

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

TWELFTH DAY'S PROCEEDINGS

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

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Monday, February 25, 2008

The Senate was called to order at 10:00 o'clock A.M., by Hon. Joel T. Chaisson II, President of the Senate.

ROLL CALL

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

PRESENT

Mr. President	Erdey	Morrish
Adley	Gautreaux B	Mount
Alario	Gautreaux N	Murray
Amedee	Gray	Nevers
Broome	Hebert	Quinn
Cassidy	Heitmeier	Riser
Cheek	Jackson	Scalise
Cravins	Kostelka	Shaw
Crowe	LaFleur	Shepherd
Donahue	Long	Smith
Dorsey	Marionneau	Thompson
Duplessis	Martiny	Walsworth
Dupre	Michot	
Total - 38		

ABSENT

McPherson
Total - 1

The President of the Senate announced there were 38 Senators present and a quorum.

Prayer

The prayer was offered by Senator Long, 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 B. Gautreaux, the reading of the Journal was dispensed with and the Journal of February 22, 2008, 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 22, 2008

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. 53—

BY SENATOR MURRAY AND REPRESENTATIVE BALDONE
AN ACT

To amend and reenact R.S. 14:120, relative to offenses affecting organized government; to provide relative to the crime of corrupt influencing; to provide for the increase of penalties for such crime; and to provide for related matters.

Reported without amendments.

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

Message from the House

DISAGREEMENT TO HOUSE BILL

February 22, 2008

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has refused to concur in the proposed Senate Amendment(s) to House Bill No. 1 by Representative Tucker, and ask the President to appoint on the part of the Senate a committee to confer with a like committee from the House on the disagreement; and to inform your honorable body that the Speaker of the House of Representatives has appointed the following members as conferees on the part of the House:

Representatives Tucker, Gallot and Peterson.

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

Rules Suspended

Senator Broome asked for and obtained a suspension of the rules for the purpose of advancing to the order of

**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:

Senator Broome in the Chair

SENATE BILL NO. 3—

BY SENATORS CHAISSON, ALARIO, AMEDEE, BROOME, CHEEK,
CRAVINS, CROWE, DONAHUE, DORSEY, DUPLESSIS, DUPRE, ERDEY,
B. GAUTREAUX, N. GAUTREAUX, HEBERT, HEITMEIER, JACKSON,
KOSTELKA, LONG, MARIONNEAU, MARTINY, MICHOT, MORRISH,
MOUNT, MURRAY, NEVERS, QUINN, RISER, SCALISE, SHAW,
SHEPHERD, SMITH, THOMPSON AND WALSWORTH
AN ACT

To amend and reenact R.S. 24:51(2) and R.S. 49:72(5) and to repeal R.S. 42:1123(13), relative to the Code of Governmental Ethics; to repeal certain exceptions relative to the acceptance by an elected official of certain things of economic value for certain cultural or sporting events; 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 Connick to Reengrossed Senate Bill No. 3 by Senator Chaisson

AMENDMENT NO. 1

On page 1, line 2, after "reenact" and before "R.S. 42:1123(13)," delete "R.S. 24:51(2) and R.S. 49:72(5) and to repeal"

AMENDMENT NO. 2

On page 1, line 3, after "Ethics; to" and before "relative" delete "repeal certain exceptions" and insert "provide"

AMENDMENT NO. 3

On page 1, delete lines 7 through 17 in their entirety and on page 2, delete lines 1 through 14 in their entirety

AMENDMENT NO. 4

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

AMENDMENT NO. 5

On page 2, line 15, after "hereby" delete "repealed." and insert "amended and reenacted to read as follows:

§1123. Exceptions

This Part shall not preclude:

* * *

(13) (a) The acceptance while in the performance of the duties and responsibilities of his office or position by an elected official of anything of economic value as a gift or gratuity from any person when the value of such gift does not exceed one hundred dollars per event, up to an aggregate amount of five hundred dollars in a calendar year from any person, and when the nature of the gift is limited to a cultural or sporting event within the boundaries of this state including the territorial waters thereof, including entertainment reasonably incidental thereto. The provisions of this Paragraph shall also be applicable to an elected official who is on official business of his governmental entity outside of the boundaries of this state as long as said elected official is entitled to compensation or reimbursement from his agency for such official business.

(b) The provisions of this Paragraph shall not apply to any ticket or pass which would allow an elected official or a member of his immediate family into any professional, semi-professional, or collegiate sporting event; a musical concert performance or other entertainment event held or performed in a venue with a seating capacity of more than five-hundred persons; or any fishing trip, hunting trip, or golf outing unless such trip or outing is associated with a candidate's, elected official's, or organization's fundraising event open to the general public.

AMENDMENT NO. 6

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Hutter to Reengrossed Senate Bill No. 3 by Senator Chaisson

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 49:72(5)" and before "and" insert a comma "," and "to enact R.S. 42:1111.1,"

AMENDMENT NO. 2

On page 1, line 5, after "events;" and before "and to" insert "to prohibit giving or making available to a public employee or the immediate family member of a public employee certain tickets or forms of admission, with exceptions;"

AMENDMENT NO. 3

On page 2, between lines 1 and 2, insert: "Section 2. R.S. 42:1111.1 is hereby enacted to read as follows:

§1111.1. Public employees; tickets prohibited

A. No person, governmental entity or agency thereof, or public servant shall give a public employee, or make available for use by a public employee, any ticket or other form of admission to a sporting, entertainment, or cultural event for which there is a charge or cost for admission, other than for the use of such public employee solely in the course of the duties of his office or position.

B. No person, governmental entity or agency thereof, or public servant shall give an immediate family member, excluding the spouse, of a public employee, or make available for use by an immediate family member of a public employee, any ticket or other form of admission to a sporting, entertainment, or cultural event for which there is a charge or cost for admission."

C. For purposes of this Section, a "public employee subject to this Section" shall mean a public employee, other than a member of the classified state civil service, in the office of the governor, the office of the lieutenant governor, the Department of State, the Department of Justice, the Department of the Treasury, the Department of Agriculture and Forestry, or the Department of Insurance."

AMENDMENT NO. 4

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

AMENDMENT NO. 5

On page 2, at the beginning of line 15, change "Section 3." to "Section 4."

AMENDMENT NO. 6

On page 2, at the beginning of line 16, change "Section 4." to "Section 5."

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Smiley to Reengrossed Senate Bill No. 3 by Senator Chaisson

AMENDMENT NO. 1

On page 2, delete lines 16 through 20 in their entirety and insert the following:

"Section 4. The provisions of this Act shall become effective on December 31, 2008."

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Ellington to Reengrossed Senate Bill No. 3 by Senator Chaisson

AMENDMENT NO. 1

In House Floor Amendment No. 5 proposed by Representative Connick and adopted by the House on February 21, 2008, on page 1, line 31, after "pass" and before "which" insert "purchased by a registered lobbyist or his principal"

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Position, and Vote. Includes Mr. President, Duplessis, Marionneaux, Adley, Erdey, Martiny, Amedee, Gautreaux B, Michot, Broome, Gautreaux N, Morrish, Cassidy, Gray, Murray, Cheek, Heitmeier, Nevers, Crowe, Jackson, Riser, Donahue, Kostelka, Scalise, Dorsey, Long, Shaw, Total - 27

NAYS

Total - 0

ABSENT

Alario	LaFleur	Shepherd
Cravins	McPherson	Smith
Dupre	Mount	Thompson
Hebert	Quinn	Walsworth
Total - 12		

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

SENATE BILL NO. 8—

BY SENATORS CHAISSON, ALARIO, AMEDEE, BROOME, CHEEK, CRAVINS, CROWE, DORSEY, DUPLESSIS, DUPRE, ERDEY, B. GAUTREAU, N. GAUTREAU, HEBERT, HEITMEIER, JACKSON, KOSTELKA, LONG, MARIONNEAUX, MARTINY, MICHOT, MOUNT, NEVERS, QUINN, RISER, SCALISE, SHAW, SHEPHERD, JOHN SMITH, THOMPSON AND WALSWORTH

AN ACT

To enact R.S. 42:1115.1, relative to the Code of Governmental Ethics; to restrict the provision of food, drink, or refreshment to a public servant by certain prohibited sources; to provide for the adjustment of the restricted limit; to provide for the duties of the Board of Ethics; 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 House and Governmental Affairs to Engrossed Senate Bill No. 8 by Senator Chaisson

AMENDMENT NO. 1

On page 1, line 10, change "give or offer," to "give,"

AMENDMENT NO. 2

On page 1, line 12, delete "per occasion," and insert the following: "for a single event at which food, drink, or refreshment is given. The total value of the food, drink, or refreshment given to a public servant at any single event shall not exceed fifty dollars regardless of the number of persons subject to the provisions of this Subsection giving food, drink, or refreshment to the public servant at the single event."

AMENDMENT NO. 3

On page 1, line 14, change "give or offer," to "give,"

AMENDMENT NO. 4

On page 1, line 16, delete "per occasion," and insert the following: "for a single event at which food, drink, or refreshment is given. The total value of the food, drink, or refreshment given to a public employee at any single event shall not exceed fifty dollars regardless of the number of persons subject to the provisions of this Subsection giving food, drink, or refreshment to the public employee at the single event."

AMENDMENT NO. 5

On page 1, delete line 17 and insert the following: "C. Beginning on July 1, 2009, and on July first of each year thereafter,"

AMENDMENT NO. 6

On page 2, line 4, change "Subsection A of this Section" to "Subsections A and B of this Section"

AMENDMENT NO. 7

On page 2, delete lines 11 through 15 and insert the following: "D. For purposes of this Section, at an event to which a group or organization of public servants is invited and at which food, drink, or refreshment is given, the value of the food, drink,

or refreshment provided to a public servant shall be determined by dividing the total cost of the food, drink, and refreshment provided at the event by the total number of persons invited to the event.

Section 2. The provisions of this Act shall become effective on March 30, 2008."

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Tucker to Engrossed Senate Bill No. 8 by Senator Chaisson

AMENDMENT NO. 1

In House Committee Amendment No. 2 proposed by the Committee on House and Governmental Affairs and adopted by the House of Representatives on February 20, 2008, at the end of line 9, after "event," insert "However, the total value of the food, drink, or refreshment given shall not include any payment by the public servant for the food, drink, or refreshment."

AMENDMENT NO. 2

In House Committee Amendment No. 4 proposed by the Committee on House and Governmental Affairs and adopted by the House of Representatives on February 20, 2008, at the end of line 18, after "event," insert "However, the total value of the food, drink, or refreshment given shall not include any payment by the public employee for the food, drink, or refreshment."

AMENDMENT NO. 3

In House Committee Amendment No. 7 proposed by the Committee on House and Governmental Affairs and adopted by the House of Representatives on February 20, 2008, at the end of line 32, after "event," insert "In determining the cost of the food, drink, or refreshment provided, any payment made by the public servant for the food, drink, or refreshment shall be subtracted."

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Ellington to Engrossed Senate Bill No. 8 by Senator Chaisson

AMENDMENT NO. 1

In House Committee Amendment No. 7, proposed by the House Committee on House and Governmental Affairs and adopted by the House on February 20, 2008, on page 1, between lines 32 and 33, insert the following:

"E. The provisions of this Section shall not apply to a gathering held in conjunction with a meeting related to national or regional organizations."

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Gallot to Engrossed Senate Bill No. 8 by Senator Chaisson

AMENDMENT NO. 1

Delete House Committee Amendments no. 1 and no. 3, proposed by the Committee on House and Governmental Affairs and adopted by the House on February 20, 2008.

AMENDMENT NO. 2

On page 1, lines 10 and 11, delete "give or offer, either directly or indirectly," and insert: "give"

AMENDMENT NO. 3

On page 1, lines 14 and 15, delete "give or offer, either directly or indirectly," and insert: "give"

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Smiley to Engrossed Senate Bill No. 8 by Senator Chaisson

AMENDMENT NO. 1

On page 2 delete lines 11 through 15 and insert "Section 2. The provisions of this Act shall become effective on December 31, 2008."

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Danahay to Engrossed Senate Bill No. 8 by Senator Chaisson

AMENDMENT NO. 1

In House Floor Amendment No.1 proposed Representative Ellington and adopted by the House of Representatives on February 21, 2008, on page 1, line 4 delete "national or regional organizations." and insert "a national or regional organization or a meeting of a statewide organization of governmental officials or employees."

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

ROLL CALL

The roll was called with the following result:

YEAS

Table listing names of members voting YEAS: Mr. President, Adley, Alario, Amedee, Broome, Cassidy, Cheek, Cravins, Crowe, Donahue, Dorsey, Duplessis, Erdey, Gautreaux B, Gautreaux N, Heitmeier, Jackson, Kostelka, Long, Marionneaux, Martiny, Michot, Morrish, Mount, Murray, Nevers, Riser, Scalise, Shaw, Smith, Walsworth.

NAYS

Total - 31

ABSENT

Table listing names of members voting ABSENT: Dupre, Gray, Hebert, LaFleur, McPherson, Quinn, Shepherd, Thompson.

Total - 8

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

SENATE BILL NO. 35—

BY SENATORS CHAISSON, AMEDEE, BROOME, DONAHUE, DUPLESSIS, N. GAUTREAUX, JACKSON, KOSTELKA, SCALISE, SMITH AND WALSWORTH

AN ACT

To enact R.S. 42:1117.1, relative to the Code of Governmental Ethics; to prohibit the use of certain actions or methods to circumvent the provisions of the Code of Governmental Ethics; to provide for penalties; 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 House and Governmental Affairs to Reengrossed Senate Bill No. 35 by Senator Chaisson

AMENDMENT NO. 1

On page 1, line 4, after "Ethics;" and before "to provide" insert "to provide exceptions;"

AMENDMENT NO. 2

On page 1, at the beginning of line 8, insert "A."

