishes, other political subdivisions, the United States government and agencies thereof, or any combination thereof, or with instrumentalities of any kind to carry out the purposes of and the powers granted in this Chapter.

C. Each board may enter into contracts or other agreements on behalf of the authority or on behalf of any levee districts within the territorial jurisdiction of the authority with any person or entity concerning the providing of lands, servitudes, rights-of-way, and relocations, and may engage the levee districts under its authority jointly with any person or entity in the exercise of any power to include the construction, operation, and maintenance of any facilities and improvements for the purpose of the projects under this Chapter.

D. Each board on behalf of the authority or behalf of any levee district within the territorial jurisdiction of the authority may construct and maintain drainage works of all types as such works relate to tidewater flooding, hurricane protection, and saltwater intrusion, either in cooperation with one or more parishes, municipalities, drainage districts, or other special districts within its territorial jurisdiction, or upon its own undertaking.

E. Each board may buy and sell property of the authority or of any levee district within its territorial jurisdiction, make and execute all contracts on behalf of the authority or on behalf of any such levee district, and perform any and all things necessary to carry out the objects of this Chapter, subject to the limitations and duties provided in this Section.

F. Subject to any local ordinance for the construction, erection, and maintenance of back and side levees to protect any area or portion of a levee district within the territorial jurisdiction of the authority from tidal overflow, a board shall work in conjunction with the appropriate parish governing authority to manage the construction and maintenance of the levees, pursuant to R.S. 38:143.

G. Each board shall adopt bylaws for the management and regulation of its affairs, for the governance of the board and its officers and employees, and for the operation and governance of the flood protection authority in accordance with the Administrative Procedure Act and subject to legislative rule oversight by the Senate and House committees on transportation, highways, and public works. It shall devise and adopt rules and regulations for the carrying into effect and perfecting of a comprehensive levee system, having for its object the protection of the entire territory of the authority from overflow. Such bylaws may include the establishment of any standing committees of the board as may be necessary to carry out the functions of the board.

H. The authority and each levee district within the territorial jurisdiction of the authority shall comply with all applicable federal and state law and regulations, particularly regarding federal rehabilitation assistance for flood control works damaged by flood or coastal storm.

I.(1) For each levee district within the territorial jurisdiction of the authority, care and inspection of levees shall devolve on commissioners and assisted by such inspectors and watchmen as may be appointed pursuant to regulations, which the board is hereby authorized to adopt. Each commissioner and any inspector or watchman who may be appointed shall attend once during his term of office an educational training program conducted by the Department of Transportation and Development.

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(2) Each commissioner and appointed inspector or watchman, upon presenting appropriate credentials, may enter any private premises within the territorial jurisdiction of the authority to care for and inspect levees. If the owner of the premises or his agent refuses to admit the commissioner, inspector, or watchman, the authority may obtain from any state court of competent jurisdiction and venue an appropriate order to submit the premises to entry for such purpose.

§330.3. Levee district and board reorganization; transfer of authority; obligations; taxes; employees; lands

A.(1)(a) Any legal proceeding to which the East Jefferson Levee District, Lake Borgne Basin Levee District, Orleans Levee District, or West Jefferson Levee District is a party and which is filed, initiated, or pending before any court on January 1, 2007, and all documents involved in or affected by said legal proceeding, shall retain its effectiveness and shall be continued in the name of the district. Other than the district or districts originally named as party to the proceedings, neither an authority or district within the territorial jurisdiction of the authority shall have any liability for actions pending or claims arising prior to the effective date of this Section.

(b) Neither an authority nor any district within the territorial jurisdiction of the authority shall have any liability for actions or claims other than the district against which the actions or claims arise.

(c) No provision of law providing the Southeast Louisiana Flood Protection Authority-East or Southeast Louisiana Flood Protection Authority-West Bank with any authority over and management, oversight, and control of the areas and levee districts provided for in R.S. 38:330.2(A) shall be construed or interpreted to make the taxes levied by, or other revenue of, a levee district within the territorial jurisdiction of the authority payable for the liability of another levee district, or for any liability of the authority when acting on behalf of another levee district.

(2) All obligations and unfinished business of the East Jefferson Levee District, Lake Borgne Basin Levee District, Orleans Levee District, and West Jefferson Levee District shall be managed on behalf of the districts by the appropriate authority.

(3) All outstanding indebtedness of the East Jefferson Levee District, Lake Borgne Basin Levee District, Orleans Levee District, and West Jefferson Levee District shall remain with the district and shall not be a liability of any authority.

B.(1) The proceeds of all taxes collected on all property taxed in the parishes Jefferson, Orleans, and St. Bernard for the purpose of constructing and maintaining levees, levee drainage, flood protection, hurricane flood protection and for all other purposes incidental thereto, by or on behalf of the East Jefferson Levee District, Lake Borgne Basin Levee District, Orleans Levee District, or West Jefferson Levee District and, except as provided in R.S. 38:330.12, any other revenue from operations of such districts shall be administered by the board of commissioners of the applicable flood protection authority; however, the taxes and other revenues of each such levee district shall only be used and expended for the purposes of such district.

(2) The proceeds from a tax levied, or revenue received, by an authority or a levee district may only be used or expended for a purpose of the authority or levee district where the tax is levied and revenue is collected.

(3) The proceeds of such taxes collected shall be deposited into a separate account established in the name of the authority or district in which the taxes are levied and collected. There shall be no commingling of funds in such accounts.

C.(1) Any books, records, documents, funds, movable property, lands or immovable property owned by the East Jefferson Levee District, Lake Borgne Basin Levee District, Orleans Levee District, and West Jefferson Levee District shall be retained as property of the respective levee district in which such property is situated, but shall be managed by the applicable flood protection authority, except as provided in R.S. 38:330.12.

(2) Except as provided in R.S. 38:330.12, any property acquired or improvements constructed with funds of a levee district within the territorial jurisdiction of the authority and all

income derived from property or improvements owned by the levee district shall belong to the levee district, but shall be managed by the authority.

§330.4. Regional directors

A. Each board may employ a regional who shall serve at the pleasure of the board. The board shall fix the qualifications, duties, and salary of the regional director.

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.

C. In addition to the duties prescribed by the board, the regional director shall keep records of all proceedings, preserve all books, maps, documents, papers, records, and reports entrusted to its care, and keep them open for public inspection.

§330.5. Employees

A. An authority may employ such employees as it deems necessary for its proper functioning, which employees shall not be civil service. However, in a levee district existing on December 31, 2006 with civil service employees, the district's employees shall continue to be civil service.

B. Any person employed by the East Jefferson Levee District, the Lake Borgne Basin Levee District, the Orleans Levee District, or the West Jefferson Levee District on January 1, 2007, may, insofar as practicable, continue as an employee of the levee district at the pleasure of the flood protection authority created in this Part and may, insofar as practicable, retain all rights, privileges, and benefits.

§330.6. Counsel to authority

The state attorney general and his assistants shall be and are hereby designated as counsel for each flood protection authority in the execution of the purposes of this Chapter and are hereby charged with the responsibility of representing each authority in any and all matters when called upon to do so.

§330.7. Police officers

Each authority shall not directly employ police security personnel. However, the authority may enter into cooperative endeavor agreements with appropriate local law enforcement agencies or local governmental subdivisions to provide necessary police security services for levees, or the authority may assume the rights and responsibilities of any existing cooperative endeavor agreements for police security services.

§330.8. Funding; appropriations

A. An authority or levee district within the territorial jurisdiction of the authority, for the purpose of constructing and maintaining levees, levee drainage, flood protection, hurricane flood protection, or for any other purpose incidental thereto, or for any other purpose related to its authorized powers and functions as specified by law, may levy or increase a tax. However, the necessity, purpose, and the rate of the levy or increase shall be submitted to the electors of the authority or district within which the levy or increase will apply, and the levy or tax increase shall take effect only if approved by (1) a majority of the electors voting thereon within that authority, and (2) each of the parishes in that authority, by a majority of the electors voting thereon in each parish, in an election held for that purpose. Proceeds from taxes levied and collected pursuant to this Subsection shall only be used as provided in the tax proposition and only within the authority or district in which the tax is levied.

B. An authority may seek, accept, and expend funds from any source, including private business, industry, foundations, and other groups as well as any federal or other governmental

funding available for any of the purposes set forth in Subsection A.

§330.9. Defense and indemnification of commissioners, officers, or employees

A. An authority may defend, indemnify against loss or liability and save harmless any of its commissioners, officers or employees whenever a claim or demand is made or threatened, or whenever proceeded against in any investigation or before any court, board, commission or other public body to defend or maintain his official position or a position taken in the course of the execution of his duties or because of any act or omission arising out of the performance of his official duties if it is determined that the commissioner, officer or employee acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the authority. Such determination shall be made by the board of commissioners by a majority vote of the board who were not parties to such action, suit, proceeding, investigation or claim. The provisions of this Subsection shall not apply in each event a commissioner, officer or employee is adjudged liable for malfeasance in office or an intentional tort.

B. To the extent that a commissioner, officer or employee of the authority has been successful on the merits or otherwise in defense of any action, suit, or proceeding referred to in or in defense of any claim, issue or matter therein, he shall be indemnified against expenses, including attorneys' fees, actually and reasonably incurred by him in connection therewith.

C. Expenses, including attorneys' fees, incurred in defending a civil action, suit or proceeding may be paid by an authority in advance of the final disposition of such action, suit, or proceeding as authorized in the manner provided in this Section upon receipt of an undertaking by or on behalf of the commissioner, officer or employee, to repay such amount unless it shall ultimately be determined that he is entitled to be indemnified by the authority as authorized in this Section.

D. The indemnification provided by this Section shall not be deemed exclusive of any other rights to which those indemnified may be entitled, both as to action in his official capacity and as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be a commissioner, officer or employee, and shall inure to the benefit of the heirs, executors and administrators of such a person.

E. An authority may purchase and maintain insurance on behalf of any person who is or was a commissioner, officer or employee of the authority against any liability asserted against him and incurred by him in any such capacity or arising out of his status as such, whether or not the authority would have the power to indemnify him against such liability under the provisions of this Section.

§330.10. Statutory reference

A. Subject to the limitations of liability as set forth in R.S. 38:330.3, whenever a reference to the "board of commissioners," "levee board" or "board of levee commissioners" of the East Jefferson Levee District, Lake Borgne Basin Levee District, Orleans Levee District, or West Jefferson Levee District appears in any statute, or in a contract, or a legal pleading, or in any other document, that reference shall be deemed to be a reference to the board of commissioners of the Southeast Louisiana Flood Protection Authority -East or the board of commissioners of the Southeast Louisiana Flood Protection Authority-West Bank, as applicable.