AMENDMENT NO. 3

On page 1, at the end of line 15, delete "The" and delete lines 16 and 17 and on page 2, delete line 1, and insert the following:

"B.(1) The terms of a confidentiality agreement entered into between parties shall not be a transfer prohibited by this Section, provided that the confidentiality agreement is not entered into for purposes of circumventing the Code of Governmental Ethics.

(2) The sale of property subject to owner financing shall not be a transfer prohibited by this Section.

(3) A recorded bond for deed contract shall not be a transfer prohibited by this Section."

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Abramson to Reengrossed Senate Bill No. 35 by Senator Chaisson

AMENDMENT NO. 1

On page 1, line 2, after "enact" and before "relative" change "R.S. 42:1117.1" to "R.S. 42:1114.4 and 1117.1,"

AMENDMENT NO. 2

On page 1, line 2, after "Ethics;" and before "to" insert "to provide relative to financial disclosure, to require certain disclosures by certain elected officials; to provide for the content of such disclosures; to provide for penalties;"

AMENDMENT NO. 3

On page 1, line 6, after "Section 1." and before "hereby" change "R.S. 42:1117.1 is" to "R.S. 42:1114.4 and 1117.1 are"

AMENDMENT NO. 4

On page 1, between lines 6 and 7, insert the following:

"1114.4. Disclosure statements; certain elected officials
A. Each statewide elected official, member of the legislature, elected member of the State Board of Elementary and Secondary Education, and official elected from a voting district having a population of more than five thousand persons shall disclose the information required by Subsection B of this Section as provided in that Subsection.

B.(1) The following information shall be disclosed:

(a) The name, address, job title, salary, and date of employment of any person who is directly hired by the elected official for employment in the agency of the elected official and who made a contribution or loan in excess of one thousand dollars to a campaign of the elected official or contribution as defined in R.S. 42:1125 and the amount of such contribution or loan.

(b) The name, address, position held, date of appointment, and amount of any compensation provided for such position of any person who is appointed to a board or commission by the elected official and who made a contribution or loan in excess of one thousand dollars to a campaign of such elected official or contribution as defined in R.S. 42:1125 and the amount of such contribution or loan.

(2) The information required to be disclosed by this Section shall be filed each year as part of the elected official's annual financial disclosure statement required by this Part and shall include only those persons who contributed to a campaign and who were hired or appointed within one year of the contribution. This information shall be included in the report which covers the time period in which the employment or appointment occurred. This Section shall be subject to the provisions for enforcement and penalties applicable to such financial disclosure statement.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Morrish
Adley	Erdey	Mount
Alario	Gautreaux B	Murray
Amedee	Gautreaux N	Riser
Broome	Heitmeier	Scalise
Cassidy	Jackson	Shaw
Cheek	Kostelka	Smith
Cravins	Long	Thompson
Crowe	Marionneaux	Walsworth
Donahue	Martiny	
Dorsey	Michot	
Total - 31		

NAYS

Total - 0

ABSENT

Dupre	LaFleur	Quinn
Gray	McPherson	Shepherd
Hebert	Nevers	
Total - 8		

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

SENATE BILL NO. 1—

BY SENATORS CHAISSON, ALARIO, AMEDEE, BROOME, CHEEK, CRAVINS, CROWE, DONAHUE, DORSEY, DUPLESSIS, DUPRE, ERDEY, B. GAUTREAU, N. GAUTREAU, HEBERT, HEITMEIER, JACKSON, KOSTELKA, LONG, MARTINY, MICHOT, MOUNT, NEVERS, QUINN, RISER, SCALISE, SHAW, SHEPHERD, SMITH, THOMPSON AND WALSWORTH AND REPRESENTATIVES HARDY, ABRAMSON, ANDERS, ARMES, ARNOLD, AUBERT, AUSTIN BADON, BOBBY BADON, BALDONE, BARRAS, BARROW, BILLIOT, BURFORD, HENRY BURNS, TIM BURNS, BURRELL, CARMODY, CARTER, CAZAYOUX, CHAMPAGNE, CHANDLER, CHANEY, CONNICK, CORTEZ, CROMER, DANAHAY, DIXON, DOVE, DOWNS, EDWARDS, ELLINGTON, FANNIN, FOIL, FRANKLIN, GALLOT, GISCLAIR, GREENE, ELBERT GUILLORY, MICKY GUILLORY, GUINN, HARRISON, HAZEL, HENDERSON, HENRY, HILL, HINES, HOFFMANN, HONEY, HOWARD, HUTTER, GIROD JACKSON, MICHAEL JACKSON, JOHNSON, ROSALIND JONES, KATZ, KLECKLEY, LABRUZZO, LAMBERT, LEBAS, LEGER, LIGI, LITTLE, LOPINTO, LORUSSO, MILLS, MONICA, MONTOUCE, MORRELL, MORRIS, NORTON, NOWLIN, PEARSON, PERRY, PONTI, POPE, PUGH, RICHARD, RICHARDSON, RICHMOND, RITCHIE, ROBIDEAUX, ROY, SCHRODER, SIMON, SMILEY, GARY SMITH, JANE SMITH, PATRICIA SMITH, ST. GERMAIN, TALBOT, TEMPLET, TRAHAN, TUCKER, WADDELL, WHITE, WILLIAMS, WILLMOTT AND WOOTON

AN ACT

To amend and reenact R.S. 42:1113(A) and (D)(1) and 1114.3 and to enact R.S. 42:1113(D)(2)(g) and (h), (3), and (4), relative to conflicts of interest; to provide relative to certain contracts involving certain public servants and certain affiliated persons and entities; to provide restrictions on certain contracts; to provide for disclosure relative to certain contracts; to provide exceptions and waivers; to provide for effectiveness; 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 House and Governmental Affairs to Reengrossed Senate Bill No. 1 by Senator Chaisson

AMENDMENT NO. 1

On page 2, line 9, after "No" delete the remainder of the line and delete lines 10 and 11 and insert "commissioner of administration, chief of staff to the governor or any person employed in his office excluding clerical employees, executive counsel to the governor

or any person employed in his office excluding clerical employees, legislative director for the governor or any person employed in his office excluding clerical employees."

AMENDMENT NO. 2

On page 2, delete lines 15 through 17 and insert "commissioner of administration, chief of staff to the governor or any person employed in his office excluding clerical employees, executive counsel to the governor or any person employed in his office excluding clerical employees, legislative director for the governor or any person employed in his office excluding clerical employees, legislator or"

AMENDMENT NO. 3

On page 3, at the end of line 5, delete "public" and delete line 6 and on line 7 delete "the office of the governor," and insert "commissioner of administration, of a chief of staff to the governor or any person employed in his office excluding clerical employees, of an executive counsel to the governor or any person employed in his office excluding clerical employees, of a legislative director for the governor or person employed in his office excluding clerical employees, or of a"

AMENDMENT NO. 4

On page 3, at the end of line 8, delete "R.S." and on line 9, change "42:1113(D)(1)(b)(ii)," to "Item (ii) of this Subparagraph,"

AMENDMENT NO. 5

On page 3, line 10, delete "R.S. 42:1113(D)(1)(b)(ii) or immediate family" and on line 11, delete "member" and insert "Item (ii) of this Subparagraph"

AMENDMENT NO. 6

On page 4, delete lines 16 through 18

AMENDMENT NO. 7

On page 4, line 19, change "(ss)" to "(pp)"

AMENDMENT NO. 8

On page 4, line 20, change "(tt)" to "(qq)"

AMENDMENT NO. 9

On page 4, line 22, change "(uu)" to "(rr)"

AMENDMENT NO. 10

On page 4, line 23, change "(vv)" to "(ss)"

AMENDMENT NO. 11

On page 4, line 25, change "(ww)" to "(tt)"

AMENDMENT NO. 12

On page 4, line 27, change "(xx)" to "(uu)"

AMENDMENT NO. 13

On page 4, line 29, change "(yy)" to "(vv)"

AMENDMENT NO. 14

On page 5, line 2, change "(zz)" to "(ww)"

AMENDMENT NO. 15

On page 5, line 3, change "(aaa)" to "(xx)"

AMENDMENT NO. 16

On page 5, line 4, change "(bbb)" to "(yy)"

AMENDMENT NO. 17

On page 5, delete line 5

AMENDMENT NO. 18

On page 5, line 6, change "(ddd)" to "(zz)"

AMENDMENT NO. 19

On page 5, line 7, change "(eee)" to "(aaa)"

AMENDMENT NO. 20

On page 5, line 8, change "(fff)" to "(bbb)"

AMENDMENT NO. 21

On page 5, line 9, change "(ggg)" to "(ccc)"

AMENDMENT NO. 22

On page 5, line 10, change "(hhh)" to "(ddd)"

AMENDMENT NO. 23

On page 5, delete line 11

AMENDMENT NO. 24

On page 5, line 12, change "(iii)" to "(eee)"

AMENDMENT NO. 25

On page 5, line 13, change "(kkk)" to "(fff)"

AMENDMENT NO. 26

On page 5, line 14, change "(lll)" to "(ggg)"

AMENDMENT NO. 27

On page 5, between lines 14 and 15, insert the following:

"(iii) The provisions of this Subparagraph shall not prohibit a contract for professional services entered into with the attorney general which is based on criteria set forth by the office of risk management."

AMENDMENT NO. 28

On page 5, at the end of line 23, delete "**public**" and delete lines 24 and 25 and on line 26, delete "**the governor, chief of staff to the governor,**" and insert "**a commissioner of administration, a chief of staff to the governor or any person employed in his office excluding clerical employees, a executive counsel to the governor or any person employed in his office excluding clerical employees, a legislative director for the governor or any person employed in his office excluding clerical employees,**"

AMENDMENT NO. 29

On page 6, line 20, after "**of a**" delete the remainder of the line and delete lines 21 and 22 and on line 23, delete "**to the governor,**" and insert "**commissioner of administration, a chief of staff to the governor or any person employed in his office excluding clerical employees, an executive counsel to the governor or any person employed in his office excluding clerical employees, a legislative director for the governor or any person employed in his office excluding clerical employees,**"

AMENDMENT NO. 30

On page 6, line 25, change "**R.S. 42:1113(D)(1)(b)(ii)**" to "**Item (1)(b)(ii) of this Subsection**"

AMENDMENT NO. 31

On page 6, line 26, after "**in which**" delete the remainder of the line and delete line 27 and insert "**a person provided for in Item (1)(b)(ii) of this Subsection, has more**"

AMENDMENT NO. 32

On page 7, delete lines 27 through 29 and insert the following:

"(3) No former commissioner of administration, chief of staff to the governor or any person formerly employed in his office excluding clerical employees, executive counsel to the governor or any person formerly employed in his office excluding clerical employees, legislative director for the governor or any person formerly employed in his office excluding clerical employees,"

AMENDMENT NO. 33

On page 8, delete lines 9 through 11, and insert "**the public service of such former commissioner of administration, chief of staff to the governor or any person formerly employed in his office excluding clerical employees, executive counsel to the governor or any person formerly employed in his office excluding clerical**

employees, legislative director for the governor or anyone formerly employed in his office excluding clerical employees,"

AMENDMENT NO. 34

On page 8, delete lines 14 through 17 and insert "**the public service of such former commissioner of administration, chief of staff to the governor or any person formerly employed in his office excluding clerical employees, executive counsel to the governor or any person formerly employed in his office excluding clerical employees, legislative director for the governor or anyone formerly employed in his office excluding clerical employees, or legislator's public service as a legislator.**"

AMENDMENT NO. 35

On page 8, delete lines 18 through 20, and insert the following:

"(4)(a) Each commissioner of administration, chief of staff to the governor or any person employed in his office excluding clerical employees, executive counsel to the governor or any person employed in his office excluding clerical employees, legislative director for the governor or anyone employed in his office excluding clerical employees,"

AMENDMENT NO. 36

On page 8, line 22, delete "**or her**"

AMENDMENT NO. 37

On page 8, line 23, after "**between a**" delete "**public employee as**" and delete lines 24, 25, and 26 and insert "**commissioner of administration, a chief of staff to the governor or any person employed in his office excluding clerical employees, an executive counsel to the governor or any person employed in his office excluding clerical employees, a legislative director for the governor or anyone employed in his office excluding clerical employees, a member of the legislature, his spouse, or any**"

AMENDMENT NO. 38

On page 9, line 8, after "**of a**" delete the remainder of the line and delete lines 9 and 10 and on line 11, delete "**chief of staff to the governor,**" and insert "**commissioner of administration, chief of staff to the governor or any person employed in his office excluding clerical employees, executive counsel to the governor or any person employed in his office excluding clerical employees, legislative director for the governor or anyone employed in his office excluding clerical employees,**"

AMENDMENT NO. 39

On page 9, line 12, change "**R.S. 42:1113(D)(1)(b)(ii),**" to "**Item (1)(b)(ii) of this Subsection**"

AMENDMENT NO. 40

On page 9, delete line 14, and insert "**term of office of the legislator or person provided for in Item (1)(b)(ii) of this Subsection**"

AMENDMENT NO. 41

On page 9, at the end of line 16, delete "**R.S.**" and on line 17 change "**42:1113(D)(1)(b)(ii),**" to "**Item (1)(b)(ii) of this Subsection,**"

AMENDMENT NO. 42

On page 9 delete lines 28 and 29 and on page 10, delete line 1 and on line 2, delete "**to the governor,**" and insert the following:

"A.(1) No statewide elected official, nor any commissioner of administration, chief of staff to the governor or any person employed in his office excluding clerical employees, executive counsel to the governor or any person employed in his office excluding clerical employees, legislative director for the governor or anyone in his office excluding clerical employees,"

AMENDMENT NO. 43

On page 10, delete lines 13 through 15, and on line 16, delete "**to the governor**" and insert the following:

"(b) The statewide elected official, commissioner of administration, chief of staff to the governor or any person employed in his office excluding clerical employees, executive

counsel to the governor or any person employed in his office excluding clerical employees, legislative director for the governor or anyone in his office excluding clerical employees."

AMENDMENT NO. 44

On page 11, line 17, after "**for employment**" insert "**or for services**"

AMENDMENT NO. 45

On page 11, between lines 18 and 19, insert the following:

"(ii) Contracts for employment or for services by any licensed health care professional providing services in the classroom or working with administration in an elementary or secondary school or other educational institution.

"(iii) Contracts for services by health care professionals which are required by federal or state law to provide an educational program for students in an elementary or secondary school or other educational institution."

AMENDMENT NO. 46

On page 11, line 19, change "(ii)" to "(iv)"

AMENDMENT NO. 47

On page 11, line 21, change "(iii)" to "(v)"

AMENDMENT NO. 48

On page 11, line 23, change "(iv)" to "(vi)"

AMENDMENT NO. 49

On page 11, delete lines 25 through 27 and on line 28, delete "to the governor," and insert the following

"(4)(a) Each statewide elected official, commissioner of administration, chief of staff to the governor or any person employed in his office excluding clerical employees, executive counsel to the governor or any person employed in his office excluding clerical employees, legislative director for the governor or anyone employed in his office excluding clerical employees."

AMENDMENT NO. 50

On page 13, at the end of line 8, delete "public" and delete lines 9 and 10, and on line 11, delete "the governor, chief of staff to the governor" and insert "commissioner of administration, chief of staff to the governor or any person employed in his office excluding clerical employees, executive counsel to the governor or any person employed in his office excluding clerical employees, legislative director for the governor or anyone employed in his office excluding clerical employees."

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed Senate Bill No. 1 by Senator Chaisson

AMENDMENT NO. 1

In House Committee Amendment No. 28 proposed by the House Committee on House and Governmental Affairs, on page 3, line 13, change "a" to "an" before "executive"

AMENDMENT NO. 2

In House Committee Amendment No. 43 proposed by the House Committee on House and Governmental Affairs, on page 5, line 13, change "governor" to "governor,"

AMENDMENT NO. 3

In House Committee Amendment No. 50 proposed by the House Committee on House and Governmental Affairs, on page 6, line 11, following "to the governor" insert ","

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Gallot to Reengrossed Senate Bill No. 1 by Senator Chaisson

AMENDMENT NO. 1

Delete the House Committee Amendments proposed by the House Committee on House and Governmental Affairs and adopted by the House on February 20, 2008.

AMENDMENT NO. 2

On page 1, line 2, after "42:1113(A) and" delete the remainder of the line and on line 3, delete "42:1113(D)(2)(g) and (h), (3), and (4)," and insert "(D) and 1114.3,"

AMENDMENT NO. 3

On page 1, delete lines 9 and 10 and insert "Section 1. R.S. 42:1113(A) and (D) and 1114.3 are hereby amended and reenacted to read as"

AMENDMENT NO. 4

On page 1, delete lines 12 through 17 and delete pages 2 through 16 and insert the following:

"§1113. Prohibited contractual arrangements

A.(1) No public servant, excluding any legislator and any appointed member of any board or commission and any member of a governing authority of a parish with a population of ten thousand or less, or member of such a public servant's immediate family, or legal entity in which he has a controlling interest shall bid on or enter into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servant.

(2) No head of a department listed in R.S. 36:4(A) who is appointed by the governor or lieutenant governor shall bid on or enter into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of any agency to which funds have been transferred from the agency of such department head, but such prohibition shall apply only to any contract, subcontract, or transaction related to such funds.

* * *

D.(1)(a)(i) No legislator or person who has been certified by the secretary of state as elected to the legislature, or spouse of a legislator or person who has been certified as elected to the legislature, person identified in Item (ii) of this Subparagraph or the spouse of such person nor any legal entity of a person corporation, partnership, or other legal entity, in which the legislator or person who has been certified by the secretary of state as elected to the legislature or the spouse of a legislator or spouse of a person who has been certified by the secretary of state as elected to the legislature owns any interest in, except publicly traded corporations; shall enter into any contract or subcontract with state government, any branch, agency, department, or institution of state government or with the Louisiana Insurance Guaranty Association, the Louisiana Health Insurance Guaranty Association, or any other quasi public entity created in law unless the contract or subcontract is awarded by competitive bidding after being advertised and awarded in accordance with Part II of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950 or is competitively negotiated through a request for proposal process or any similar competitive selection process in accordance with Chapters 16 or 17 of Title 39 of the Louisiana Revised Statutes of 1950.

(ii) The provisions of this Subparagraph and other provisions which reference this Item shall apply to the following persons:

(aa) A legislator and any person who has been certified by the secretary of state as elected to the legislature.

(bb) The governor and each person holding statewide elected office.

(cc) The secretary of the Department of Economic Development.

(dd) The secretary of the Department of Culture, Recreation and Tourism.

(ee) The secretary of the Department of Environmental Quality.

(ff) The secretary of the Department of Health and Hospitals.

(gg) The secretary of the Department of Labor.

(hh) The secretary of the Department of Natural Resources.

(ii) The secretary of the Department of Public Safety and

Corrections.

(jj) The secretary of the Department of Revenue.

(kk) The secretary of the Department of Social Services.

(ll) The secretary of the Department of Transportation and Development.

- (mm) The secretary of the Department of Wildlife and Fisheries.
- (nn) The secretary of the Department of Veterans Affairs.
- (oo) The executive secretary of the Public Service Commission.
- (pp) The director of state civil service.
- (qq) Each member of the State Board of Elementary and Secondary Education.

(rr) The superintendent of education, the commissioner of higher education, and the president of each public postsecondary education system.

(ss) Each member of the Board of Ethics and the ethics administrator.

(tt) The chief of staff of the office of the governor.

(uu) The commissioner of the division of administration.

(vv) The executive counsel to the governor.

(iii) For purposes of this Subsection, "legal entity of a person" means any corporation, partnership, or other such entity, except a publicly traded corporation or a passive ownership interest that is the result of participation in a federally approved program of employee ownership, in which a person identified in Item (ii) of this Subparagraph or the spouse of such person owns an interest of greater than five percent.

(iv) For purposes of this Subsection, "legal entity of a family member" means any corporation, partnership, or other such entity, except a publicly traded corporation or a passive ownership interest that is the result of participation in a federally approved program of employee ownership, in which an immediate family member of a person identified in Item (ii) of this Subparagraph, except the spouse of such a person, owns an interest of greater than five percent.

(v) For purposes of this Subsection, "state government" means any branch, agency, department, or institution of state government or with the Louisiana Insurance Guaranty Association, the Louisiana Health Insurance Guaranty Association, or any other state quasi public entity created in law.

(b)(i) No immediate family member, except the spouse, of a person identified in Item (a)(ii) of this Paragraph, nor any legal entity of a family member shall enter into any contract with state government unless the contract is awarded by competitive bidding after being advertised and awarded in accordance with Part II of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950.

(ii) The provisions of this Subparagraph shall not prohibit a contract for professional services entered into with the attorney general which is based on criteria set forth by the office of risk management.

(c)(i) For the purposes of this Section, a provider agreement entered into with the Department of Health and Hospitals under the state medical assistance program shall not be considered a contract or subcontract.

(ii) For the purposes of this Section, a foster parent provider agreement or a child care provider agreement entered into with the Department of Social Services shall not be considered a contract or subcontract.

(2) The provisions of this Subsection shall not prohibit the following:

(a) Completion of any contract or subcontract otherwise prohibited by this Subsection which was entered into prior to initial election to the legislature; however, no such contract or subcontract shall be renewed.

(b) Completion of any contract or subcontract otherwise prohibited by this Subsection which was entered into prior to July 1, 1995; however, no such contract or subcontract shall be renewed.

(c) Contracts for employment in a professional educational capacity in an elementary or secondary school or other educational institution.

(d) Contracts of sale pursuant to the expropriation of immovable property by any branch, agency, department, or institution of state government.

(e) Contracts of employment of a physician with the state or the charity hospitals of the state.

(f) Donation of professional veterinary services or the donation of any goods and services related to the provision of such veterinary services.

(g) Completion of any contract which, at the time it was entered into, was not prohibited by the provisions of this Subsection; however, no such contract shall be renewed.

(h)(i) Completion of any contract between a person identified by Item (a)(ii) of this Paragraph or his spouse or a legal entity of a person and state government, which contract was awarded by competitive bidding after being advertised and awarded in accordance with Part II of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950, or competitively negotiated through a request for proposal process or any similar competitive selection process in accordance with Chapters 16 or 17 of Title 39 of the Louisiana Revised Statutes of 1950, and which contract was entered into prior to the effective date of this Subparagraph; however, no such contract shall be renewed for a period extending beyond January 8, 2012.

(ii) Completion of any contract between the immediate family member, except for a spouse, of a person identified in Item (a)(ii) of this Paragraph or a legal entity of a family member and state government, which contract was not awarded by competitive bidding after being advertised and awarded in accordance with Part II of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950, and which contract was entered into prior to the effective date of this Subparagraph; however, no such contract shall be renewed for a period extending beyond January 8, 2012.

(i)(i) A sale by a retail establishment valued at two thousand five hundred dollars or less. However, no person shall enter into separate sales valued at two thousand five hundred dollars or less as a subterfuge to avoid the prohibition of this Subsection.

(ii) For purposes of this Subparagraph, "retail establishment" shall have the same meaning provided in R.S. 14:67.25.

(j) An agreement with a state entity or state quasi public entity providing for retirement or insurance benefits, provided that those benefits are available to similarly situated persons.

(k) An agreement providing for public assistance benefits, including but not limited to, subsidies for agriculture, aquaculture, forestry, soil and water conservation, educational scholarships, grants and subsidies or guaranteed student loans, provided that such benefits are available to similarly situated persons.

(l) The payment of admission fees for events open to the public.

(3) No person formerly serving in a position identified in Item (1)(a)(ii) of this Subsection nor his spouse nor any legal entity of a person shall, for a period of one year following the termination of the public service of such person enter into a contract that would have been prohibited by this Subsection prior to the termination of the public service of such person.

(4)(a) Each person identified in Item (1)(a)(ii) of this Subsection shall file a report with the Board of Ethics, by July first of each year of his term of office or of his service in his position, identifying the parties to and the value and term of each contract between him or his spouse or legal entity of a person and state government.

(b) Each immediate family member, except a spouse, of a person identified in Item (1)(a)(ii) of this Subsection shall file a report with the Board of Ethics by July first of each year of the person's term of office or of the person's service in his position identifying the parties to and the value and term of each contract between the immediate family member or any legal entity of a family member and state government.

* * *

§1114.3. Disaster or emergency contracts; prohibition; disclosure

A.(1) No statewide elected official, legislator, commissioner of administration, or chief of staff or executive counsel to the governor, nor the spouse of any such person, nor any corporation, partnership, or other legal entity, except a publicly traded corporation or a passive ownership interest that is the result of participation in a federally approved program of employee ownership, in which such a person owns an interest of greater than five percent shall enter into any contract to which all of the following apply:

(a) The contract is directed to addressing needs directly emanating from a gubernatorially declared disaster or emergency.

(b) The person knows or reasonably should know that the contract or subcontract is funded or reimbursed in whole or in part with federal funds distributed, paid, or allocated to or by the state or a state department, agency, or official.

(2) Hereafter in this Subsection, "person covered by this Subsection" shall mean a statewide elected official, legislator, commissioner of administration, or chief of staff or executive counsel to the governor, or the spouse of any such person. "Company

covered by this Subsection" shall mean a corporation, partnership, or other legal entity, except a publicly traded corporation or a passive ownership interest that is the result of participation in a federally approved program of employee ownership, in which a person covered by this Section owns an interest of greater than five percent.

(3) The provisions of Paragraph (1) of this Subsection shall not apply to construction-related contracts entered into with entities more than two years following the initial declaration of disaster or emergency, provided that the entity is not the governmental entity of a person covered by this Section.

(4)(a)(i) The provisions of this Subsection shall not prohibit a sale by a retail establishment which is valued at two thousand five hundred dollars or less. However, no person shall enter into separate sales valued at two thousand five hundred dollars or less as a subterfuge to avoid the prohibition of this Subsection.

(ii) For purposes of this Subparagraph, "retail establishment" shall have the same meaning provided in R.S. 14:67.25.

(b) For the purposes of this Subsection, the following shall not constitute a contract:

(i) A provider agreement entered into with the Department of Health and Hospitals under the state medical assistance program.

(ii) A foster parent provider agreement or a child care provider agreement entered into with the Department of Social Services.

(iii) An agreement with a state entity or state quasi public entity providing for retirement and insurance benefits, provided that those benefits are available to similarly situated persons.

(iv) An agreement providing for public assistance benefits, including but not limited to, subsidies for agriculture, aquaculture, forestry, soil and water conservation, educational scholarships, grants and subsidies or guaranteed student loans, provided that such benefits are available to similarly situated persons.