B. Subject to the limitations of liability as set forth in R.S. 38:330.3, whenever a reference to the "board of commissioners," "levee board" or "board of levee commissioners" or "levee district" appears in any statute, that reference shall be deemed to include the board of commissioners of the Southeast Louisiana Flood Protection Authority-East and Southeast Louisiana Flood Protection Authority-West Bank.

§330.11. Exception to jurisdiction of authorities

Notwithstanding any provision of law to the contrary, this Part shall not apply to any levee district or board that has been reorganized, merged into, or consolidated with a parish pursuant to Article VI, Sections 16 and 38 of the Constitution of Louisiana. Such levee district shall continue to have any rights, revenues, resources, jurisdiction, powers, authority, functions, and duties,

including the levy and collection of any local assessment or forced contribution, authorized by law at the time of the reorganization, merger, and consolidation with a parish.

§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 an 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. The levee district shall continue the routine maintenance of all properties or facilities within its jurisdiction until the division of administration receives responsibility for such maintenance.

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. If the division of administration determines that the sale, lease or transfer of such property is appropriate, it shall first offer the property to political subdivisions in the parish in which the property is located and state agencies conducting operations in that parish, other than levee districts, political subdivisions, or agencies responsible for flood control. If any such public entity is interested in acquiring the property, the division of administration shall evaluate proposals submitted by those entities. If no such proposal is received, or if such proposals are not determined to be in the best interest of the state, the property may be offered for sale or lease as otherwise provided by law.

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. No action taken pursuant to this Section or to any provision of this Part shall do any of the following:

(1) Impair the obligation of outstanding bonded indebtedness or of any other contract of any levee district.

(2) Impair the ability of any levee district to satisfy any legal action or claim pending against the district on the effective date of this Section.

Section 2. R.S. 42:808(A)(10) is hereby amended and reenacted to read as follows:

§808. Eligibility in group programs

A. For the purposes of participating in life, health, or other programs sponsored by the Office of Group Benefits, an employee is defined as:

* * *

(10) Notwithstanding any other provision of law to the contrary, any official holding an appointed position with the West Jefferson Levee District for more than eight years **prior to January 1, 2007.**

* * *

Section 3. R.S. 49:213.1(C), 213.4(A)(2), 213.5(A)(10), and 213.6(A)(2)(b) are hereby amended and reenacted and R.S. 49:213.1(E) and 213.4(A)(7) are hereby enacted to read as follows:

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§213.1. Statement of intent

C. The state must act to develop, implement, and enforce a comprehensive coastal protection plan. The state must act to ensure that the plan integrates hurricane protection and coastal restoration efforts in order to achieve long-term and comprehensive coastal protection. Comprehensive coastal protection must proceed in a manner that recognizes that the proper functioning of each protective element is critical to the overall success of the plan and that without such proper functioning the safety of the state and its citizens and the viability of the entire plan are threatened. Further, comprehensive coastal protection must further proceed in a manner that recognizes the powers and duties of political subdivisions, including flood protection authorities, and levee districts, to fund and manage local activities that are consistent with the goals of a comprehensive coastal protection plan. The state must act to conserve, restore, create, and enhance wetlands and barrier shorelines or reefs in coastal Louisiana while encouraging use of coastal resources and recognizing that it is in the public interest of the people of Louisiana to establish a responsible balance between development and conservation. Management of renewable coastal resources must proceed in a manner that is consistent with and complementary to the efforts to establish a proper balance between development and conservation.

E. Notwithstanding any other provision of state law and in accordance with the requirements of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act of 2006, the Coastal Protection and Restoration Authority is established, authorized, and empowered to carry out any and all functions necessary to serve as the single entity responsible to act as the local sponsor for construction, operation and maintenance of all of the hurricane, storm damage reduction and flood control projects in areas under its jurisdiction, including the greater New Orleans and southeast Louisiana area.

§213.4. Powers and duties

A. The authority shall:

(2) Develop, coordinate, make reports on, and provide oversight for a comprehensive coastal protection master plan and annual coastal protection plans, working in conjunction with state agencies, political subdivisions, including flood protection authorities, levee districts, and federal agencies. The master plan shall include a comprehensive strategy addressing the protection, conservation, and restoration of the coastal area through the construction and management of hurricane protection projects and coastal restoration projects and programs, all consistent with the legislative intent as expressed in R.S. 49:213.1. The annual coastal protection plan shall be developed as the annual implementation of the comprehensive master plan and shall be submitted to the legislature for approval as set forth in R.S. 49:213.6. The annual coastal protection plan shall include a description and status of all projects and programs pertaining to hurricane protection and coastal restoration, including privately funded wetland enhancement projects or plans, and addressing those activities requiring a coastal use permit which significantly affect projects set forth in the plan, all consistent with the legislative intent as expressed in R.S. 49:213.1.

(7) Enter into any contract with the federal government or any federal agency or any political subdivision of the state or private individual for the construction, operation, or maintenance of any coastal restoration, hurricane, storm damage reduction, or flood control project and to this end, may contract for the acceptance of any grant of money upon the terms and conditions, including any requirement of matching the grants in whole or part, which may be necessary.

§213.5. Coastal Protection and Restoration Authority; members

A. The Coastal Protection and Restoration Authority shall consist of the following members:

(10) Three members selected from among and by the presidents of the twelve following levee districts in the Louisiana coastal zone

grouped in three regions as follows: Region 1 - ~~Pontchartrain Levee District, Orleans Levee District and East Jefferson Levee District~~ **Southeast Louisiana Flood Protection Authority-East**. Region 2 - ~~Atchafalaya Levee District, Lafourche Basin Levee District, North Lafourche Conservation, Levee and Drainage District, Terrebonne Levee and Conservation District, and South Lafourche Levee District and Pontchartrain Levee District~~. Region 3 - ~~Lake Borgne Basin Levee District, West Jefferson Levee District, Grand Isle Independent Levee District, Southeast Louisiana Flood Protection Authority-West Bank, South Lafourche Levee District, Terrebonne Levee and Conservation District~~, and the Plaquemine Parish Government. The member from each region shall serve as a member for a term of one year. The members serving under the provisions of this Paragraph may designate a person to serve as a proxy.

§213.6. Coastal protection annual plans; development; priorities

A.

(2) The authority shall develop the plans in accordance with the following procedure:

(b) At least two weeks prior to each public hearing the authority shall contact the parish governing authorities, regional flood protection authorities, levee districts, and the state legislators of the parishes in the coastal zone for the purpose of soliciting their comments and recommendations and notifying them of the public hearing to be held in their area.

Section 4. R.S. 38:291(D)(3), 304.2, and 304.3 are hereby repealed.

Section 5. The terms of the boards of commissioners of the East Jefferson Levee District, the Lake Borgne Basin Levee District, the Orleans Levee District, and the West Jefferson Levee District serving on December 31, 2006 shall terminate on that date.

Section 6. The board of commissioners of the Southeast Louisiana Flood Protection Authority-East and the board of commissioners of the Southeast Louisiana Flood Protection Authority-West Bank shall conduct a study of pump drainage systems operated by entities within the territorial boundaries of the authority to determine the challenges, benefits, and opportunities of developing a plan to fully coordinate the systems and shall submit a written report of its findings and recommendations to the Senate and House committees on transportation, highways and public works by April 1, 2007.

Section 7. R.S. 38:330.1(A)(1), (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), and (L), 330.2(G), 330.4, 330.5, 330.6, 330.8(B), 330.9, and 330.12 as amended and reenacted or enacted in Section 1 of this Act and Sections 5, 6, 7, and 8 of this Act shall take effect and become operative if and when the proposed constitutional amendment of Article VI, Sections 38(A)(1) and 39(A) and the addition of Article VI, Section 38.1 of the Constitution of Louisiana contained in the Act, which originated as Senate Bill No. 9 or House Bill 11 of the 2006 First Extraordinary Session of the Legislature is adopted at the statewide election to be held on September 30, 2006, and at the same time that the amendment becomes effective.

Section 8. Except as provided in Section 7 of this Act, Sections 1, 2, 3, and 4 of this Act shall take effect and become operative on January 1, 2007, if and when the proposed constitutional amendment of Article VI, Sections 38(A)(1) and 39(A) and the addition of Article VI, Section 38.1 of the Constitution of Louisiana contained in the Act, which originated as Senate Bill No. 9 or House Bill 11 of the 2006 First Extraordinary Session of the Legislature is adopted at the statewide election to be held on September 30, 2006."

On motion of Senator Ellington, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 49—
BY REPRESENTATIVES ANSARDI AND TOOMY
AN ACT

To enact R.S. 38:85, relative to contracts for hurricane protection and flood control projects in Jefferson Parish; to authorize the parish governing authority to let a single contract combining the design

and construction phases of any such project; to provide procedures, requirements, and limitations; and to provide for related matters.

Reported with amendments by the Committee on Local and Municipal Affairs0.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Reengrossed House Bill No. 49 by Representative Ansardi

AMENDMENT NO. 1

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

"(6)(a) An adjusted score approach shall be used by the parish in determining the winning proposal. An adjusted score shall be determined using the following components:

(i) The technical score determined by the technical review committee. Weighing factors may be assigned to each element depending on its relative magnitude or significance to the overall project. Each technical review committee member shall rate his assigned element of the proposal from each of the entities on the short list and shall submit such scores to the chairman of the technical review committee. The schedule and price bid shall not be made known to the technical review committee during the scoring process. The chairman of the technical review committee shall adjust the scores for any applicable weighing factors and shall determine the total technical score for each proposal.

(ii) Prior to determining the adjusted score, the chairman of the technical review committee shall notify each design-build proposer, in writing, of each proposer's final total technical score. A proposer may request, in writing, a review of its final total technical score by the chief engineer or his designated representative. If any proposer requests a review of its total technical score, the chief engineer shall hold a hearing to review such within a reasonable time after the request has been received by the chief engineer. The chief engineer shall give the requesting proposer reasonable notice of the time and place of such hearing. The requesting proposer may appear at the hearing and present facts and arguments in support of the request for review of its final total technical score.

(iii) The individual scoring of each member of the technical review committee shall be considered a public record and available for public view.

(iv) The chief engineer shall present his findings from the hearing to the parish council. The council shall determine what action shall be taken regarding the proposer's request to review its final total technical score. Except as provided for in Subsection D of this Section, the council's decision shall be final and not subject to appeal by any legal process.

(v) The time value, consisting of the product of the proposed contract time expressed in calendar days multiplied by the value-per-calendar-day expressed in dollars established by the department and included in the "Scope of Services Package".