(c) The provisions of this Subsection shall not prohibit the following:

(i) Contracts for employment or for services in a professional educational capacity in an elementary or secondary school or other educational institution.

(ii) Contracts for employment or for services by any licensed health care professional providing services in the classroom or working with administration in an elementary or secondary school or other educational institution.

(iii) Contracts for services by health care professionals which are required by federal or state law to provide an educational program for students in an elementary or secondary school or other educational institution.

(iv) Contracts of sale pursuant to the expropriation of immovable property by any branch, agency, department, or institution of state government.

(v) Contracts of employment of a physician with the state or the charity hospitals of the state.

(vi) Donation of professional veterinary services or the donation of any goods and services related to the provision of such veterinary services.

(5) Each person covered by this Section who derives, either directly or through a company covered by this Section, any thing of economic value through any contract which is directed to addressing needs directly emanating from a gubernatorially declared disaster or emergency and which the person covered by this Section knows or reasonably should know is or may be funded or reimbursed in whole or in part with federal funds shall disclose the information required by Subsection C of this Section as provided in that Subsection.

B.(1) Except as provided in ~~Subsection B Paragraph 2~~ of this Section Subsection, each elected official; other than a statewide elected official or legislator, each appointed state official, other than the commissioner of administration or the chief of staff or executive counsel to the governor, and each immediate family member of an elected official or appointed state official subject to this Subsection or Subsection A of this Section who derives, either directly or through a legal entity in which such official or immediate family member owns ten percent or more, any thing of economic value through any contract or subcontract which is related to a gubernatorially declared disaster or emergency and which the official or immediate family member knows or reasonably should know is or may be funded or reimbursed in whole or in part with federal funds shall ~~make the disclosure shall disclose the following as provided in~~

~~this Section: disclose the information required by Subsection C of this Section as provided in that Subsection.~~

(2) No person required to disclose information by Paragraph (1) of this Subsection shall be required to disclose the receipt of any thing of economic value pursuant to this Section when the value of the contract is two thousand five hundred dollars or less. However, no person shall enter into separate contracts valued at two thousand five hundred dollars or less with the same person or governmental entity or agency thereof as a subterfuge to avoid the disclosure requirements of this Section.

~~(3)C.~~(1) The following information shall be disclosed:

(a)(i) If an elected or appointed official, the name and address of the elected or appointed official and the office held by such person.

(b)(ii) If an immediate family member of an elected or appointed official, the name and address of such person; the name, address, and office of the elected or appointed official to whom the person is related; and the nature of the relationship.

(2)(b) If through a legal entity, the name and business address of the legal entity, the percentage of the official's or immediate family member's ownership interest in the legal entity, and the position, if any, held by the official or immediate family member in the legal entity.

(3)(c) The nature of the contract or subcontract, including the amount of the contract or subcontract and a description of the goods or services provided or to be provided pursuant to the contract or subcontract.

(4)(d) The amount of income or value of any thing of economic value derived through the contract or subcontract by the official or immediate family member for the previous calendar year, except as provided in ~~Subsection C of this Section Paragraph (2)~~ of this Subsection.

~~B. No person shall be required to disclose the receipt of any thing of economic value pursuant to this Section when the value of the contract or subcontract is two thousand five hundred dollars or less. However, no person shall enter into separate contracts or subcontracts valued at two thousand five hundred dollars or less with the same person or governmental entity or agency thereof as a subterfuge to avoid the disclosure requirements of this Section.~~

~~E.~~(2) Each elected or appointed official and immediate family member subject to the provisions of this Section shall file an initial disclosure statement with the Board of Ethics no later than thirty days after the official, immediate family member, or legal entity enters into the contract, ~~whichever occurs later~~. The initial disclosure statement shall contain all of the information required by ~~Subsection A of this Section Paragraph 1~~ of this Subsection, except that instead of the actual amount of income or value of any thing of economic value derived from the contract by the official or immediate family member for the previous calendar year, the official or immediate family member shall include the amount of income or value of any thing of economic value to be derived or, if the actual amount is unknown at the time the statement is due, reasonably expected to be derived from the contract or subcontract for the first calendar year of the contract or subcontract.

~~D.~~(1)(3)(a) After filing the initial disclosure statement, the elected or appointed official or immediate family member shall file the disclosure statements required by this ~~Section~~ Subsection with the Board of Ethics no later than February fifteenth each year and shall include such information for the previous calendar year.

(2)(b) An elected or appointed official or immediate family member subject to the provisions of this Section shall be required to file the annual disclosure statements required by this ~~Section~~ Subsection until a disclosure statement is filed after the completion of the contract or subcontract subject to disclosure, or the person filing such statements, or to whom the immediate family member is related is no longer an elected or appointed official, whichever occurs first.

(3)(c) Annual disclosure statements shall not be required for the receipt of things of economic value pursuant to contracts or subcontracts entered into prior to an elected or appointed official taking office; however, if an elected or appointed official or immediate family member thereof receives or reasonably expects to receive a thing of economic value otherwise required to be disclosed by this Section pursuant to the renewal of such a contract or

subcontract occurring after the official takes office, such official or immediate family member shall file a disclosure statement no later than thirty days after such renewal in accordance with ~~Subsection C of this Section~~ Paragraph 2 of this Subsection and annually thereafter in accordance with this Subsection.

(d) All disclosure statements filed pursuant to this Section shall be a matter of public record.

(4)(a) Failure to file a statement, failure to timely file a statement, failure to disclose required information, filing a false statement, or engaging in a subterfuge to avoid the disclosure requirements of this Section shall subject a person required to file to penalties as provided by this Chapter.

(b) In addition to other applicable penalties, whoever fails to file a statement required by this Section, or knowingly and willfully fails to timely file any such statement, or knowingly and willfully fails to disclose or to accurately disclose any information required by this Section shall be assessed a civil penalty in accordance with R.S. 42:1157 for each day until such statement or the required accurate information is filed. The amount of the penalty shall be one hundred dollars per day.

(c) In addition to other applicable penalties, whoever enters into separate contracts or subcontracts valued at two thousand five hundred dollars or less as a subterfuge to avoid the disclosure requirements of this Section shall be subject to the penalties of R.S. 42:1153.

F.D. For the purposes of this Section, the term "appointed state official" or "appointed official" shall mean a person holding an office in any branch of state government or other position on a state agency, board, or commission or any executive office of any state agency, board, commission, or department which is specifically established or specifically authorized by the constitution or laws of this state or by executive order of the governor and which is filled by appointment or election by an elected or appointed public official or by a governmental body composed of such officials of this state.

G.E. Nothing in this Section shall require the disclosure of any thing of economic value received from an individual assistance claim.

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."

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Gallot to Reengrossed Senate Bill No. 1 by Senator Chaisson

AMENDMENT NO. 1

In House Floor Amendment No. 4 of the set of House Floor Amendments proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 4, line 22, change "Item (a)(ii)" to "Item (1)(a)(ii)"

AMENDMENT NO. 2

In House Floor Amendment No. 4 of the set of House Floor Amendments proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 4, line 23, change "Paragraph" to "Subsection"

AMENDMENT NO. 3

In House Floor Amendment No. 4 of the set of House Floor Amendments proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 6, line, after "retirement" change "and" to "or"

AMENDMENT NO. 4

In House Floor Amendment No. 4 of the set of House Floor Amendments proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 7, line 45, change "Paragraph 1" to "Paragraph (1)"

AMENDMENT NO. 5

Delete the House Floor Amendments proposed by the Legislative Bureau and adopted by the House on February 21, 2008.

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Abramson to Reengrossed Senate Bill No. 1 by Senator Chaisson

AMENDMENT NO. 1

In House Floor Amendment No. 2, proposed by Representative Gallot, and adopted by the House of Representatives on February 21, 2008, on page 1, line 6, after "1114.3" and before the comma "," insert "and to enact R.S. 42:1114.4"

AMENDMENT NO. 2

On page 1, line 6, after the semicolon ";" and before "to" insert "to require certain disclosures by certain elected officials; to provide for the content of such disclosures; to provide for enforcement and penalties; "

AMENDMENT NO. 3

In House Floor Amendment No. 3, proposed by Representative Gallot, and adopted by the House of Representatives on February 21, 2008, on page 1, line 9, after "reenacted" and before "to" insert "and R.S. 42:1114.4 is hereby enacted"

AMENDMENT NO. 4

In House Floor Amendment No. 4, proposed by Representative Gallot, and adopted by the House of Representatives on February 21, 2008, on page 9, between lines 4 and 5, insert the following:

"1114.4. Disclosure statements; certain elected officials

A. Each statewide elected official, member of the legislature, elected member of the State Board of Elementary and Secondary Education, and official elected from a voting district having a population of more than five thousand persons shall disclose the information required by Subsection B of this Section as provided in that Subsection.

B.(1) The following information shall be disclosed:

(a) The name, address, job title, salary, and date of employment of any person who is directly hired by the elected official for employment in the agency of the elected official and who made a contribution or loan in excess of one thousand dollars to a campaign of the elected official or contribution as defined in R.S. 42:1125 and the amount of such contribution or loan.

(b) The name, address, position held, date of appointment, and amount of any compensation provided for such position of any person who is appointed to a board or commission by the elected official and who made a contribution or loan in excess of one thousand dollars to a campaign of such elected official or contribution as defined in R.S. 42:1125 and the amount of such contribution or loan.

(2) The information required to be disclosed by this Section shall be filed each year as part of the elected official's annual financial disclosure statement required by this Part and shall include only those persons who contributed to a campaign and who were hired or appointed within one year of the contribution. This information shall be included in the report which covers the time period in which the employment or appointment occurred. This Section shall be subject to the provisions for enforcement and penalties applicable to such financial disclosure statement."

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Fannin to Reengrossed Senate Bill No. 1 by Senator Chaisson

AMENDMENT NO. 1

In House Floor Amendment No. 4 proposed by Representative Gallot and adopted by the House of Representatives on February 21, 2008, on page 3, at the end of line 25, delete the period "." and insert: "or is competitively negotiated through a request for proposal process or any similar competitive selection process in accordance with Chapter 16 or 17 of Title 39 of the Louisiana

Revised Statutes of 1950; however, this exception for competitively negotiated contracts shall not include contracts for consulting services."

AMENDMENT NO. 2

In House Floor Amendment No. 4 proposed by Representative Gallot and adopted by the House of Representatives on February 21, 2008, on page 4, line 26, after "1950" delete the comma "," and insert: "or which contract, other than a contract for consulting services, was not competitively negotiated through a request for proposal process or any similar competitive selection process in accordance with Chapter 16 or 17 of Title 39 of the Louisiana Revised Statutes of 1950,"

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representatives Robideaux and Willmott to Reengrossed Senate Bill No. 1 by Senator Chaisson

AMENDMENT NO. 1

In House Floor Amendment No. 4 proposed by Representative Gallot and adopted by the House of Representatives on February 21, 2008, on page 4, line 4, after "physician" and before "with" insert a comma "," and insert "or other licensed health care professional"

AMENDMENT NO. 2

In House Floor Amendment No. 4 proposed by Representative Gallot and adopted by the House of Representatives on February 21, 2008, on page 4, at the end of line 5, delete the period "." and insert a comma "," and insert "or the Department of Health and Hospitals."

AMENDMENT NO. 3

In House Floor Amendment No. 4 proposed by Representative Gallot and adopted by the House of Representatives on February 21, 2008, on page 6, line 28, after "physician" and before "with" insert a comma "," and insert "or other licensed health care professional"

AMENDMENT NO. 4

In House Floor Amendment No. 4 proposed by Representative Gallot and adopted by the House of Representatives on February 21, 2008, on page 6, at the end of line 29, delete the period "." and insert a comma "," and insert "or the Department of Health and Hospitals."

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Ponti to Reengrossed Senate Bill No. 1 by Senator Chaisson

AMENDMENT NO. 1

In House Floor Amendment No. 4 proposed by Representative Gallot and adopted by the House of Representatives on February 21, 2008, on page 4, between lines 43 and 44, insert the following:

"(m) Contracts for employment or for services by any licensed health care professional providing services in the classroom or working with administration in an elementary or secondary school or other educational institution.

"(n) Contracts for services by health care professionals which are required by federal or state law to provide an educational program for students in an elementary or secondary school or other educational institution."

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Richmond to Reengrossed Senate Bill No. 1 by Senator Chaisson

AMENDMENT NO. 1

In House Floor Amendment No. 4 proposed by Representative Gallot and adopted by the House of Representatives on February 21, 2008, on page 2, at the end of line 24, delete the period "." and insert "and any warden or assistant warden of a state penal institution."

AMENDMENT NO. 2

In House Floor Amendment No. 4 proposed by Representative Gallot and adopted by the House of Representatives on February 21, 2008, on page 4, between lines 43 and 44, insert:

"(m) Contracts for which the compensation is solely reimbursement of costs."

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Peterson to Reengrossed Senate Bill No. 1 by Senator Chaisson

AMENDMENT NO. 1

In House Floor Amendment No. 4 proposed by Representative Gallot and adopted by the House of Representatives on February 21, 2008, on page 1, at the end of line 6, delete the comma "," and insert "and to enact R.S. 42:1113(E),"

AMENDMENT NO. 2

In House Floor Amendment No. 2 proposed by Representative Gallot and adopted by the House of Representatives on February 21, 2008, on page 1, line 9, after "reenacted" and before "to" insert "and R.S. 42:1113(E) is hereby enacted"

AMENDMENT NO. 3

In House Floor Amendment No. 4 proposed by Representative Gallot and adopted by the House of Representatives on February 21, 2008, on page 5, between lines 12 and 13, insert:

"E. If any provision of this Section conflicts with any other provision of this Part, the more restrictive provision shall govern."

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Peterson to Reengrossed Senate Bill No. 1 by Senator Chaisson

AMENDMENT NO. 1

In House Floor Amendment No. 4, proposed by Rep. Gallot and adopted by the House on February 21, 2008, on page 4, line 36, after "providing for" insert: "housing,"

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Peterson to Reengrossed Senate Bill No. 1 by Senator Chaisson

AMENDMENT NO. 1

In House Floor Amendment No. 4 proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 2, at the end of line 39, delete the period "." and insert "and any person employed in his office, excluding clerical employees."

AMENDMENT NO. 2

In House Floor Amendment No. 4 proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 3, at the end of line 2, delete the period "." and insert "and any person employed in his office, excluding clerical employees."

AMENDMENT NO. 3

In House Floor Amendment No. 4 proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 3, between lines 2 and 3, insert the following:

"(ww) The legislative director for the governor and any person employed in his office, excluding clerical employees."

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Lopinto to Reengrossed Senate Bill No. 1 by Senator Chaisson

AMENDMENT NO. 1

In House Floor Amendment No. 4 of the set of House Floor Amendments proposed by Representative Gallot and adopted by the House of Representatives on February 21, 2008, on page 4, between lines 43 and 44, insert the following:

"(m) Applying for, payment of fees for, or obtaining a license, credential, or permit provided that such license, credential, or permit is available to similarly situated persons."

February 25, 2008

AMENDMENT NO. 2

In House Floor Amendment No. 4 of the set of House Floor Amendments proposed by Representative Gallot and adopted by the House of Representatives on February 21, 2008, on page 6, between lines 31 and 32, insert the following:

"(vii) Applying for, payment of fees for, or obtaining a license, credential, or permit provided that such license, credential, or permit is available to similarly situated persons."

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Lopinto to Reengrossed Senate Bill No. 1 by Senator Chaisson

AMENDMENT NO. 1

In House Floor Amendment No. 4 proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 4, line 20, change "January 8, 2012" to "January 9, 2012"

AMENDMENT NO. 2

In House Floor Amendment No. 4 proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 4, line 28, change "January 8, 2012" to "January 9, 2012"

AMENDMENT NO. 3

In House Floor Amendment No. 4 proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 4, at the end of line 48, insert "The provisions of this Paragraph shall not prohibit the renewal of a contract that was not prohibited prior to the effective date of this Paragraph."

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Ellington to Reengrossed Senate Bill No. 1 by Senator Chaisson

AMENDMENT NO. 1

In House Floor Amendment No. 4 proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 3, between lines 35 and 36, insert the following:

"(iii) For purposes of this Section, any action taken to comply with a state law, rule, or regulation shall not be considered a contract."

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Hutter to Reengrossed Senate Bill No. 1 by Senator Chaisson

AMENDMENT NO. 1

In House Floor Amendment No. 4 proposed by Representative Gallot, on page 3, delete line 43 and 44 and insert:

"(c) Contracts for employment in a professional educational capacity in or for professional services for an elementary or secondary school or other educational institution."

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Lambert to Reengrossed Senate Bill No. 1 by Senator Chaisson

AMENDMENT NO. 1

In House Floor Amendment No. 4 proposed by Representative Gallot and adopted by the House of Representatives on February 21, 2008, on page 4, between lines 43 and 44, insert the following:

"(m) A contract for professional services entered into by a person selected pursuant to Part VII of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950 with any agency or entity of state government with whom such person had a contract for professional services pursuant to Part VII of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950 at any time prior to the effective date of this Subparagraph."

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Richmond to Reengrossed Senate Bill No. 1 by Senator Chaisson

AMENDMENT NO. 1

In House Floor Amendment No. 4 proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 3, line 34, after "contract" insert "and shall not be subject to R.S. 42:1111(E)(2)(a)"

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Edwards to Reengrossed Senate Bill No. 1 by Senator Chaisson

AMENDMENT NO. 1

In House Floor Amendment No 4 in House Floor Amendments proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 4, between lines 43 and 44 insert the following:

"(m) An agreement for the provision of goods or services by state government provided on the same terms and conditions available to similarly situated persons."

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Yeas, Nays. Lists names like Mr. President, Erdey, Mount, Adley, Gautreaux B, Murray, Alario, Gautreaux N, Nevers, Amedee, Gray, Quinn, Broome, Heitmeier, Riser, Cassidy, Jackson, Scalise, Cheek, Kostelka, Shaw, Cravins, Long, Smith, Crowe, Marionneaux, Thompson, Donahue, Martiny, Walsworth, Dorsey, Michot, Duplessis, Morrish.

Total - 34

NAYS

Total - 0

ABSENT

Table with 3 columns: Name, Yeas, Nays. Lists names like Dupre, LaFleur, Shepherd, Hebert, McPherson.

Total - 5

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

SENATE BILL NO. 11—

BY SENATORS CHAISSON, ALARIO, AMEDEE, BROOME, CHEEK, CRAVINS, CROWE, DORSEY, DUPLESSIS, DUPRE, ERDEY, B. GAUTREAU, N. GAUTREAU, HEBERT, HEITMEIER, KOSTELKA, LONG, MARIONNEAU, MARTINY, MICHOT, MORRISH, MOUNT, NEVERS, QUINN, RISER, SCALISE, SHAW, SHEPHERD, SMITH, THOMPSON AND WALSWORTH

AN ACT

To amend and reenact R.S. 24:51(2) and (5)(a), 53(A), (G) and (H), 54(A)(2), 55(B), (C) and (D), and R.S. 49:72(5), 74(A), (E) and (F), 75(A)(2), 76(B), (C) and (D) and to enact R.S. 24:57(3) and (4), and 58(D)(3), (4) and (5), and R.S. 49:77(4) and (5), and 78(D)(3),(4) and (5), relative to lobbying; to provide relative to legislative lobbying; to provide relative to executive branch lobbying; to provide relative to regulations affecting lobbyists;

to provide relative to restrictions affecting lobbyists; to provide relative to the electronic filing of registrations and expenditure reports; to require certain information relative to lobbyist registrations; to provide relative to the content of expenditure reports; to provide for monthly filing of expenditure reports; to provide for the electronic storage and access of filings; to provide for the definition of a statewide elected official; to provide for the definition of an executive branch department head; to clarify the definition of lobbyist; to provide for the consequences of inaccurate or incomplete filings; to provide for failure to amend a registration or expenditure report; to provide for the filing of a false statement or false representation of a material fact; to provide for fines; to provide for penalties; 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 House and Governmental Affairs to Reengrossed Senate Bill No. 11 by Senator Chaisson

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 24:51(2)" insert a comma "," and delete "and (5)(a)."

AMENDMENT NO. 2

On page 1, line 13, delete "to clarify the definition of lobbyist;"

AMENDMENT NO. 3

On page 2, line 2, after "R.S. 24:51(2)" insert a comma "," and delete "and (5)(a)."

AMENDMENT NO. 4

On page 2, delete lines 22 through 29 and on page 3 delete lines 1 through 8

AMENDMENT NO. 5

On page 5, line 10, after "**subject**" change "**matter(s)**" to "**matter**"

AMENDMENT NO. 6

On page 5, line 11, after "**provided in**" change "**Paragraph (4) of this Subsection**" to "**this Paragraph**"

AMENDMENT NO. 7

On page 5, delete lines 22 through 25, and insert the following:

"(7) If a lobbyist is compensated for lobbying and non-lobbying services, he shall reasonably allocate his compensation and report only the amount received for lobbying in the manner provided in this Part."

AMENDMENT NO. 8

On page 8, delete lines 3 through 11, and insert the following:

"(3) If the board determines that a person has filed a registration or report required by this Part that is inaccurate or incomplete, the board shall mail by certified mail a notice of delinquency informing the person that the inaccuracy must be corrected or the missing information must be provided no later than fourteen business days after receipt of the notice of delinquency. The notice of delinquency shall include the deadline for correcting the inaccuracy or providing the missing information. If the person corrects the inaccuracy or provides the missing information prior to the deadline contained in the notice of delinquency, no penalties shall be assessed against the person."

"(4) Whoever fails to correct the inaccuracy or provide the missing information by the deadline included in the notice of delinquency shall be subject to penalties as provided by law."

AMENDMENT NO. 9

On page 8, line 18, after "**board**" change "**shall**" to "**may**"

AMENDMENT NO. 10

On page 8, line 19, between "**Paragraph**" and "**be**" delete "**shall**"

AMENDMENT NO. 11

On page 11, line 16, after "**subject**" change "**matter(s)**" to "**matter**"

AMENDMENT NO. 12

On page 11, line 17, after "**provided in**" change "**Paragraph (4) of this Subsection**" to "**this Paragraph**"

AMENDMENT NO. 13

On page 16, delete lines 4 through 12, and insert the following:

"(3) If the board determines that a person has filed a registration or report required by this Part that is inaccurate or incomplete, the board shall mail by certified mail a notice of delinquency informing the person that the inaccuracy must be corrected or the missing information must be provided no later than fourteen business days after receipt of the notice of delinquency. The notice of delinquency shall include the deadline for correcting the inaccuracy or providing the missing information. If the person corrects the inaccuracy or provides the missing information prior to the deadline contained in the notice of delinquency, no penalties shall be assessed against the person."

"(4) Whoever fails to correct the inaccuracy or provide the missing information by the deadline included in the notice of delinquency shall be subject to penalties as provided by law."

AMENDMENT NO. 14

On page 16, line 19, after "**board**" change "**shall**" to "**may**"

AMENDMENT NO. 15

On page 16, line 20, between "**Paragraph**" and "**be**" delete "**shall**"

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Gallot to Reengrossed Senate Bill No. 11 by Senator Chaisson

AMENDMENT NO. 1

Delete the set of amendments proposed by the House Committee on House and Governmental Affairs and adopted by the House of Representatives on February 19, 2008

AMENDMENT NO. 2

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

"To amend and reenact R.S. 24:51(2), 53(A), (G), and (H), 54(A)(2), and 55, and R.S. 49:72(5), 74(A), (E) and (F), 75(A)(2), and 76 and to enact R.S. 24:51(7), 57(3), and 58(D)(3), (4), and (5), and R.S. 49:77(4), and 78(D)(3), (4), and (5), relative to lobbying; to provide relative to the regulation of lobbyists; to provide definitions; to provide relative to the registration of lobbyists; to provide relative to the reporting requirements of lobbyists; to provide for penalties; and to provide for related matters."

AMENDMENT NO. 3

On page 2, delete lines 2 through 29 and delete pages 3 through 16 and insert:

"Section 1. R.S. 24:51(2), 53(A), (G), and (H), 54(A)(2), and 55 are hereby amended and reenacted and R.S. 24:51(7), 57(3), and 58(D)(3), (4), and (5) are hereby enacted to read as follows:

§51. Definitions

When used in this Part:

* * *

(2) "Expenditure" means the gift or payment of money or ~~anything~~ **any thing** of value when the amount of value exceeds ten dollars for the purchase of food, drink, or refreshment for a legislator, **for the spouse or minor child of a legislator, or for a public servant, other than a legislator, in the legislative branch of state government** and any gift or payment as permitted by R.S. 42:1123(13) and (16) when the value exceeds ten dollars for the purpose of lobbying when the lobbyist or principal accounts or would

be expected to account for the expenditure as an ordinary and necessary expense directly related to the active conduct of the lobbyist's, his employer's, or the principal's trade or business.

(7) "Public servant" shall have the same meaning as provided in R.S. 42:1102.

§53. Registration of lobbyists with the board; compilation of information

A. Each lobbyist shall register with the board within as soon as possible after employment as a lobbyist or after the first action requiring his registration as a lobbyist, whichever occurs first, and in any event not later than five days after employment as a lobbyist or within not later than five days after the first action requiring his registration as a lobbyist, whichever occurs first. He shall give to electronically file with the board in writing, or using forms provided by it, the following information:

- (1) His name and business address.
(2) The name and address of each person by whom he is employed and, if different, whose interests he represents, including the business in which that person is engaged.
(3)(a) The name of each person by whom he is paid or is to be paid, the amount he is paid or is to be paid for the purpose of lobbying, and a characterization of such payment as paid, earned but not received, or prospective.

(b) Amounts required to be disclosed pursuant to this Paragraph shall be reported by category of value. The categories shall be:

- (i) Category I, \$24,999 or less.
(ii) Category II, \$25,000-\$49,999.
(iii) Category III, \$50,000-\$99,999.
(iv) Category IV, \$100,000-\$249,999.
(v) Category V, \$250,000 or more.

(4)(a) An indication of potential subject matters about which he anticipates lobbying.

(b) Indication of potential subject matters shall be made by choosing from the following potential subject matter categories:

- (i) Aerospace and space technology.
(ii) Agriculture: horticulture; livestock; poultry.
(iii) Agriculture: forestry; timber.
(iv) Alcohol and other beverages.
(v) Arts and entertainment.
(vi) Aquaculture and fisheries.
(vii) Business and private and commercial enterprises.
(viii) Banking, financial, and accounting.
(ix) Charities and social services, faith-based organizations, and community outreach.

(x) Computers, hardware, software, and intellectual property.

(xi) Construction, contracting, and real estate.

(xii) Educational services: colleges; technical schools; trade schools.

(xiii) Environmental quality, conservation, and wildlife preservation.

(xiv) Gaming.

(xv) Government: local; municipal; parish; state; federal.

(xvi) Health care: hospitals; nursing homes; elderly care; hospice.