(vi) The price proposal.

(b) The chairman of the technical review committee shall recommend the proposal with the lowest adjusted score to the parish council. The adjusted score for each entity's design-build proposal shall be determined by the following formula: Adjusted Score = (Price Bid + Time Value) divided by Technical Score. If the Time Value is not used, the Adjusted Score shall be determined by the following formula: Adjusted Score = Price Bid divided by Technical Score."

AMENDMENT NO. 2

On page 4, at the end of line 15, delete "or the" and at the beginning of line 16 delete "council administrator"

AMENDMENT NO. 3

On page 4, at the end of line 26, after "thereof" and before the period "." insert ", provided any change is related to the original project and scope of services"

On motion of Senator Fields, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the

Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 52—

BY REPRESENTATIVES MARTINY, BEARD, DANIEL, DOWNS, KATZ, SCHNEIDER, TUCKER, WOOTON, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BALDONE, BAUDOIN, BOWLER, BRUCE, BRUNEAU, BURNS, CAZAYOUX, CRANE, DAMICO, DEWITT, DORSEY, DOVE, ERDEY, FANNIN, FAUCHEUX, FRITH, M. GUILLORY, HAMMETT, HEATON, HILL, HOPKINS, JOHNS, KLECKLEY, LAMBERT, LANCASTER, MCDONALD, MORRISH, ODINET, PINAC, PITRE, M. POWELL, T. POWELL, RITCHIE, SALTER, SMILEY, GARY SMITH, JANE SMITH, STRAIN, THOMPSON, TOOMY, TRAHAN, WADDELL, WALKER, WALSWORTH, AND WHITE

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.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Reengrossed House Bill No. 52 by Representative Martiny

AMENDMENT NO. 1

On page 1, line 2, after "508.3" delete the remainder of the line, and on line 3, delete "38:291(A)(1), (F)(1)(a), and (L)(1)"

AMENDMENT NO. 2

On page 1, line 4, delete "508.4 and"

AMENDMENT NO. 3

On page 1, delete lines 6 and 7, and insert "through 248, relative to hurricane"

AMENDMENT NO. 4

On page 1, line 8, after "provide for the" delete the remainder of the line, and on line 9, delete "protection" and insert:

"reorganization of the office of public works and intermodal transportation into the office of public works, hurricane flood protection, and intermodal transportation"

AMENDMENT NO. 5

On page 1, line 9, after "Development" delete the remainder of the line, and delete lines 10 and 11, and insert:

"and provide for the office's powers, duties, and functions with respect to hurricane flood protection; to create Hurricane Flood"

AMENDMENT NO. 6

On page 1, line 16, after "Protection" insert "Advisory"

AMENDMENT NO. 7

On page 2, delete lines 2 through 5, and insert "and to provide for"

AMENDMENT NO. 8

On page 2, delete line 8, and on line 9, delete "reenacted and" and insert "Section 1."

AMENDMENT NO. 9

On page 2, line 10, change "250" to "248"

AMENDMENT NO. 10

On page 2, delete lines 11 through 28, and on page 3, delete lines 1 through 24

AMENDMENT NO. 11

On page 5, line 16, change "hurricane flood protection" to "public works, hurricane flood protection, and intermodal transportation"

AMENDMENT NO. 12

On page 5, line 17, change "responsible" to "charged with the responsibility"

AMENDMENT NO. 13

On page 5, line 21, after "Protection" insert "Advisory"

AMENDMENT NO. 14

On page 5, delete lines 25 through 27

AMENDMENT NO. 15

On page 6, line 9, after "Protection" insert "Advisory"

AMENDMENT NO. 16

On page 6, line 10, change "systematically evaluate" to "advise and consult and recommend to the office with respect to"

AMENDMENT NO. 17

On page 6, line 19, change "hurricane flood protection" to "public works, hurricane flood protection, and intermodal transportation"

AMENDMENT NO. 18

On page 6, line 23, after "Protection" insert "Advisory"

AMENDMENT NO. 19

On page 6, line 25, after "Protection" insert "Advisory"

AMENDMENT NO. 20

On page 6, line 26, change "hurricane flood protection" to "public works, hurricane flood protection, and intermodal transportation"

AMENDMENT NO. 21

On page 7, line 25, change "hurricane flood protection" to "public works, hurricane flood protection, and intermodal transportation"

AMENDMENT NO. 22

On page 7, line 28, change "hurricane flood protection" to "public works, hurricane flood protection, and intermodal transportation"

AMENDMENT NO. 23

On page 7, line 29, change "the first meeting" to "meetings"

AMENDMENT NO. 24

On page 8, line 1, after "chairman." delete the remainder of the line, and delete lines 2 and 3

AMENDMENT NO. 25

On page 8, line 6, change "hurricane flood protection" to "public works, hurricane flood protection, and intermodal transportation"

AMENDMENT NO. 26

On page 9, delete lines 28 and 29, and on page 10, delete lines 1 through 6, and insert:

"F. The commission shall cease to exist after June 30, 2008 unless recreated by the legislature."

AMENDMENT NO. 27

On page 10, line 12, change "hurricane flood" to "public works, hurricane flood protection, and intermodal transportation" and on line 13, delete "protection"

AMENDMENT NO. 28

On page 11, line 16, after "office of" delete the remainder of the line, and delete line 17, and on line 18, delete "systematically evaluate" and insert:

"public works, hurricane flood protection, and intermodal transportation and shall be submitted to the commission for its advice and consultation. The"

AMENDMENT NO. 29

On page 11, line 18, at the end of the line change "and shall" to the following:

"shall be evaluated by the office of public works, hurricane flood protection, and intermodal transportation which shall"

AMENDMENT NO. 30

On page 12, line 12, change "commission" to "office"

AMENDMENT NO. 31

On page 12, delete line 18 and on line 19, delete "commission" and insert:

"be compiled by the office and shall be considered by the"

AMENDMENT NO. 32

On page 12, delete line 21, and insert "B.(1) The"

AMENDMENT NO. 33

On page 12, line 22, change "hurricane flood protection" to "public works, hurricane flood protection, and intermodal transportation"

AMENDMENT NO. 34

On page 13, line 17, change "hurricane" to "public works, hurricane flood protection, and intermodal transportation" and on line 18, delete "flood protection"

AMENDMENT NO. 35

On page 14, line 15, change "hurricane flood protection" to "public works, hurricane flood protection, and intermodal transportation"

AMENDMENT NO. 36

On page 14, line 16, change "hurricane flood protection" to "public works, hurricane flood protection, and intermodal transportation"

AMENDMENT NO. 37

On page 14, line 17, change "solely be responsible for administering" to "have oversight of the administration of"

AMENDMENT NO. 38

On page 14, line 23, delete "care and"

AMENDMENT NO. 39

On page 14, line 26, change "hurricane flood protection" to "public works, hurricane flood protection, and intermodal transportation"

AMENDMENT NO. 40

On page 15, delete lines 7 through 29, and delete lines 16 through 22, and on page 23, delete lines 1 through 22

AMENDMENT NO. 41

On page 23, line 23, change "§250" to "§248"

AMENDMENT NO. 42

On page 24, line 1, after "508.3" delete "(A)"

AMENDMENT NO. 43

On page 24, line 2, change "36:508.4 and 509(B)(5) are" to "36:509(B)(5) is"

AMENDMENT NO. 44

On page 24, delete lines 18 and 19, and insert:
 "of operations, the office of public works, hurricane flood protection, and intermodal transportation, and such other offices as shall be created by law."

AMENDMENT NO. 45

On page 24, at the end of line 24, change "and" to a comma ",."

AMENDMENT NO. 46

On page 24, delete line 25, and insert:
 "hurricane flood protection, and intermodal transportation, each"

AMENDMENT NO. 47

On page 24, delete line 29, and on page 25, line 1, delete "protection" and insert:
 "public works, hurricane flood protection, and intermodal transportation,"

AMENDMENT NO. 48

On page 25, line 11, after "operations," insert "or" and after "public works" insert "hurricane flood protection," at the end of the line, delete "or"

AMENDMENT NO. 49

On page 25, delete line 12 and insert "or any other office in the"

AMENDMENT NO. 50

On page 25, line 19, after "public works" insert "hurricane flood protection,"

AMENDMENT NO. 51

On page 25, line 22, after "public works" insert "hurricane flood protection,"

AMENDMENT NO. 52

On page 25, line 25, after "regulation of" insert:
 "hurricane flood protection, including but not limited to the construction and design of a hurricane flood protection system consisting of levees and associated elements to provide protection against tidal surges within the Louisiana coastal zone as defined in R.S. 49:214.24, and other special hurricane flood protection programs as may be directed by the secretary, and with respect to"

AMENDMENT NO. 53

On page 25, line 27, delete ", except as provided by R.S. 36:508.4"

AMENDMENT NO. 54

On page 26, delete lines 3 through 28, and on page 27, delete lines 1 through 21, and insert:

"B. The office of public works, hurricane flood protection, and intermodal transportation shall be under the immediate supervision of the assistant secretary of the office of public works, hurricane flood protection, and intermodal transportation, who shall be appointed by the governor. He shall serve at the pleasure of the secretary. He shall be a competent engineer of recognized ability and standing who is experienced in the engineering duties pertaining to public works, hurricane flood protection, and intermodal transportation. He shall be licensed to practice civil engineering in Louisiana. He shall give his whole time to the duties of his office.

C. The assistant secretary shall have authority subject to approval of the secretary in accordance with applicable rules and regulations of the civil service commission to employ, appoint, transfer, assign, and promote such personnel as is necessary for the efficient administration of the public works, hurricane flood protection, and intermodal transportation programs of the state.

D. He shall receive an annual salary fixed by the governor, which salary shall not exceed the amount approved for such position by the legislature while in session, payable monthly out of funds appropriated therefor and shall be allowed his actual and necessary traveling expenses incurred in the discharge of his official duties.

E. Before entering upon the duties of his office he shall take the prescribed oath and give bond to the governor in the sum of ten thousand dollars, conditioned upon the faithful performance of his

duties. This bond shall be approved by the governor and filed with the secretary of state. The cost of this bond may be paid by the department with approval of the secretary.

F. The assistant secretary of public works, hurricane flood protection, and intermodal transportation shall approve all plans, specifications, and estimates for the construction of all facilities and projects for which his office is responsible. He also shall have such other duties as may be assigned to him by the secretary, by the provisions of this Chapter, or by the laws of this state. He shall report the proceedings of his office annually to the secretary of the department and at such other times as the secretary may designate, and he shall make any additional reports as are required by the secretary.