(xvii) Health care: physicians; nurse practitioners; nurses.

(xviii) Health care: pharmaceutical and medical devices; research; development; sales.

(xix) Homeland security.

(xx) Hotels, restaurants, and tourism.

(xxi) Insurance.

(xxii) International trade.

(xxiii) Law and lawyers.

(xxiv) Manufacturing: oil and gas; mining; refining; production; chemical industry.

(xxv) Manufacturing: wholesale.

(xxvi) Military and veterans affairs.

(xxvii) Public safety, police, and fire.

(xxviii) Telecommunications.

(xxix) Tobacco industry.

(xxx) Transportation.

(xxxi) Unions, labor issues, and special advocacy groups.

(xxxii) Utilities: electric; gas; water; nuclear.

(b) The unintentional omission of a potential subject matter as provided in this Paragraph shall not be a violation of this Part.

(5) The identity of each legislator or spouse of a legislator with whom he or his employer or principal has, or has had in the preceding twelve months, a business relationship. For purposes of this Paragraph, "business relationship" means any transaction, contract, or activity that is conducted or undertaken for profit and which arises from a joint ownership interest, partnership, or common legal entity between a lobbyist his employer or principal and a legislator or spouse of a legislator when the legislator or spouse owns ten percent or more of such interest, partnership, or legal entity.

(6) One copy of a two inch by two inch recent photograph of the registrant made within the prior six months shall be filed with the initial registration form for a legislative term.

(7) If a lobbyist is compensated for lobbying and non-lobbying services, he shall reasonably allocate his compensation and report only the amount received for lobbying in the manner provided in this Part.

G. The forms shall be published electronically by the board. Registrations which have been filed shall be maintained in the office of the board by the board and made available to the public via the Internet. The filing by a lobbyist of any information required under this Section shall constitute a certification that the information is true and correct to the best of his knowledge, information, and belief and that no information required by this Part has been deliberately omitted.

H. Whenever any information contained in his registration changes, or the lobbyist begins representing an additional person, a supplemental electronic registration shall be filed with the board within as soon as possible after such change occurs and in any event not later than five days after such change, or using forms provided by the board.

§54. Reports and statements under oath

A.

(2) Except as otherwise specifically provided in this Part, reports, registrations, notices, and statements required under this Part shall be filed by mailing said documents through the United States Postal Service, delivering by hand or through a commercial delivery service, or by transmitting by facsimile or electronic transfer.

§55. Lobbyist expenditure reports

A. Each lobbyist registered under the provisions of this Part shall file with the board, in the manner provided in this Section, a report of all expenditures incurred for the purpose of lobbying.

B. A report shall be filed semi-annually, and shall be filed, or if mailed shall be postmarked, as follows:

(1) By August fifteenth for the period from January first through June thirtieth.

(2) By February fifteenth for the period from July first through December thirty-first: monthly. The report for each month shall be filed by the fifteenth of the following month.

C. (1) The report shall be electronically filed on forms provided by the board, shall be signed by the person filing, and shall include a certification of accuracy by the person responsible for filing the report, as provided by R.S. 24:54(A) in a format suitable for use on the database required by R.S. 24:57(3). The filing of any report under this Section by a lobbyist shall constitute a certification that the information contained in the report is true and correct to the best of his knowledge, information, and belief; that no reportable expenditures have been made that are not included therein as required by law; and that no information required by this Part has been deliberately omitted.

(2) A lobbyist shall retain records that document all reports made pursuant to this Part for no less than three years.

D.(1) Each report shall include the following:

(a) A listing of each subject matter lobbied during each reporting period.

(b) The total of all expenditures made during each reporting period.

~~(b) (c)~~ **(c)** The aggregate total of expenditures attributable to an individual legislator ~~as provided in Subsection E of this Section or public servant, other than a legislator, in the legislative branch of state government~~ during each reporting period, including the name of the legislator ~~or other public servant~~.

(d) The aggregate total of expenditures attributable to the spouse or minor child of a legislator during each reporting period. The name of the spouse or minor child shall not be included. The aggregate total of such expenditures shall be reported as follows:

"The aggregate total of expenditures attributable to the spouse of (insert name of legislator) was (insert aggregate total of expenditures).

The aggregate total of expenditures attributable to the minor child or children of (insert name of legislator) was (insert aggregate total of expenditures)."

~~(d) (e)~~ **(e)** The aggregate total of expenditures for all reporting periods during the same calendar year.

(f) The aggregate total of all expenditures attributable to an individual legislator ~~as provided in Subsection E of this Section or public servant, other than a legislator, in the legislative branch of state government~~ for all reporting periods during the same calendar year, including the name of the legislator ~~or other public servant~~.

(g) The aggregate total of all expenditures attributable to the spouse or minor child of a legislator for all reporting periods during the same calendar year. The name of the spouse or minor child shall not be included. The aggregate total of such expenditures shall be reported as follows:

"The aggregate total of expenditures attributable to the spouse of (insert name of legislator) for all reporting periods during the year was (insert aggregate total of expenditures).

The aggregate total of expenditures attributable to the minor child or children of (insert name of legislator) for all reporting periods during the year was (insert aggregate total of expenditures)."

(2) For the purposes of this Section, the aggregate amount or any per occasion amount attributable to a legislator ~~or spouse or minor child of a legislator or public servant, other than a legislator, in the legislative branch of state government~~ shall not include any expenditure which is required to be reported in Paragraph ~~F(1)~~ **E(1)** of this Section or which is exempt under Paragraph ~~F(2)~~ **E(2)** or (3) of this Section.

~~E.~~ When the aggregate expenditure for any one legislator exceeds the sum of fifty dollars on any one occasion, or when the aggregate expenditure for any one legislator exceeds the sum of two hundred fifty dollars in a reporting period, then the total amount of expenditures for the legislator during the reporting period shall be attributable to an individual legislator.

~~F(1)~~ **E.(1)** Each report shall include a statement of the expenditure for each reception, social gathering, or other function to which the entire legislature, either house, any standing committee, select committee, statutory committee, committee created by resolution of either house, subcommittee of any committee, recognized caucus, or any delegation thereof, is invited which amount is attributable to such invitation. Any report of such amount shall include the name of the group or groups invited and the date and location of the reception, social gathering, or other function.

(2) Any expenditure, as defined herein, for any reception or social gathering sponsored in whole or in part by a lobbyist, individually or on behalf of a principal he represents, held in conjunction with a meeting of a national or regional organization of legislators or legislative staff to which any legislator is invited shall be exempt from the provisions of this Part.

(3) Any expenditure for any meal or refreshment consumed by or offered to a legislator in connection with the legislator giving a speech, being a member of a panel, or otherwise being involved in an informational presentation to a group shall not be reportable. However, any expenditure for any meal or refreshment consumed by a legislator in connection with any out-of-state event permitted by R.S. 42:1123(16) shall be reported in accordance with the provisions of this Section.

~~G.(1)~~ **F.(1)** Any expenditures by a lobbyist's principal or employer made in the presence of the lobbyist shall be reported by the lobbyist as provided in this Part.

(2) Any lobbyist's principal or employer who makes direct expenditures required to be reported pursuant to this Part shall timely furnish its lobbyist information about such expenditures as necessary for compliance with this Part. Such information shall be furnished to the lobbyist no later than two business days after the close of each reporting period.

(3) Any lobbyist's principal or employer who makes direct expenditures required to be reported pursuant to this Part who fails to provide its lobbyist the information regarding such expenditures as provided in Paragraph (2) of this Subsection shall be required to register as a lobbyist pursuant to this Part and shall be subject to penalties for violations of this Part.

* * *

§57. Administration

The board, in performance of its duties under this Part, shall:

* * *

(3) Establish and maintain access to a searchable electronic database available to the public via the Internet.

§58. Enforcement

* * *

D. In addition to any other applicable penalties:

* * *

(3) If the board determines that a person has filed a registration or report required by this Part that is inaccurate or incomplete, the board shall mail by certified mail a notice of delinquency informing the person that the inaccuracy must be corrected or the missing information must be provided no later than fourteen business days after receipt of the notice of delinquency. The notice of delinquency shall include the deadline for correcting the inaccuracy or providing the missing information. If the person corrects the inaccuracy or provides the missing information prior to the deadline contained in the notice of delinquency, no penalties shall be assessed against the person.

(4) Whoever fails to correct the inaccuracy or provide the missing information by the deadline included in the notice of delinquency shall be subject to penalties as provided by law.

(5)(a) Any person who with knowledge of its falsity files a registration or report as required in this Part that contains a false statement or false representation of a material fact shall be subject to the assessment of the civil penalties provided in Part III of Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950, and the findings of the board relative to such filing shall be referred by the board to the appropriate district attorney for prosecution pursuant to R.S. 14:133.

(b) The board may recommend to the legislature that any person penalized as provided in Subparagraph (a) of this Paragraph be censured by the legislature.

Section 2. R.S. 49:72(5), 74(A), (E), and (F), 75(A)(2), and 76 are hereby amended and reenacted and R.S. 49:77(4), (4), and (5) are hereby enacted to read as follows:

§72. Definitions

When used in this Part:

* * *

(5) "Expenditure" means the gift or payment of money or ~~anything~~ **any thing** of value when the amount of value exceeds ten dollars for the purchase of food, drink, or refreshment for an executive branch official ~~or for the spouse or minor child of an executive branch official~~ and any gift or payment permitted by R.S. 42:1123(13) when the value exceeds ten dollars for the purpose of lobbying when the lobbyist or principal accounts, or would be expected to account, for the expenditure as an ordinary and necessary expense directly related to the active conduct of the lobbyist's, his employer's, or the principal's trade or business.

* * *

§74. Registration of lobbyists with the ethics board; compilation of information

A. Each lobbyist shall register with the ethics board ~~within as soon as possible after employment as a lobbyist or after the first action requiring his registration as a lobbyist, whichever occurs~~

first, and in any event not later than five days of after employment as a lobbyist or within not later than five days after the first action requiring his registration as a lobbyist, whichever occurs first. He shall give to electronically file with the ethics board in writing, or using forms provided by it, the following information:

- (1) His name and business address.
(2) The name and address of each person by whom he is employed and, if different, whose interests he represents, including the business in which that person is engaged.

(3)(a) The name of each person by whom he is paid or is to be paid, the amount he is paid or is to be paid for the purpose of lobbying, and a characterization of such payment as paid, earned but not received, or prospective.

(b) Amounts required to be disclosed pursuant to this Paragraph shall be reported by category of value. The categories shall be:

- (i) Category I, \$24,999 or less.
(ii) Category II, \$25,000-\$49,999.
(iii) Category III, \$50,000-\$99,999.
(iv) Category IV, \$100,000-\$249,999.
(v) Category V, \$250,000 or more.

(4)(a) An indication of potential subject matter about which he anticipates lobbying.

(b) Indication of potential subject matters shall be made by choosing from the following potential subject matter categories:

- (i) Aerospace and space technology.
(ii) Agriculture: horticulture; livestock; poultry.
(iii) Agriculture: forestry; timber.
(iv) Alcohol and other beverages.
(v) Arts and entertainment.
(vi) Aquaculture and fisheries.
(vii) Business and private and commercial enterprises.
(viii) Banking, financial, and accounting.
(ix) Charities and social services, faith-based organizations, and community outreach.

(x) Computers, hardware, software, and intellectual property.

- (xi) Construction, contracting, and real estate.
(xii) Educational services: colleges; technical schools; trade schools.

(xiii) Environmental quality, conservation, and wildlife preservation.

- (xiv) Gaming.
(xv) Government: local; municipal; parish; state; federal.

(xvi) Health care: hospitals; nursing homes; elderly care; hospice.

- (xvii) Health care: physicians; nurse practitioners; nurses.
(xviii) Health care: pharmaceutical and medical devices;

research; development; sales.

- (xix) Homeland security.
(xx) Hotels, restaurants, and tourism.

- (xxi) Insurance.
(xxii) International trade.

- (xxiii) Law and lawyers.
(xxiv) Manufacturing: oil and gas; mining; refining;

production; chemical industry.

- (xxv) Manufacturing: wholesale.
(xxvi) Military and veterans affairs.

- (xxvii) Public safety, police, and fire.
(xxviii) Telecommunications.

- (xxix) Tobacco industry.
(xxx) Transportation.

- (xxxi) Unions, labor issues, and special advocacy groups.
(XXXII) Utilities: electric; gas; water; nuclear.

(c) The unintentional omission of a potential subject matter as provided in this Paragraph shall not be a violation of this Part.

(5)(a) The identity of each statewide elected official or executive branch department head or spouse of a statewide elected official or executive branch department head with whom he or his employer or principal has or has had in the preceding twelve months a business relationship.

(b) For the purposes of this Paragraph, the following terms shall have the following meanings:

(i) "Executive branch department head" means:
(aa) The secretary of each of the following departments of state government:

- (I) The Department of Economic Development.
(II) The Department of Culture, Recreation and Tourism.
(III) The Department of Environmental Quality.
(IV) The Department of Health and Hospitals.
(V) The Department of Labor.
(VI) The Department of Natural Resources.
(VII) The Department of Public Safety and Corrections.
(VIII) The Department of Revenue.
(IX) The Department of Social Services.
(X) The Department of Transportation and Development.
(XI) The Department of Wildlife and Fisheries.
(XII) The Department of Veterans Affairs.
(bb) The executive secretary of the Public Service Commission.

(cc) The director of state civil service.

(dd) Each member of the State Board of Elementary and Secondary Education.

(ee) The state superintendent of education, the commissioner of higher education, and the president of each public postsecondary education system.

(ff) The commissioner of the division of administration.

(gg) Each member of the Board of Ethics and the ethics administrator.

(hh) The chief of staff of the office of the governor.

(ii) The executive counsel to the governor.

(iii) "Business relationship" means any transaction or activity that is conducted or undertaken for profit and which arises from a joint ownership interest, partnership, or common legal entity between a lobbyist or his employer or principal and an executive branch department head or spouse of an executive branch department head or a statewide elected official or spouse of a statewide elected official when the executive branch department head or spouse or the statewide elected official or spouse owns ten percent or more of such interest, partnership, or legal entity.

(4)(6) One copy of a two-inch-by-two-inch recent photograph of the registrant made within the prior six months shall be filed with the initial registration form.

E. The forms shall be published electronically by the ethics board. Registrations which have been filed shall be maintained in the office of by the ethics board and made available to the public via the Internet. The electronic filing by a lobbyist of any information required under this Section shall constitute a certification that the information is true and correct to the best of his knowledge, information, and belief and that no information required by this Part has been deliberately omitted.

F. Whenever any information contained in his registration changes, or the lobbyist begins representing an additional person, a supplemental electronic registration shall be filed with the ethics board within as soon as possible after such change occurs and in any event not later than five days of after such change on using forms provided by the ethics board.

§75. Reports and statements under oath

A. (2) Except as otherwise specifically provided in this Part, reports, registrations, and statements required under this Part shall be filed by mailing said documents through the United States Postal Service, delivering by hand or through a commercial delivery service, or by transmitting by facsimile or electronic transfer.

§76. Lobbyist expenditure reports

A. Each lobbyist registered under the provisions of this Part shall file with the ethics board, in the manner prescribed by the ethics board by rule in accordance with the provisions of this Part, a report of all expenditures incurred for the purpose of lobbying.

B. A report shall be filed semiannually, and shall be filed, or if mailed shall be postmarked, as follows: monthly. The report for each month shall be filed by the fifteenth of the following month.

(1) By August fifteenth for the period from January first through June thirtieth.

(2) By February fifteenth for the period from July first through December thirty-first.

C.(1) The report shall be **electronically** filed ~~on using~~ forms provided by the ethics board, shall be signed by the person filing, and shall include a certification of accuracy by the person responsible for filing the report in a format suitable for use on the database required by R.S. 49:77(4). **The electronic filing by a lobbyist of any report required under this Section shall constitute a certification that the information contained in the report is true and correct to the best of his knowledge, information, and belief; that no reportable expenditures have been made that are not included therein as required by law; and that no information required by this Part has been deliberately omitted.**

(2) A lobbyist shall retain records that document all reports made pursuant to this Part for no less than three years.

D.(1) Each report shall include the following:

(a) **A listing of each subject matter lobbied during each reporting period.**

(b) The total of all expenditures made during each reporting period aggregated in the manner prescribed by the ethics board by rule.

(c) The aggregate total of expenditures attributable to an individual executive branch official as provided in Subsection E of this Section during each reporting period, including the name of the executive branch official and his executive branch agency.

(d) The aggregate total of expenditures attributable to the spouse or minor child of a executive branch official during each reporting period. The name of the spouse or minor child shall not be included. The aggregate total of such expenditures shall be reported as follows:

"The aggregate total of expenditures attributable to the spouse of (insert name of executive branch official) was (insert aggregate total of expenditures).

The aggregate total of expenditures attributable to the minor child or children of (insert name of executive branch official) was (insert aggregate total of expenditures)."

(e) The aggregate total of expenditures for all reporting periods during the same calendar year, aggregated in the manner prescribed by the ethics board by rule.

(f) The aggregate total of all expenditures attributable to an individual executive branch official as provided in Subsection E of this Section for all reporting periods during the same calendar year, including the name of the executive branch official and his executive branch agency.

(g) The aggregate total of all expenditures attributable to the spouse or minor child of an executive branch official for all reporting periods during the same calendar year. The name of the spouse or minor child shall not be included. The aggregate total of such expenditures shall be reported as follows:

"The aggregate total of expenditures attributable to the spouse of (insert name of executive branch official) for all reporting periods during the year was (insert aggregate total of expenditures).

The aggregate total of expenditures attributable to the minor child or children of (insert name of executive branch official) for all reporting periods during the year was (insert aggregate total of expenditures)."

(2) For the purposes of this Section, the aggregate amount or any per occasion amount attributable to an executive branch official or spouse or minor child of an executive branch official shall not include any expenditure which is otherwise required to be reported in Paragraph (1) of this Section or which is exempt as provided in Paragraph (2) or (3) of this Section.

E. When the aggregate expenditure for any one executive branch official exceeds the sum of fifty dollars on any one occasion, or when the aggregate expenditure for any one executive branch official exceeds the sum of two hundred fifty dollars in a reporting period, then the total amount of expenditures for the executive branch official during the reporting period shall be attributable to an individual executive branch official.

F.(1) Each report shall include a statement of the expenditure for each reception, social gathering, or other function to

which more than twenty-five executive branch officials are invited. Any report of such amount shall include the name of the group or groups invited and the date and location of the reception, social gathering, or other function.

(2) Any expenditure, as defined herein, for any reception or social gathering sponsored in whole or in part by a lobbyist, individually or on behalf of a principal he represents, held in conjunction with a meeting of a national or regional organization of executive branch officials shall be exempt from the provisions of this Part.

(3) Any expenditure for any meal or refreshment consumed by or offered to an executive branch official which is incidental to the executive branch official giving a speech, being a member of a panel, or otherwise being involved in an informational presentation to a group shall be exempt from the provisions of this Part.

~~G.(1)(a)~~ F.(1)(a) Any expenditures by a lobbyist's principal or employer made in the presence of the lobbyist shall be reported by the lobbyist as provided in this Part.

(b) Any lobbyist's principal or employer who makes direct expenditures required to be reported pursuant to this Part shall timely furnish its lobbyist information about such expenditures as necessary for compliance with this Part. Such information shall be furnished to the lobbyist no later than two business days after the close of each reporting period.

(c) Any lobbyist's principal or employer who makes direct expenditures required to be reported pursuant to this Part who fails to provide its lobbyist the information regarding such expenditures as provided in Subparagraph (b) of this Paragraph shall be required to register as a lobbyist pursuant to this Part and shall be subject to penalties for violations of this Part.

(2)(a) Notwithstanding any provision of this Part to the contrary, a lobbyist's principal or employer may opt to file reports required by this Section in the manner prescribed by the ethics board by rule on behalf of all of the lobbyists who represent such principal's or employer's interests. If a lobbyist's principal or employer opts to file such reports, the principal or employer shall notify the ethics board no later than January thirty-first of each year, and such option shall be effective for the reporting of all expenditures made during that calendar year. The notification shall include a listing of all persons on whose behalf the lobbyist's principal or employer is filing the reports required by this Section.

(b) Any lobbyist whose principal or employer opts pursuant to this Paragraph to file the reports required by this Section shall timely furnish its principal or employer all information about expenditures as necessary for compliance with this Part. Such information shall be furnished to the principal or employer no later than two business days after the close of each reporting period.

(c) Any lobbyist's principal or employer who opts pursuant to this Paragraph to file the reports required by this Section who fails to file or timely file such reports shall be liable for and subject to any applicable late fees or penalties, or both for violations of this Part.

§77. Administration

The board, in performance of its duties under this Part, shall:

(4) Establish and maintain access to a searchable electronic database available to the public via the Internet.

§78. Enforcement

D. In addition to any other applicable penalties:

(3) If the board determines that a person has filed a registration or report required by this Part that is inaccurate or incomplete, the board shall mail by certified mail a notice of delinquency informing the person that the inaccuracy must be corrected or the missing information must be provided no later than fourteen business days after receipt of the notice of delinquency. The notice of delinquency shall include the deadline for correcting the inaccuracy or providing the missing information. If the person corrects the inaccuracy or provides the missing information prior to the deadline contained in the notice of delinquency, no penalties shall be assessed against the person.

(4) Whoever fails to correct the inaccuracy or provide the missing information by the deadline included in the notice of

delinquency shall be subject to penalties as provided by law.

(5)(a) Any person who with knowledge of its falsity files a registration or report as required in this Part that contains a false statement or false representation of a material fact shall be subject to the assessment of the civil penalties provided in Part III of Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950, and the findings of the board relative to such filing shall be referred by the board to the appropriate district attorney for prosecution pursuant to R.S. 14:133.

(b) The board may recommend to the legislature that any person penalized as provided in Subparagraph (a) of this Paragraph be censured by the legislature.

Section 3. The first monthly expenditure report as required by R.S. 24:55 and R.S. 49:76 as amended and reenacted in this Act shall be filed not later than February 15, 2009, and shall include information for the month of January, 2009. In addition, not later than February 15, 2009, each lobbyist shall file an expenditure report for the period from July 1, 2008 through December 31, 2008, as required by R.S. 24:55 and R.S. 49:76 prior to the effective date of this Act.

Section 4. The provisions of this Act shall become effective on January 1, 2009."

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Gallot to Reengrossed Senate Bill No. 11 by Senator Chaisson

AMENDMENT NO. 1

In House Floor Amendment No. 3 proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 15, line 1, change "**(5)(a)**" to "**(5)**"

AMENDMENT NO. 2

In House Floor Amendment No. 3 proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 15, delete lines 8 through 10

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Morrell to Reengrossed Senate Bill No. 11 by Senator Chaisson

AMENDMENT NO. 1

In House Floor Amendment No. 3 proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 5, line 3, change "**fifteenth**" to "**twenty-fifth**"

AMENDMENT NO. 2

In House Floor Amendment No. 3 proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 5, line 18, delete "**period.**" and insert "**period pursuant to R.S. 24:53(4).**"

AMENDMENT NO. 3

In House Floor Amendment No. 3 proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 11, line 44, change "**fifteenth**" to "**twenty-fifth**"

AMENDMENT NO. 4

In House Floor Amendment No. 3 proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 12, line 19, delete "**period.**" and insert "**period pursuant to R.S. 49:74(4)**"

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Tucker to Reengrossed Senate Bill No. 11 by Senator Chaisson

AMENDMENT NO. 1

In House Floor Amendment No. 3 of the set of House Floor Amendments proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 1, line 22, after "**thing** of value" delete the remainder of the line and insert "for the"

AMENDMENT NO. 2

In House Floor Amendment No. 3 of the set of House Floor Amendments proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 1, line 26, after "42:1123(13) and (16)" delete the remainder of the line and on line 27, delete "ten dollars"

AMENDMENT NO. 3

In House Floor Amendment No. 3 of the set of House Floor Amendments proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 7, line 43, after "of value" delete "when the amount of value exceeds ten dollars"

AMENDMENT NO. 4

In House Floor Amendment No. 3 of the set of House Floor Amendments proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 8, line 3, after "42:1123(13)" delete "when the value exceeds ten dollars"

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Peterson to Reengrossed Senate Bill No. 11 by Senator Chaisson

AMENDMENT NO. 1

In House Floor Amendment No. 3 proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 10, at the end of line 35, delete "**governor.**" and insert "**governor and any person employed in his office, excluding clerical employees.**"

AMENDMENT NO. 2

In House Floor Amendment No. 3 proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 11, at the end of line 1 delete "**governor.**" and insert "**governor and any person employed in his office, excluding clerical employees.**"

AMENDMENT NO. 3

In House Floor Amendment No. 3 proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 11, between lines 1 and 2, insert "**(j) The legislative director for the governor and any person employed in his office, excluding clerical employees.**"

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Richmond to Reengrossed Senate Bill No. 11 by Senator Chaisson

AMENDMENT NO. 1

In House Floor Amendment No. 3 proposed by Representative Gallot and adopted by the House of Representatives on February 21, 2008, on page 7, delete lines 33 through 34 and insert the following:

"(b) The board shall notify the chief clerical officer of each house of the legislature of any violation of Subparagraph (a) of this Paragraph, including the name of any person determined to be in violation."

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Morrish
Adley	Erdey	Mount
Alario	Gautreaux B	Murray
Amedee	Gautreaux N	Nevers
Broome	Heitmeier	Quinn
Cassidy	Jackson	Riser
Cheek	Kostelka	Scalise
Cravins	Long	Shaw

Crowe	Marionneau	Smith
Donahue	Martiny	Thompson
Dorsey	Michot	Walsworth
Total - 33		

NAYS

Total - 0

ABSENT

Dupre	Hebert	McPherson
Gray	LaFleur	Shepherd
Total - 6		

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

SENATE BILL NO. 14—

BY SENATORS MARIONNEAUX AND LAFLEUR
AN ACT

To amend and reenact R.S. 18:1463(C)(2) and (E) and 1505.3(D)(3) and to enact R.S. 18:1463(C)(4) and (F), relative to political advertisements; to require certain statements involving authorized and unauthorized communications paid by certain persons; to provide for certain requirements with respect to oral, visual, and written material constituting a paid political advertisement distributed on behalf of a candidate for political office; 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 House and Governmental Affairs to Reengrossed Senate Bill No. 14 by Senator Marionneau

AMENDMENT NO. 1

On page 1, delete lines 2 and 3, and insert "To amend and reenact R.S. 18:1463(C)(2) and (E), 1505.2(O), and 1505.3(D)(3) and to enact R.S. 18:1463(C)(4), (F), and (G) and 1505.2(I)(4), relative to campaigns; to require certain"

AMENDMENT NO. 2

On page 1, line 7, after "office;" and before "and" insert "to provide relative to the use of campaign funds; to provide for the payment of campaign finance fines, fees, and penalties; to provide for effectiveness;"

AMENDMENT NO. 3

On page 1, line 9, delete "and (E)" and insert "and (E), 1505.2(O),"

AMENDMENT NO. 4

On page 1, line 10, after "and" and before "are" delete "R.S. 18:1463(C)(4) and (F)" and insert "R.S. 18:1463(C)(4), (F), and (G) and 1505.2(I)(4)"

AMENDMENT NO. 5

On page 2, at the end of line 13, after "committee." insert "The name of the political committee paying for the communication shall be given in full and no acronyms shall be used."