G. The secretary is specifically authorized and empowered to perform any of the duties of the assistant secretary of public works, hurricane flood protection, and intermodal transportation when the assistant secretary is absent or incapacitated or when in the opinion of the secretary it would be in the best interest of the department. The assistant secretary of public works, hurricane flood protection, and intermodal transportation with approval of the secretary may designate a licensed engineer in the office of public works, hurricane flood protection, and intermodal transportation to perform any duties required of the assistant secretary.

* * *

AMENDMENT NO. 55

On page 28, line 2, change "R.S. 36:802" to "Part III of Chapter 22 of Title 36 of the Louisiana Revised Statutes of 1950"

AMENDMENT NO. 56

On page 28, line 23, after "office of" insert "public works,"

AMENDMENT NO. 57

On page 28, line 24, after "protection" insert "and intermodal transportation"

AMENDMENT NO. 58

On page 29, line 20, after "office of" insert "public works,"

AMENDMENT NO. 59

On page 29, line 21, after "protection" insert "and intermodal transportation"

AMENDMENT NO. 60

On page 30, delete lines 15 and 16, and insert:
 "Section 4. The Louisiana State Law Institute is hereby directed to change the term "office of public works and intermodal transportation" to "the office of public works, hurricane flood protection, and intermodal transportation" where ever it appears in the Louisiana Revised Statutes of 1950."

On motion of Senator Ellington the committee amendment was adopted. The amended bill was read by title and recommitted to the Committee on Finance.

HOUSE BILL NO. 70—

BY REPRESENTATIVES JEFFERSON, BURRELL, DORSEY, FAUCHEUX, GALLOT, GREENE, M. POWELL, RICHMOND, SMILEY, AND WHITE
 AN ACT

To amend and reenact R.S. 29:726(E)(13) and to enact R.S. 29:726(E)(14), (15), and (16), relative to the duties of the office of homeland security and emergency preparedness; to require the office to promulgate standards and requirements for local governments to follow relative to mandatory evacuations; to require the office to give priority consideration to the evacuation of certain designated special needs persons; to require the office to promulgate standards and requirements for local governments to follow for the evacuation or safe housing of essential workers; to provide for time limitations for the office to comply; to provide for reporting by the office to legislative committees; and to provide for related matters.

Reported with amendments by the Committee on Local and Municipal Affairs.

February 15, 2006

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Engrossed House Bill No. 70 by Representative Jefferson

AMENDMENT NO. 1

On page 1, line 4, after "and" delete "requirements" and insert "regulations"

AMENDMENT NO. 2

On page 1, at the beginning of line 5, delete "to follow"

AMENDMENT NO. 3

On page 1, at the beginning of line 8, delete "to follow"

AMENDMENT NO. 4

On page 1, line 19, after "May" delete "1" and insert "31" and after "and" delete "requirements" and insert "regulations in accordance with the Administrative Procedure Act"

AMENDMENT NO. 5

On page 1, line 20, after "governments" delete "to implement and follow"

AMENDMENT NO. 6

On page 2, line 7, delete the entire line

AMENDMENT NO. 7

On page 2, line 8, change "(b)" to "(a)" on line 9, change "(c)" to "(b)" on line 10, change "(d)" to "(c)" and on line 11, change "(e)" to "(d)"

AMENDMENT NO. 8

On page 2, line 12, after "May" delete "1" and insert "31" and after "and" delete "requirements" and insert "regulations in accordance with the Administrative Procedure Act"

AMENDMENT NO. 9

On page 2, line 13, after "governments" delete "to implement and follow"

AMENDMENT NO. 10

On page 2, line 16, after "Committee on" delete "Judiciary" and insert "Municipal, Parochial, and Cultural Affairs"

AMENDMENT NO. 11

On page 2, line 17, after "on" delete "Judiciary A" and insert "Local and Municipal Affairs" and after "May" delete "1" and insert "31"

On motion of Senator Fields, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 72—

BY REPRESENTATIVES SCHNEIDER, BEARD, DOWNS, ERDEY, GREENE, KATZ, KENNARD, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BALDONE, BAUDOIN, BOWLER, BRUCE, BRUNEAU, BURNS, CRANE, CROWE, DAMICO, DANIEL, DARTEZ, DEWITT, DOVE, DURAND, FANNIN, FARRAR, FAUCHEUX, FRITH, M. GUILLORY, HEATON, HEBERT, HOPKINS, JOHNS, KLECKLEY, LAMBERT, LANCASTER, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRISH, ODINET, PINAC, PITRE, M. POWELL, T. POWELL, RITCHIE, SCALISE, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, STRAIN, THOMPSON, TOOMY, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, AND WOOTON

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.

Reported favorably by the Committee on Transportation, Highways and Public Works. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 82—

BY REPRESENTATIVE SCHNEIDER
AN ACT

To amend and reenact R.S. 38:291(D)(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.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Reengrossed House Bill No. 82 by Representative Schneider

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 38:291(D)(2)" delete the remainder of the line and lines 3 through 20 and insert in lieu thereof the following:

"(G)(2), (K)(2), and (R)(2), 301(B), 304(A) and (B), 305, and 313(C), 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) and (W), 304(D), Part 3-A of Chapter 4 of Title 38 of the Louisiana Revised Statutes of 1950, comprised of R.S. 38:330.1 through 330.12, and R.S. 49:213.1(E) and 213.4(A)(7), and to repeal R.S. 38:291(D)(3), 304.2, and 304.3, relative to flood protection; to establish the Southeast Louisiana Flood Protection Authority-East; to establish the Southeast Louisiana Flood Protection Authority-West Bank; to provide for its powers, duties, jurisdiction, and members; to provide for appointments to the board of commissioners of each 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 an authority; to provide for obligations, tax proceeds, and property of the district; to provide for a regional director for each authority; to create and provide for the St. Tammany Levee District; to create and provide for the Tangipahoa Levee District; to provide for the inclusion of parishes and portions of parishes in the authority; to provide for funding; to transfer and provide for the management and control of certain facilities and improvements of levee districts within an 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."

AMENDMENT NO. 2

On page 2, line 2, after "R.S. 38:291(D)(2)" delete the remainder of the line and delete lines 3 and 4 in their entirety and insert as follows:

..., (G)(2), (K)(2), and (R)(2), 301(B), 304(A) and (B), 305, and 313(C) are hereby amended and reenacted and R.S. 38:291(V) and (W), 304(D), and Part 3-A of Chapter 4 of Title 38 of the Louisiana Revised Statutes of 1950, comprised of R.S. 38:330.1 through 330.12, are"

AMENDMENT NO. 3

On page 2, delete lines 11 through 29, and delete pages 3 through 27 in their entirety and insert in lieu thereof the following:

"appoint five persons to serve as levee commissioners: On and after January 1, 2007, the district shall be governed by the board of commissioners of the Southeast Louisiana Flood Protection Authority-East pursuant to authority granted by Article VI, Sections 38 and 38.1 of the Constitution of Louisiana and as provided in this Chapter.

G. Lake Borgne Basin Levee District.

(2) The governor shall appoint in accordance with the provisions of R.S. 38:304 three persons from the parish of St. Bernard: On and after January 1, 2007, the district shall be governed by the board of commissioners of the Southeast Louisiana Flood Protection Authority-East pursuant to authority granted by Article VI, Sections 38 and 38.1 of the Constitution of Louisiana and as provided in this Chapter.

K. Orleans Levee District.

(2) 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, after July 10, 1986, 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: On and after January 1, 2007, the district shall be governed by the board of commissioners of the Southeast Louisiana Flood Protection Authority-East for the territory on the east side of the Mississippi River and by the board of commissioners of the Southeast Louisiana Flood Protection Authority-West Bank for the territory on the west side of the Mississippi River, pursuant to authority granted by Article VI, Sections 38 and 38.1 of the Constitution of Louisiana and as provided in this Chapter.

R. West Jefferson Levee District.

(2) The governor shall appoint in accordance with the provisions of R.S. 38:304 nine persons to serve as levee commissioners: On and after January 1, 2007, the district shall be governed by the board of commissioners of the Southeast Louisiana Flood Protection Authority-West Bank pursuant to authority granted by Article VI, Sections 38 and 38.1 of the Constitution of Louisiana and as provided in this Chapter.

V. St. Tammany Levee District. (1) All territory contained within the parish of St. Tammany within the boundaries of the coastal zone pursuant to R.S. 49:214.24 shall be embraced in the limits of a levee district to be known as the St. Tammany Levee District. These lands and all property thereon situated, not exempt from taxation, shall be subject to the provisions of this Chapter.

(2) The district shall be governed by the board of commissioners of the Southeast Louisiana Flood Protection Authority-East.

W. Tangipahoa Levee District. (1) All territory contained within the parish of Tangipahoa within the boundaries of the coastal zone pursuant to R.S. 49:214.24 shall be embraced in the limits of a levee district to be known as the Tangipahoa Levee District. These lands and all property thereon situated, not exempt from taxation, shall be subject to the provisions of this Chapter.

(2) The district shall be governed by the board of commissioners of the Southeast Louisiana Flood Protection Authority-East.

§301. Construction and maintenance of levees and drainage; care and inspection of levees; measure of compensation; right of entry; bicycle paths and walkways

B. The Except as provided in R.S. 38:330.2(D), the care and inspection of levees shall devolve on resident commissioners, assisted by such inspectors and watchmen as may be appointed pursuant to regulations, which the boards are hereby authorized to adopt. Each resident commissioner and any inspector or watchman who may be appointed shall attend once during his term of office an educational training program conducted by the office of public works or its successor Department of Transportation and Development.

§304. Appointment of members; residency requirements; filling of vacancies

A. Any person appointed a levee commissioner or levee and drainage commissioner must have resided in this state the preceding two years, resided in the levee district the preceding year, be a qualified voter of one of the parishes included in the district, and reside in the district while serving as a member of the board; ~~except as provided in R.S. 38:304.1.~~

B.(1) Notwithstanding any law to the contrary, every vacancy now or hereafter created whether by reason of death, resignation, expiration of term, or any other cause occurring in any levee district or levee and drainage district shall be filled by the governor from panels of names submitted as follows: each member of the House of Representatives representing a parish or part of a parish lying within a levee district or levee and drainage district shall submit one name for each vacancy to be filled from the parish, which he represents in the legislature within said levee district or levee and drainage district, and each member of the Senate shall submit one name for each vacancy to be filled from the parish or parishes, which he represents in the legislature within said levee district or levee and drainage district, except as provided in R.S. 38:291(P); ~~and 291(T); 304.2 and 304.3.~~

(2) In making appointments the governor shall not appoint any person to the board of commissioners to represent a specific parish who was not recommended by one or more of the legislators who represent that specific parish in the legislature except as provided in R.S. 38:291(P); ~~and 291(T); 304.2 and 304.3.~~ All members of the boards of commissioners of levee districts or levee and drainage districts shall be appointed by the governor to serve at the pleasure of the governor making the appointment.

D. This Section shall not apply to the Southeast Louisiana Flood Protection Authority-East and the Southeast Louisiana Flood Protection Authority-West Bank.

§305. Employment of attorney
Each Except as provided in R.S. 38:330.5, each levee board and levee and drainage board for a levee district or levee and drainage district may employ one or more attorneys to represent it and to offer advice and assistance of a legal nature and one or more engineers. The salary of each attorney shall be determined by the board.

§313. Cessation of activities

C. The provisions of this Section shall not apply to districts created with multiple objectives listed as conservation, levee, and drainage districts. The provisions of this Section shall not apply to the West Jefferson Levee District, the Lafourche Levee Basin District, the Pontchartrain Levee Basin District, Red River, Atchafalaya, and Bayou Beouf Levee District, Orleans Levee District, Amite River Basin Drainage and Water Conservation District, Grand Isle Independent Levee District, ~~and the Atchafalaya Levee District, the St. Tammany Levee District, the Tangipahoa Levee District, the Southeast Louisiana Flood Protection Authority -East, and the Southeast Louisiana Flood Protection Authority-West Bank.~~

February 15, 2006

PART 3-A. SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITIES

§330.1. Southeast Louisiana Flood Protection Authority-East and Southeast Louisiana Flood Protection Authority-West Bank; territorial jurisdiction; board of commissioners; appointments; terms; compensation; vacancy; officers; meetings; domicile

A.(1) The Southeast Louisiana Flood Protection Authority-East and Southeast Louisiana Flood Protection Authority-West Bank, referred to herein as "flood protection authority" or "authority," are established as levee districts pursuant to Article VI, Sections 38 and 38.1 of the Constitution of Louisiana.

(2) The authority shall be subject to Part II of Chapter 2 of Title 49 of the Louisiana Revised Statutes of 1950.

B. On and after January 1, 2007, each flood protection authority, through its board of commissioners as provided for in this Section, shall exercise all authority over and have management, oversight, and control of the following territories as provided by law for the boards of commissioners of such levee districts to which the authority is a successor and to the extent provided for in this Part:

(1)(a) The following levee districts and parts of levee districts and parishes shall be included within the Southeast Louisiana Flood Protection Authority-East:

(i) East Jefferson Levee District.

(ii) Lake Borgne Basin Levee District.

(iii) That portion of the Orleans Levee District on the east side of the Mississippi River.

(iv) St. Tammany Levee District.

(v) Tangipahoa Levee District.

(vi) That portion of St. Charles Parish lying east of the Mississippi River.

(vii) That portion of St. John the Baptist lying east of the Mississippi River.

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

(2)(a) The following levee districts and parts of levee districts and parishes shall be included within the Southeast Louisiana Flood Protection Authority-West Bank:

(i) West Jefferson Levee District.

(ii) That portion of the Orleans Levee District on the west side of the Mississippi River.

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

C.(1) There is hereby created a board of commissioners of each flood protection authority.

(a) The board of commissioners of the Southeast Louisiana Flood Protection Authority-East shall be composed of eleven members, of whom there shall be at least, and not more than, one member from each parish within the territorial jurisdiction of the authority. The members shall be appointed by the governor from nominations submitted by the nominating committee as follows:

(i) Five members who shall either be an engineer or a professional in a related field such as geotechnical, hydrological, or environmental science. Of the five members, one member shall be a civil engineer, and one member shall be a geologist or a hydrologist.

(ii) Three members who shall be a professional in a discipline other than that occurring in (i) with at least ten years of professional experience in that discipline. One of these members shall be a resident of a parish as provided for in (B)(1)(a)(vi) or (vii) of this Section.

(iii) Three members who shall be at-large. One of these members shall be a resident of a parish as provided for in (B)(1)(a)(vi) and (vii) of this Section.

(b) The board of commissioners of the Southeast Louisiana Flood Protection Authority-West Bank shall be composed of seven members of whom there shall be at least, and not more than, two members from each parish within the territorial jurisdiction of the authority. The members shall be appointed by the governor from nominations submitted by the nominating committee as follows:

(i) Three members who shall be either an engineer or a professional in a related field such as geotechnical, hydrological, or environmental science. Of the three members, one member shall be a civil engineer and one shall be a geologist or a hydrologist.

(ii) Two members who shall be a professional in a discipline other than that occurring in (i) with at least ten years of professional experience in that discipline. One of these members shall be a person residing in Orleans Parish on the west side of the Mississippi River.

(iii) Two members who shall be at-large. One of these members shall be a person residing in Orleans Parish on the west side of the Mississippi River.

(2)(a) The nominating committee for each board shall be composed as follows:

(i) A member designated by the Public Affairs Research Council of Louisiana.

(ii) A member designated by the Council for A Better Louisiana.

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

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

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

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

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

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

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

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

(xi) The dean of the College of Engineering at Louisiana State University, or his designee.

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

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

(b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph for the purpose of nominating persons to serve on the Southeast Louisiana Flood Protection Authority-West Bank, the committee shall also include, a member of the Harvey Canal Industrial Association and the president of Our Lady of Holy Cross College, or his designee.

(c) The secretary of state shall be the custodian of the records of the nominating committee. The chairman of the committee, or in his absence, the secretary of state, shall call the meeting of the nominating committee. The secretary of state or his designee shall serve as secretary for the nominating committee.

(3)(a) Within ten days after the effective date of this Section, the governor shall advise the secretary of state of the vacancies on a board. Within ten days after the occurrence of a vacancy on a board, the authority shall advise the secretary of state of the vacancy. Within fourteen days after being advised of a vacancy on a board, the secretary of state shall publish notice of the vacancy in the official journal of the state and of each parish within the territorial jurisdiction of the authority.

(b) No sooner than thirty days after the latest date of publication in any of the journals set forth in (a) of this Paragraph nor later than sixty days after that date, the nominating committee shall meet to determine the nominations to send to the governor to fill each vacancy. The committee shall consider each name submitted to the committee from whatever source and the committee members may propose names of persons to be considered. After review, the committee shall select the nominees for each vacancy who meet the requirements of this Section. The committee shall submit one nominee for a vacancy in a position provided for in R.S. 38:330.1(C)(1)(a)(i) or (b)(i) and shall submit two nominees for each vacancy in a position

provided for in R.S. 38:330.1(C)(1)(a)(ii) or (iii) or (b)(ii) or (iii). A majority vote of the total membership of the nominating committee shall be required to nominate persons to positions on the board. The committee shall submit its nominations for each vacancy to the governor for consideration no later than ninety days after the occurrence of the vacancy. The governor shall appoint one of the nominees submitted by the committee.

(c) If the nominating committee fails to submit a nominee within ninety days after the occurrence of a vacancy, the governor shall appoint a person meeting the requirements of this Section.

(4) Each appointment made to the board shall be subject to confirmation by the Senate.

D.(1) The members of each board initially appointed shall at their first meeting determine by lot their terms of office, which terms shall commence immediately upon their appointment and shall expire, respectively, as follows:

(a) For the board of the Southeast Louisiana Flood Protection Authority-East: two members in one year, three members in two years, three members in three years, and three members in four years, from the first day of July immediately succeeding such appointment.

(b) For the board of the Southeast Louisiana Flood Protection Authority-West Bank: one member in one year, two members in two years, two members in three years, and two members in four years, from the first day of July immediately succeeding such appointment.

(2) All commissioners thereafter appointed, except a commissioner appointed to fill an unexpired term, shall be appointed as provided in Subsection C of this Section for staggered terms of four years. No member shall serve more than two consecutive four-year terms.

E. Immediately after the members of the board of commissioners have been appointed, or as soon as thereafter is practicable, they shall meet and organize by electing from their number a president, vice president, and secretary who shall perform the duties normally required of such officers. In case of death or resignation of the president, the vice president shall call the board together to fill the vacancy. In case of absence, inability, or failure to act of the president, the vice president shall perform all the duties of the president.

F.(1) A majority of the commissioners of the board shall constitute a quorum to do business. They shall designate the time and select the place for holding their regular sessions, which shall be convened each month. Special meetings may be convened at any time upon the call of the president. Regular monthly meetings of the board shall be convened on a rotating basis at a place to be determined by the board in a levee district under the jurisdiction of the authority.

(2)(a) In recognition that the primary purpose of the authority is regional coordination of flood protection and in order to promote such coordination over parochial concerns, approval of a proposed project shall require the favorable vote of at least two-thirds of the total voting membership of the board, regardless of whether the project is limited to one or more levee districts within the territorial jurisdiction of the authority.

(b) As used in this Paragraph, "project" means a program or engineering activity, either new or continuing that will be planned and implemented with the primary goal being the reduction of existing flood damages. "Program" means the flood control system which may include, but not be limited to, floodproofing, waterproofing, ring dikes, relocation assistance, information programs, formulation of codes, and engineering studies. "Engineering activities" means functions which may include, but not be limited to, dams, reservoirs, levees, dikes, floodwalls, diversions, channel alterations such as snagging and channel straightening, on site detention, spillways, and land treatment.

(3) Except as provided in Paragraph (2) of this Subsection, a favorable vote of a majority of the total voting membership of the board shall be required to take action.

(4) The members of the board of the Southeast Louisiana Flood Protection Authority-East appointed as residents of St. Charles or St. John the Baptist parishes from the east side of the

Mississippi River shall be nonvoting except for any project which includes the parish or a portion of the parish. When these members are eligible to vote, they shall be included in the total voting membership for such purposes.

(5) The members of the board of the Southeast Louisiana Flood Protection Authority-West Bank appointed as residents of Orleans Parish from the west side of the Mississippi River shall be nonvoting except for any project which includes Orleans Parish or a portion of the parish. When these members are eligible to vote, they shall be included in the total voting membership for such purposes.

G. In case of neglect of duty by any board member or of his failure, without good cause, to attend three successive regular meetings, on request of the board, the governor shall remove the commissioner.

H. A vacancy created by reason of death, resignation, expiration of term, removal, or any other cause shall be filled in the same manner as the original appointment.

I.(1) The official domicile of an authority shall be determined by the board. An authority shall maintain an office at its domicile for the transaction of its business.

(2) A flood protection authority may also maintain branch offices within the territorial jurisdiction of the authority.

J. No member of a board, or any of the immediate family of the member, shall own or have any interest or part in any business, company, or entity conducting business of any kind with the authority or levee district within the territorial jurisdiction of the authority or any of the facilities controlled by the authority or any such district. "Immediate family" as used in this Subsection means his children, the spouses of his children, his brothers and their spouses, his sisters and their spouses, his parents, his spouse, the parents of his spouse, his spouse's brothers and their spouses, his spouse's sisters and their spouses, and his spouse's children.

K.(1) No former board member may qualify as a candidate for any elected office within twelve months of the termination of his term on the board.

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

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

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

(5) No member of a board and no officer or employee of a 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.

(6) Notwithstanding any provision of law to the contrary, no member of a 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.

(7) No person shall be eligible for selection who is a party to any contract with an authority established by this Part or levee district within the territorial jurisdiction of an authority.

L. In lieu of the compensation provided in R.S. 38:308, the members of the board shall receive a per diem equal to the rate allowable for per diem deduction under Section 162(h)(1)(B)(ii)

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of Title 26 of the United States Code for its official domicile during their attendance on that body. In addition to the per diem, each member shall be paid a mileage allowance for going to and from meetings and for other travel authorized by the board equal to the rate established as the standard mileage rate for business travel for purposes of Section 162(a) of Title 26 of the United States Code.

§330.2. Board of commissioners, powers and duties

A.(1) A flood protection authority shall be governed by a board of commissioners.

(a) The board of commissioners of the Southeast Louisiana Flood Protection Authority-East shall be the successor to the boards of commissioners of the East Jefferson Levee District, Lake Borgne Basin Levee District, and, for territory in Orleans Parish on the east side of the Mississippi River, the Orleans Levee District. The board shall also be the governing authority of the St. Tammany Levee District, and the Tangipahoa Levee District.

(b) The board of commissioners of the Southeast Louisiana Flood Protection Authority-West Bank shall be the successor to the board of commissioners of the West Jefferson Levee District and, for territory in Orleans Parish on the west side of the Mississippi River, the Orleans Levee District.

(2)(a) Each board may, in addition to any other powers and duties provided by law for the boards of commissioners of levee districts, establish on its own behalf or for the areas or the levee districts under its authority adequate drainage, flood control, and water resources development, including but not limited to the planning, maintenance, operation, and construction of reservoirs, diversion canals, gravity and pump drainage systems, erosion control measures, marsh management, coastal restoration, and other flood control works as such activities, facilities, and improvements relate to tidewater flooding, hurricane protection, and saltwater intrusion. Neither the authority nor any levee district within the territorial jurisdiction of the authority shall own, operate, or control any facility or improvement not directly related to such purposes, except as provided in R.S. 38:330.12.

(b) Nothing in this Paragraph shall transfer authority to operate flood control pump operations from any public entity authorized by law to conduct such activities.

B. Each board may enter into contracts and agreements of any nature on behalf of the authority or on behalf of any levee districts within the territorial jurisdiction of the authority for the purposes of this Chapter with any person or persons, corporation, association, or other entity, including public corporations, port authorities, the state and agencies thereof, levee districts, parishes, other political subdivisions, the United States government and agencies thereof, or any combination thereof, or with instrumentalities of any kind to carry out the purposes of and the powers granted in this Chapter.

C. Each board may enter into contracts or other agreements on behalf of the authority or on behalf of any levee districts within the territorial jurisdiction of the authority with any person or entity concerning the providing of lands, servitudes, rights-of-way, and relocations, and may engage the levee districts under its authority jointly with any person or entity in the exercise of any power to include the construction, operation, and maintenance of any facilities and improvements for the purpose of the projects under this Chapter.

D. Each board on behalf of the authority or behalf of any levee district within the territorial jurisdiction of the authority may construct and maintain drainage works of all types as such works relate to tidewater flooding, hurricane protection, and saltwater intrusion, either in cooperation with one or more parishes, municipalities, drainage districts, or other special districts within its territorial jurisdiction, or upon its own undertaking.

E. Each board may buy and sell property of the authority or of any levee district within its territorial jurisdiction, make and execute all contracts on behalf of the authority or on behalf of any such levee district, and perform any and all things necessary to carry out the objects of this Chapter, subject to the limitations and duties provided in this Section.

F. Subject to any local ordinance for the construction, erection, and maintenance of back and side levees to protect any

area or portion of a levee district within the territorial jurisdiction of the authority from tidal overflow, a board shall work in conjunction with the appropriate parish governing authority to manage the construction and maintenance of the levees, pursuant to R.S. 38:143.

G. Each board shall adopt bylaws for the management and regulation of its affairs, for the governance of the board and its officers and employees, and for the operation and governance of the flood protection authority in accordance with the Administrative Procedure Act and subject to legislative rule oversight by the Senate and House committees on transportation, highways, and public works. It shall devise and adopt rules and regulations for the carrying into effect and perfecting of a comprehensive levee system, having for its object the protection of the entire territory of the authority from overflow. Such bylaws may include the establishment of any standing committees of the board as may be necessary to carry out the functions of the board.

H. The authority and each levee district within the territorial jurisdiction of the authority shall comply with all applicable federal and state law and regulations, particularly regarding federal rehabilitation assistance for flood control works damaged by flood or coastal storm.

I.(1) For each levee district within the territorial jurisdiction of the authority, care and inspection of levees shall devolve on commissioners and assisted by such inspectors and watchmen as may be appointed pursuant to regulations, which the board is hereby authorized to adopt. Each commissioner and any inspector or watchman who may be appointed shall attend once during his term of office an educational training program conducted by the Department of Transportation and Development.

(2) Each commissioner and appointed inspector or watchman, upon presenting appropriate credentials, may enter any private premises within the territorial jurisdiction of the authority to care for and inspect levees. If the owner of the premises or his agent refuses to admit the commissioner, inspector, or watchman, the authority may obtain from any state court of competent jurisdiction and venue an appropriate order to submit the premises to entry for such purpose.

§330.3. Levee district and board reorganization; transfer of authority; obligations; taxes; employees; lands

A.(1)(a) Any legal proceeding to which the East Jefferson Levee District, Lake Borgne Basin Levee District, Orleans Levee District, or West Jefferson Levee District is a party and which is filed, initiated, or pending before any court on January 1, 2007, and all documents involved in or affected by said legal proceeding, shall retain its effectiveness and shall be continued in the name of the district. Other than the district or districts originally named as party to the proceedings, neither an authority or district within the territorial jurisdiction of the authority shall have any liability for actions pending or claims arising prior to the effective date of this Section.

(b) Neither an authority nor any district within the territorial jurisdiction of the authority shall have any liability for actions or claims other than the district against which the actions or claims arise.

(c) No provision of law providing the Southeast Louisiana Flood Protection Authority-East or Southeast Louisiana Flood Protection Authority-West Bank with any authority over and management, oversight, and control of the areas and levee districts provided for in R.S. 38:330.2(A) shall be construed or interpreted to make the taxes levied by, or other revenue of, a levee district within the territorial jurisdiction of the authority payable for the liability of another levee district, or for any liability of the authority when acting on behalf of another levee district.

(2) All obligations and unfinished business of the East Jefferson Levee District, Lake Borgne Basin Levee District, Orleans Levee District, and West Jefferson Levee District shall be managed on behalf of the districts by the appropriate authority.

(3) All outstanding indebtedness of the East Jefferson Levee District, Lake Borgne Basin Levee District, Orleans Levee

District, and West Jefferson Levee District shall remain with the district and shall not be a liability of any authority.

B.(1) The proceeds of all taxes collected on all property taxed in the parishes Jefferson, Orleans, and St. Bernard for the purpose of constructing and maintaining levees, levee drainage, flood protection, hurricane flood protection and for all other purposes incidental thereto, by or on behalf of the East Jefferson Levee District, Lake Borgne Basin Levee District, Orleans Levee District, or West Jefferson Levee District and, except as provided in R.S. 38:330.12, any other revenue from operations of such districts shall be administered by the board of commissioners of the applicable flood protection authority; however, the taxes and other revenues of each such levee district shall only be used and expended for the purposes of such district.

(2) The proceeds from a tax levied, or revenue received, by an authority or a levee district may only be used or expended for a purpose of the authority or levee district where the tax is levied and revenue is collected.

(3) The proceeds of such taxes collected shall be deposited into a separate account established in the name of the authority or district in which the taxes are levied and collected. There shall be no commingling of funds in such accounts.

C.(1) Any books, records, documents, funds, movable property, lands or immovable property owned by the East Jefferson Levee District, Lake Borgne Basin Levee District, Orleans Levee District, and West Jefferson Levee District shall be retained as property of the respective levee district in which such property is situated, but shall be managed by the applicable flood protection authority, except as provided in R.S. 38:330.12.

(2) Except as provided in R.S. 38:330.12, any property acquired or improvements constructed with funds of a levee district within the territorial jurisdiction of the authority and all income derived from property or improvements owned by the levee district shall belong to the levee district, but shall be managed by the authority.

§330.4. Regional directors

A. Each board may employ a regional who shall serve at the pleasure of the board. The board shall fix the qualifications, duties, and salary of the regional director.

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.

C. In addition to the duties prescribed by the board, the regional director shall keep records of all proceedings, preserve all books, maps, documents, papers, records, and reports entrusted to its care, and keep them open for public inspection.

§330.5. Employees

A. An authority may employ such employees as it deems necessary for its proper functioning, which employees shall not be civil service. However, in a levee district existing on December 31, 2006 with civil service employees, the district's employees shall continue to be civil service.

B. Any person employed by the East Jefferson Levee District, the Lake Borgne Basin Levee District, the Orleans Levee District, or the West Jefferson Levee District on January 1, 2007, may, insofar as practicable, continue as an employee of the levee district at the pleasure of the flood protection authority created in this Part and may, insofar as practicable, retain all rights, privileges, and benefits.

§330.6. Counsel to authority

The state attorney general and his assistants shall be and are hereby designated as counsel for each flood protection authority

in the execution of the purposes of this Chapter and are hereby charged with the responsibility of representing each authority in any and all matters when called upon to do so.

§330.7. Police officers

Each authority shall not directly employ police security personnel. However, the authority may enter into cooperative endeavor agreements with appropriate local law enforcement agencies or local governmental subdivisions to provide necessary police security services for levees, or the authority may assume the rights and responsibilities of any existing cooperative endeavor agreements for police security services.

§330.8. Funding; appropriations

A. An authority or levee district within the territorial jurisdiction of the authority, for the purpose of constructing and maintaining levees, levee drainage, flood protection, hurricane flood protection, or for any other purpose incidental thereto, or for any other purpose related to its authorized powers and functions as specified by law, may levy or increase a tax. However, the necessity, purpose, and the rate of the levy or increase shall be submitted to the electors of the authority or district within which the levy or increase will apply, and the levy or tax increase shall take effect only if approved by (1) a majority of the electors voting thereon within that authority, and (2) each of the parishes in that authority, by a majority of the electors voting thereon in each parish, in an election held for that purpose. Proceeds from taxes levied and collected pursuant to this Subsection shall only be used as provided in the tax proposition and only within the authority or district in which the tax is levied.

B. An authority may seek, accept, and expend funds from any source, including private business, industry, foundations, and other groups as well as any federal or other governmental funding available for any of the purposes set forth in Subsection A.

§330.9. Defense and indemnification of commissioners, officers, or employees

A. An authority may defend, indemnify against loss or liability and save harmless any of its commissioners, officers or employees whenever a claim or demand is made or threatened, or whenever proceeded against in any investigation or before any court, board, commission or other public body to defend or maintain his official position or a position taken in the course of the execution of his duties or because of any act or omission arising out of the performance of his official duties if it is determined that the commissioner, officer or employee acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the authority. Such determination shall be made by the board of commissioners by a majority vote of the board who were not parties to such action, suit, proceeding, investigation or claim. The provisions of this Subsection shall not apply in each event a commissioner, officer or employee is adjudged liable for malfeasance in office or an intentional tort.

B. To the extent that a commissioner, officer or employee of the authority has been successful on the merits or otherwise in defense of any action, suit, or proceeding referred to in or in defense of any claim, issue or matter therein, he shall be indemnified against expenses, including attorneys' fees, actually and reasonably incurred by him in connection therewith.

C. Expenses, including attorneys' fees, incurred in defending a civil action, suit or proceeding may be paid by an authority in advance of the final disposition of such action, suit, or proceeding as authorized in the manner provided in this Section upon receipt of an undertaking by or on behalf of the commissioner, officer or employee, to repay such amount unless it shall ultimately be determined that he is entitled to be indemnified by the authority as authorized in this Section.

D. The indemnification provided by this Section shall not be deemed exclusive of any other rights to which those indemnified may be entitled, both as to action in his official capacity and as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be a commissioner, officer or employee, and shall inure to the benefit of the heirs, executors and administrators of such a person.

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E. An authority may purchase and maintain insurance on behalf of any person who is or was a commissioner, officer or employee of the authority against any liability asserted against him and incurred by him in any such capacity or arising out of his status as such, whether or not the authority would have the power to indemnify him against such liability under the provisions of this Section.

§330.10. Statutory reference

A. Subject to the limitations of liability as set forth in R.S. 38:330.3, whenever a reference to the "board of commissioners," "levee board" or "board of levee commissioners" of the East Jefferson Levee District, Lake Borgne Basin Levee District, Orleans Levee District, or West Jefferson Levee District appears in any statute, or in a contract, or a legal pleading, or in any other document, that reference shall be deemed to be a reference to the board of commissioners of the Southeast Louisiana Flood Protection Authority -East or the board of commissioners of the Southeast Louisiana Flood Protection Authority-West Bank, as applicable.

B. Subject to the limitations of liability as set forth in R.S. 38:330.3, whenever a reference to the "board of commissioners," "levee board" or "board of levee commissioners" or "levee district" appears in any statute, that reference shall be deemed to include the board of commissioners of the Southeast Louisiana Flood Protection Authority-East and Southeast Louisiana Flood Protection Authority-West Bank.

§330.11. Exception to jurisdiction of authorities

Notwithstanding any provision of law to the contrary, this Part shall not apply to any levee district or board that has been reorganized, merged into, or consolidated with a parish pursuant to Article VI, Sections 16 and 38 of the Constitution of Louisiana. Such levee district shall continue to have any rights, revenues, resources, jurisdiction, powers, authority, functions, and duties, including the levy and collection of any local assessment or forced contribution, authorized by law at the time of the reorganization, merger, and consolidation with a parish.

§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 an 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. The levee district shall continue the routine maintenance of all properties or facilities within its jurisdiction until the division of administration receives responsibility for such maintenance.

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. If the division of administration determines that the sale, lease or transfer of such property is appropriate, it shall first offer the property to political subdivisions in the parish in which the property is located and state agencies conducting operations in that parish, other than levee districts, political subdivisions, or agencies responsible for flood control. If any such public entity is interested in acquiring the property, the division of administration shall evaluate proposals submitted by those entities. If no such proposal is received, or if such proposals are

not determined to be in the best interest of the state, the property may be offered for sale or lease as otherwise provided by law.

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. No action taken pursuant to this Section or to any provision of this Part shall do any of the following:

(1) Impair the obligation of outstanding bonded indebtedness or of any other contract of any levee district.

(2) Impair the ability of any levee district to satisfy any legal action or claim pending against the district on the effective date of this Section.

Section 2. R.S. 42:808(A)(10) is hereby amended and reenacted to read as follows:

§808. Eligibility in group programs

A. For the purposes of participating in life, health, or other programs sponsored by the Office of Group Benefits, an employee is defined as:

* * *

(10) Notwithstanding any other provision of law to the contrary, any official holding an appointed position with the West Jefferson Levee District for more than eight years prior to January 1, 2007.

* * *

Section 3. R.S. 49:213.1(C), 213.4(A)(2), 213.5(A)(10), and 213.6(A)(2)(b) are hereby amended and reenacted and R.S. 49:213.1(E) and 213.4(A)(7) are hereby enacted to read as follows: §213.1. Statement of intent

* * *

C. The state must act to develop, implement, and enforce a comprehensive coastal protection plan. The state must act to ensure that the plan integrates hurricane protection and coastal restoration efforts in order to achieve long-term and comprehensive coastal protection. Comprehensive coastal protection must proceed in a manner that recognizes that the proper functioning of each protective element is critical to the overall success of the plan and that without such proper functioning the safety of the state and its citizens and the viability of the entire plan are threatened. Further, comprehensive coastal protection must further proceed in a manner that recognizes the powers and duties of political subdivisions, including flood protection authorities, and levee districts, to fund and manage local activities that are consistent with the goals of a comprehensive coastal protection plan. The state must act to conserve, restore, create, and enhance wetlands and barrier shorelines or reefs in coastal Louisiana while encouraging use of coastal resources and recognizing that it is in the public interest of the people of Louisiana to establish a responsible balance between development and conservation. Management of renewable coastal resources must proceed in a manner that is consistent with and complementary to the efforts to establish a proper balance between development and conservation.

* * *

E. Notwithstanding any other provision of state law and in accordance with the requirements of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act of 2006, the Coastal Protection and Restoration Authority is established, authorized, and empowered to carry out any and all functions necessary to serve as the single entity responsible to act as the local sponsor for construction, operation and maintenance of all of the hurricane, storm damage reduction and flood control projects in areas under its jurisdiction, including the greater New Orleans and southeast Louisiana area.

* * *

§213.4. Powers and duties

A. The authority shall:

* * *

(2) Develop, coordinate, make reports on, and provide oversight for a comprehensive coastal protection master plan and annual coastal protection plans, working in conjunction with state agencies, political subdivisions, including **flood protection authorities**, levee districts, and federal agencies. The master plan shall include a comprehensive strategy addressing the protection, conservation, and restoration of the coastal area through the construction and management of hurricane protection projects and coastal restoration projects and programs, all consistent with the legislative intent as expressed in R.S. 49:213.1. The annual coastal protection plan shall be developed as the annual implementation of the comprehensive master plan and shall be submitted to the legislature for approval as set forth in R.S. 49:213.6. The annual coastal protection plan shall include a description and status of all projects and programs pertaining to hurricane protection and coastal restoration, including privately funded wetland enhancement projects or plans, and addressing those activities requiring a coastal use permit which significantly affect projects set forth in the plan, all consistent with the legislative intent as expressed in R.S. 49:213.1.

(7) Enter into any contract with the federal government or any federal agency or any political subdivision of the state or private individual for the construction, operation, or maintenance of any coastal restoration, hurricane, storm damage reduction, or flood control project and to this end, may contract for the acceptance of any grant of money upon the terms and conditions, including any requirement of matching the grants in whole or part, which may be necessary.

§213.5. Coastal Protection and Restoration Authority; members
A. The Coastal Protection and Restoration Authority shall consist of the following members:

(10) Three members selected from among and by the presidents of the ~~twelve~~ **following** levee districts in the Louisiana coastal zone grouped in three regions as follows: Region 1 - ~~Pontchartrain Levee District, Orleans Levee District and East Jefferson Levee District~~ **South Louisiana Flood Protection Authority-East**. Region 2 - ~~Atchafalaya Levee District, Lafourche Basin Levee District, North Lafourche Conservation, Levee and Drainage District, Terrebonne Levee and Conservation District, and South Lafourche Levee District and Pontchartrain Levee District.~~ Region 3 - ~~Lake Borgne Basin Levee District, West Jefferson Levee District, Grand Isle Independent Levee District, Southeast Louisiana Flood Protection Authority-West Bank, South Lafourche Levee District, Terrebonne Levee and Conservation District,~~ and the Plaquemine Parish Government. The member from each region shall serve as a member for a term of one year. The members serving under the provisions of this Paragraph may designate a person to serve as a proxy.

§213.6. Coastal protection annual plans; development; priorities
A.

(2) The authority shall develop the plans in accordance with the following procedure:

(b) At least two weeks prior to each public hearing the authority shall contact the parish governing authorities, **regional flood protection authorities**, levee districts, and the state legislators of the parishes in the coastal zone for the purpose of soliciting their comments and recommendations and notifying them of the public hearing to be held in their area.

Section 4. R.S. 38:291(D)(3), 304.2, and 304.3 are hereby repealed.

Section 5. The terms of the boards of commissioners of the East Jefferson Levee District, the Lake Borgne Basin Levee District, the Orleans Levee District, and the West Jefferson Levee District serving on December 31, 2006 shall terminate on that date.

Section 6. The board of commissioners of the Southeast Louisiana Flood Protection Authority-East and the board of commissioners of the Southeast Louisiana Flood Protection Authority-West Bank shall conduct a study of pump drainage systems operated by entities within the territorial boundaries of the authority to determine the challenges, benefits, and opportunities of developing

a plan to fully coordinate the systems and shall submit a written report of its findings and recommendations to the Senate and House committees on transportation, highways and public works by April 1, 2007.

Section 7. R.S. 38:330.1(A)(1), (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), and (L), 330.2(G), 330.4, 330.5, 330.6, 330.8(B), 330.9, and 330.12 as amended and reenacted or enacted in Section 1 of this Act and Sections 5, 6, 7, and 8 of this Act shall take effect and become operative if and when the proposed constitutional amendment of Article VI, Sections 38(A)(1) and 39(A) and the addition of Article VI, Section 38.1 of the Constitution of Louisiana contained in the Act, which originated as Senate Bill No. 9 or House Bill 11 of the 2006 First Extraordinary Session of the Legislature is adopted at the statewide election to be held on September 30, 2006, and at the same time that the amendment becomes effective.

Section 8. Except as provided in Section 7 of this Act, Sections 1, 2, 3, and 4 of this Act shall take effect and become operative on January 1, 2007, if and when the proposed constitutional amendment of Article VI, Sections 38(A)(1) and 39(A) and the addition of Article VI, Section 38.1 of the Constitution of Louisiana contained in the Act, which originated as Senate Bill No. 9 or House Bill 11 of the 2006 First Extraordinary Session of the Legislature is adopted at the statewide election to be held on September 30, 2006."

On motion of Senator Ellington, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

Reports of Committees

The following reports of committees were received and read:

Privilege Report of the Legislative Bureau

February 15, 2006

To the President and Members of the Senate:

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

The following bills are approved as to construction and duplication.

HOUSE BILL NO. 1—
BY REPRESENTATIVES BURRELL AND GLOVER
AN ACT

To amend and reenact R.S. 33:2891.3(C), relative to acquisition of abandoned property by a parish or municipality; to change the period of time for owners or other interested parties to contest the acquisition of property adjudicated more than five years; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 3—
BY REPRESENTATIVE ALARIO
AN ACT

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

Reported without amendments.

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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 provide relative to the residency requirement for levee district commissioners; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 44—
BY REPRESENTATIVE BURNS
AN ACT

To enact R.S. 38:291.1, 291.2, 291.3, 291.4, 291.5, and 291.6 and to repeal R.S. 38:291(D) and (K), 304.3, 307, 326.2, 327, 328, 335, 336, 337, and 421(F), relative to levee districts; to consolidate the East Jefferson and Orleans 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 provide relative to the management of non-flood protection functions and activities of certain districts; 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 and Orleans levee districts; to provide relative to the debts, assets, property, and employees of the East Jefferson, and Orleans levee districts; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 49—
BY REPRESENTATIVES ANSARDI AND TOOMY
AN ACT

To enact R.S. 38:85, relative to contracts for hurricane protection and flood control projects in Jefferson Parish; to authorize the parish governing authority to let a single contract combining the design and construction phases of any such project; to provide procedures, requirements, and limitations; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 61—
BY REPRESENTATIVES THOMPSON, DORSEY, HAMMETT, SALTER, ALARIO, ANSARDI, CAZAYOUX, DAMICO, DOERGE, DURAND, GALLOT, HILL, KENNEY, LAFLEUR, MARTINY, MCDONALD, MONTGOMERY, PIERRE, PINAC, QUEZAIRE, JACK SMITH, JOHN SMITH, ST. GERMAIN, AND WOOTON AND SENATORS HINES, MOUNT, AND NEVERS
AN ACT

To amend and reenact R.S. 29:1(B), 722(A)(1), 724(B)(3), 725, 726(A), (E)(introductory paragraph), and (F), 727(A), 728(A) and (C), 730(C), 731.1(A), 737(C), 764(A)(1), 766(B), and 767, R.S. 30:2458(A)(9), R.S. 36:4(B)(1)(n), R.S. 40:2841, 2842(3), and 2844(B)(6), and R.S. 49:1055(D) and to enact R.S. 36:4(B)(1)(g), relative to reorganization of governmental powers, functions, and responsibilities regarding homeland security and emergency preparedness; to abolish the office of homeland security and emergency preparedness in the Military Department and to create the Governor's Office of Homeland Security and Emergency Preparedness as an agency in the office of the governor reporting directly to the governor; to provide for the powers, duties, organization, and responsibilities of such office; to provide for a director of such office; to provide that the new office is the successor to the abolished office; to provide for the transfer of powers, duties, functions, responsibilities, property, and employees and to otherwise provide for implementation; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 70—
BY REPRESENTATIVES JEFFERSON, BURRELL, DORSEY, FAUCHEUX, GALLOT, GREENE, M. POWELL, RICHMOND, SMILEY, AND WHITE
AN ACT

To amend and reenact R.S. 29:726(E)(13) and to enact R.S. 29:726(E)(14), (15), and (16), relative to the duties of the office of homeland security and emergency preparedness; to require the office to promulgate standards and requirements for local governments to follow relative to mandatory evacuations; to require the office to give priority consideration to the evacuation of certain designated special needs persons; to require the office to promulgate standards and requirements for local governments to follow for the evacuation or safe housing of essential workers; to provide for time limitations for the office to comply; to provide for reporting by the office to legislative committees; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 71—
BY REPRESENTATIVES ALARIO AND SCALISE
AN ACT

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

Reported without amendments.

HOUSE BILL NO. 72—
BY REPRESENTATIVES SCHNEIDER, BEARD, DOWNS, ERDEY, GREENE, KATZ, KENNARD, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BALDONE, BAUDOIN, BOWLER, BRUCE, BRUNEAU, BURNS, CRANE, CROWE, DAMICO, DANIEL, DARTEZ, DEWITT, DOVE, DURAND, FANNIN, FARRAR, FAUCHEUX, FRITH, M. GULLORY, HEATON, HEBERT, HOPKINS, JOHNS, KLECKLEY, LAMBERT, LANCASTER, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRISH, ODINET, PINAC, PITRE, M. POWELL, T. POWELL, RITCHIE, SCALISE, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, STRAIN, THOMPSON, TOOMY, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, AND WOOTON
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.

Reported without amendments.

HOUSE BILL NO. 82—
BY REPRESENTATIVE SCHNEIDER
AN ACT

To amend and reenact R.S. 38:291(D)(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.

Reported without amendments.

HOUSE BILL NO. 88—

BY REPRESENTATIVES GRAY, BURRELL, DORSEY, FAUCHEUX, GALLOT, GREENE, HEBERT, M. POWELL, RICHMOND, SMILEY, AND WHITE

AN ACT

To amend and reenact R.S. 29:726(E)(13) and to enact R.S. 29:726(E)(14), (15), (16), and (17), relative to the duties of the office of homeland security and emergency preparedness; to require the office to prepare and maintain a homeland security and state emergency operations plan to include components providing for evacuation, shelter, post-disaster response and recovery, and lead and support responsibilities of state agencies; and to provide for related matters.

Reported without amendments.

Respectfully submitted,
ARTHUR J. "ART" LENTINI
Chairman

Adoption of Legislative Bureau Report

On motion of Senator Lentini, the bills and Joint Resolutions were read by title and passed to a third reading.

Rules Suspended

Senator Duplessis asked for and obtained a suspension of the rules for the purpose of reconsidering the vote on Senate Bill No. 49.

Senator Hollis objected.

YEAS

Mr. President	Dupre	Mount
Adley	Ellington	Murray
Bajoie	Fields	Nevers
Broome	Gautreaux B	Schedler
Cheek	Jackson	Shepherd
Cravins	Jones	Ullo
Duplessis	McPherson	
Total - 20		

NAYS

Barham	Hollis	Smith
Boasso	Kostelka	Theunissen
Dardenne	Malone	
Fontenot	Romero	
Total - 10		

ABSENT

Amedee	Gautreaux N	Marionneau
Cain	Heitmeier	Michot
Chaisson	Lentini	Quinn
Total - 9		

The Chair declared the rules were suspended.

Reconsideration

On motion of Senator Duplessis, pursuant to the previous notice given, the vote by which the following bill failed earlier today, was reconsidered.

SENATE BILL NO. 49—

BY SENATORS DUPLESSIS, HINES AND MOUNT AND REPRESENTATIVES DORSEY, GALLOT, HAMMETT AND SALTER

AN ACT

To enact Chapter 3-C of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:600.51 through 600.63,

relative to the Louisiana Housing and Land Trust; to create and provide for such trust and its board of directors and their powers, duties, functions and responsibilities; to provide a tax exemption status for the trust; to provide a termination date for the trust; to provide an effective date; and to provide for related matters.

Motion

Senator Bajoie moved the previous question on the entire subject matter.

Senator Hollis objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields	Murray
Bajoie	Gautreaux B	Nevers
Broome	Jackson	Schedler
Cravins	Jones	Shepherd
Duplessis	McPherson	Ullo
Dupre	Mount	
Total - 17		

NAYS

Adley	Ellington	Romero
Barham	Fontenot	Smith
Boasso	Hollis	Theunissen
Cheek	Kostelka	
Dardenne	Malone	
Total - 13		

ABSENT

Amedee	Gautreaux N	Marionneau
Cain	Heitmeier	Michot
Chaisson	Lentini	Quinn
Total - 9		

The Chair declared the previous question was called on the entire subject matter.

The bill was read by title. Senator Duplessis moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Mount
Adley	Fields	Murray
Bajoie	Gautreaux B	Nevers
Broome	Jackson	Schedler
Cravins	Jones	Shepherd
Duplessis	Lentini	Ullo
Dupre	McPherson	
Total - 20		

NAYS

Barham	Fontenot	Romero
Boasso	Hollis	Smith
Cheek	Kostelka	Theunissen
Dardenne	Malone	
Total - 11		

ABSENT

Amedee	Gautreaux N	Michot
Cain	Heitmeier	Quinn
Chaisson	Marionneau	

February 15, 2006

Total - 8

The Chair declared the bill was passed. The title was read and adopted. Senator Duplessis moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Privilege Report of the Committee on
Senate and Governmental Affairs**

ENROLLMENTS

Senator Jones, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

February 15, 2006

To the President and Members of the Senate:

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

The following Senate Concurrent Resolutions have been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 16—
BY SENATOR ROMERO

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to authorize the prompt construction of hurricane and tidal water protection for southwest Louisiana.

SENATE CONCURRENT RESOLUTION NO. 19—

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

A CONCURRENT RESOLUTION

To commend the Bermuda Department of Tourism for their significant contribution to the Louisiana Legislative Black Caucus' Katrina Fund.

Respectfully submitted,
CHARLES D. JONES
Chairman

The foregoing Senate Concurrent Resolutions were signed by the President of the Senate.

Adjournment

Senator Bajoie moved that the Senate adjourn until Thursday, February 16, 2006, at 1:30 o'clock P.M.

The President of the Senate declared the Senate adjourned until 1:30 o'clock P.M. on Thursday, February 16, 2006.

GLENN A. KOEPP
Secretary of the Senate

GAYE F. HAMILTON
Journal Clerk