AMENDMENT NO. 6

On page 2, at the end of line 17, after "committee." insert "The name of the authorized political committee shall be given in full and no acronyms shall be used."

AMENDMENT NO. 7

On page 2, at the end of line 23, after "committee." insert "The name of the payer shall be given in full and no acronyms shall be used."

AMENDMENT NO. 8

On page 2, line 27, change "clearly identified" to "legally qualified"

AMENDMENT NO. 9

On page 2, line 28, change "made" to "broadcast"

AMENDMENT NO. 10

On page 2, line 28, after "sixty days before" delete the remainder of the line and delete line 29 and insert "any election in which such candidate is on the ballot."

AMENDMENT NO. 11

On page 3, line 11, after "seconds." and before "For" insert the following: "If the advertisement is placed by a public relations firm, advertising agency, media buyer, or other person who purchases media advertising or time or space for such advertising, such person shall provide the information required by this Section."

AMENDMENT NO. 12

On page 3, at the end of line 13, delete the period "." and insert a semicolon ";" and "however, "person" shall not mean any radio station, television broadcast station, cable television company, or newspaper."

AMENDMENT NO. 13

On page 3, at the beginning of line 14, change "F.(1)" to "F."

AMENDMENT NO. 14

On page 3, delete lines 17 through 19 in their entirety

AMENDMENT NO. 15

On page 3, between lines 19 and 20, insert the following:

"G. The carriage, distribution, or transmission by a radio station, television station, cable company, or newspaper of any announcement or advertisement determined to have occurred in violation of the provisions of Subsection C or E of this Section shall not be considered a violation by the radio station, television station, cable company, or newspaper.

* * *

§1505.2. Contributions; expenditures; certain prohibitions and limitations

I.	*	*	*
	*	*	*

(4) No candidate, political committee, person required to file reports under this Chapter, nor any other person shall use a contribution, loan, or transfer of funds to pay a fine, fee, or penalty imposed pursuant to the provisions of Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950.

* * *

O.(1) The A fine, fee, or penalty assessed for a violation of this Chapter shall be paid only by the person against whom the fine, fee, or penalty was assessed. All such fines, fees, or penalties may be paid only with the personal funds of such person or with contributions in accordance with Subsection I of this Section; however, the supervisory committee may prohibit a candidate or elected official from using contributions received by, or other campaign funds of, such candidate or elected official or the principal or a subsidiary campaign committee of such candidate or elected official to pay a fine, fee, or penalty, assessed for a violation of this Chapter upon a finding that the violation was intentional or egregious.

(2) "Intentional" for the purposes of this Subsection shall mean actions which, in the considered opinion of the supervisory committee, were designed to avoid full and accurate compliance with the provisions of this Chapter. "Egregious" for the purposes of this Subsection shall mean actions which, in the considered opinion of the supervisory committee, significantly injured the public's right to full and accurate disclosure of the financing of election campaigns."

AMENDMENT NO. 16

On page 4, at the end of line 1, after "advertisement." insert "The font size of such display shall be no less than half of the font size of the content of the advertisement."

AMENDMENT NO. 17

On page 4, line 3, after "Section 2." and before "shall" delete "This Act" and insert "The provisions of R.S. 18:1463(C)(2) and (E) and 1505.3(D)(3) as amended and reenacted in this Act and the provisions of R.S. 18:1463(C)(4), (F), and (G) as enacted in this Act"

AMENDMENT NO. 18

On page 4, after line 3, insert the following: "Section 3. The provisions of R.S. 18:1505.2(O) as amended and reenacted in this Act and the provisions of R.S. 18:1505.2(I)(4) as enacted in this Act shall become effective upon signature by the governor or, if this Act is 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 this Act is vetoed by the governor and subsequently approved by the legislature, the provisions of R.S. 18:1505.2(O) as amended and reenacted in this Act and the provisions of R.S. 18:1505.2(I)(4) as enacted in this Act shall become effective on the day following such approval."

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Morrell to Reengrossed Senate Bill No. 14 by Senator Marionneaux

AMENDMENT NO. 1

In House Committee Amendment No. 1 proposed by the House Committee on House and Governmental Affairs and adopted by the House on February 21, 2008, on page 1, line 4, after "1505.2(I)(4)" delete the comma "," and insert "and Part VIII of Chapter 11 of Title 18 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 18:1601 through 1603,"

AMENDMENT NO. 2

In House Committee Amendment No. 2 proposed by the House Committee on House and Governmental Affairs and adopted by the House on February 21, 2008, on page 1, at the end of line 7, insert "to provide relative to certain expenditures for certain political activities; to provide for certain required reports; to provide penalties;"

AMENDMENT NO. 3

In House Committee Amendment No. 4 proposed by the House Committee on House and Governmental Affairs, and adopted by the House on February 21, 2008, on page 1, at the end of line 13 insert "and Part VIII of Chapter 11 of Title 18 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 18:1601 through 1603,"

AMENDMENT NO. 4

On page 4, between lines 2 and 3, insert the following: "PART VIII. TELEPHONE AND RADIO COMMUNICATIONS AND POLITICAL POLLING EXPENDITURES: LIMITATIONS AND REPORTS

§1601. Special reports; disclosures for certain telephone communications

A. In addition to all other reports required by this Chapter, not later than twenty-four hours after any person, political committee, or other entity or organization makes an expenditure or payment for the purpose of conducting a political poll or similar communication via the telephone involving questions or statements about a candidate or proposition, such person, political committee, or other entity or organization shall electronically file a report with the supervisory committee, on such form as the supervisory committee shall provide, which shall include:

(1) The total amount of such payments or expenditures for such telephone political poll or communication.

(2) The name and address of each person to whom a payment or expenditure was made for such telephone political poll or communication.

(3) The amount paid to each person listed pursuant to Paragraph (2) of this Section.

B. The provisions of Subsection A of this Section shall apply to expenditure or payments made after the opening of qualifying for an election, except if the expenditure or payment is made relative to a

proposition election, such provisions shall apply after the thirtieth day prior to such election. Prior to such time, any person, political committee, or other entity or organization that makes an expenditure or payment for the purpose of conducting a political poll or similar communication via the telephone involving questions or statements about a candidate or proposition shall include such information on the next report such person, political committee, or other entity or organization is required to file with the supervisory committee in addition to the information required to be included in such report.

§1602. Radio communications

No persons or organizations using radio advertisement which is paid for and authorized by a candidate or political committee of a candidate or an agent of the candidate or political committee shall use acronyms.

§1603. Penalties

Whoever violates the provisions of this Part shall be assessed a civil fine of not more than two thousand five hundred dollars. On a second violation, or any succeeding violation, the penalty shall be a civil fine of not more than five thousand dollars."

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Party, and Position. Includes Mr. President, Duplessis, Morrish, Adley, Erdy, Mount, Alario, Gautreaux B, Murray, Amedee, Gautreaux N, Nevers, Broome, Heitmeier, Quinn, Cassidy, Jackson, Riser, Cheek, Kostelka, Scalise, Cravins, Long, Shaw, Crowe, Marionneaux, Smith, Donahue, Martiny, Thompson, Dorsey, Michot, Walsworth. Total - 33

NAYS

Total - 0

ABSENT

Table with 3 columns: Name, Party, and Position. Includes Dupre, Hebert, McPherson, Gray, LaFleur, Shepherd. Total - 6

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

SENATE BILL NO. 29—

BY SENATORS MARIONNEAUX, N. GAUTREAUX AND LAFLEUR AND REPRESENTATIVE BALDONE

AN ACT

To amend and reenact R.S. 18:1483(14)(b) and to enact R.S. 18:1483(14)(c) and 1501.2, relative to campaign finance; to define certain political organizations to be included as political committees for purposes of filing campaign finance reports; to provide for reporting by such political organizations of campaign contributions and expenditures; 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 House and Governmental Affairs to Reengrossed Senate Bill No. 29 by Senator Marionneaux

AMENDMENT NO. 1

On page 1, line 2, after "(14)(b)" and before "and to enact" insert "and 1505.2(O)"

AMENDMENT NO. 2

On page 1, line 2, after "(14)(c)" delete the remainder of the line and insert a comma "," and "1501.2, and 1505.2(I)(4),"

AMENDMENT NO. 3

On page 1, line 6, after "expenditures;" and before "and" insert "to provide relative to the use of campaign funds; to provide for the payment of campaign finance fines, fees, and penalties;"

AMENDMENT NO. 4

On page 1, line 8, delete "is" and insert "and 1505.2(O) are"

AMENDMENT NO. 5

On page 1, line 9, after "(14)(c)" delete "and 1501.2" and insert a comma "," and "1501.2, and 1505.2(I)(4)"

AMENDMENT NO. 6

On page 2, delete lines 19 and 20 at the beginning of line 21, delete "(1) The" and insert the following:

"C.(1) In addition to the reports filed as provided in Subsection B of this Section, during the period beginning at midnight of the twentieth day prior to a primary election and extending through midnight of primary election day, and during the period beginning at midnight of the twentieth day prior to a general election and extending through midnight of general election day, any person, other than a candidate or a political committee, who makes any expenditure or who accepts a contribution, other than to or from a candidate or to or from a political committee, shall file a report with the supervisory committee which shall contain the"

AMENDMENT NO. 7

On page 2, after line 28, insert the following:

§1505.2. Contributions; expenditures; certain prohibitions and limitations

I.

(4) No candidate, political committee, person required to file reports under this Chapter, nor any other person shall use a contribution, loan, or transfer of funds to pay a fine, fee, or penalty imposed pursuant to the provisions of Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950.

O.(1) The A fine, fee, or penalty assessed for a violation of this Chapter shall be paid only by the person against whom the fine, fee, or penalty was assessed. All such fines, fees, or penalties may be paid only with the personal funds of such person or with contributions in accordance with Subsection I of this Section; however, the supervisory committee may prohibit a candidate or elected official from using contributions received by, or other campaign funds of, such candidate or elected official or the principal or a subsidiary campaign committee of such candidate or elected official to pay a fine, fee, or penalty, assessed for a violation of this Chapter upon a finding that the violation was intentional or egregious.

(2) "Intentional" for the purposes of this Subsection shall mean actions which, in the considered opinion of the supervisory committee, were designed to avoid full and accurate compliance with the provisions of this Chapter. "Egregious" for the purposes of this Subsection shall mean actions which, in the considered opinion of the supervisory committee, significantly injured the public's right to full and accurate disclosure of the financing of election campaigns.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Michot
Adley	Erdey	Morrish
Alario	Gautreaux B	Mount
Amedee	Gautreaux N	Murray
Broome	Gray	Nevers
Cassidy	Hebert	Riser
Cheek	Heitmeier	Scalise
Cravins	Jackson	Shaw
Crowe	Kostelka	Smith
Donahue	Long	Thompson
Dorsey	Marionneaux	Walsworth
Duplessis	Martiny	
Total - 35		

NAYS

Total - 0

ABSENT

LaFleur	Quinn
McPherson	Shepherd
Total - 4	

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

SENATE BILL NO. 37—

BY SENATORS CHAISSON, AMEDEE, BROOME, CHEEK, DONAHUE, DUPLESSIS, JACKSON, KOSTELKA, MICHOT, SCALISE, SMITH AND WALSWORTH AND REPRESENTATIVE BALDONE

AN ACT

To enact R.S. 39:6(C), relative to the duties of the commissioner of administration; to require the commissioner of administration to establish and maintain a website to post reports of state spending; to provide for the contents of the website; 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 Appropriations to Re-Reengrossed Senate Bill No. 37 by Senator Chaisson

AMENDMENT NO. 1

On page 1, line 11, after "**spending**" and the period ":" delete the remainder of the line, delete lines 12 and 13 in their entirety, and at the beginning of line 14, delete "**applications**" and the period ":"

AMENDMENT NO. 2

On page 2, line 3, after "**The**" change "**division**" to "**commissioner**"

AMENDMENT NO. 3

On page 2, line 4, after "**shall**" delete the remainder of the line and insert "**consult with the**"

AMENDMENT NO. 4

On page 2, line 5, after "**Budget**" and before "**specifications**" delete "**for the**" and insert "**in the development of**"

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

ROLL CALL

The roll was called with the following result:

February 25, 2008

YEAS

Mr. President	Duplessis	Michot
Adley	Dupre	Morrish
Alario	Erdey	Mount
Amedee	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cassidy	Gray	Riser
Cheek	Hebert	Scalise
Cravins	Heitmeier	Shaw
Crowe	Kostelka	Smith
Donahue	Long	Thompson
Dorsey	Martiny	Walsworth
Total - 33		

NAYS

Jackson
Total - 1

ABSENT

LaFleur	McPherson	Shepherd
Marionneaux	Quinn	
Total - 5		

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

SENATE BILL NO. 47—

BY SENATOR ADLEY AND REPRESENTATIVE BALDONE
AN ACT

To amend and reenact R.S. 18:1501.1(A) and 1511.6(A) and to enact R.S. 18:1483(9.1), and 1505.6(D), relative to election campaign finance; to provide relative to reports by persons not candidates or committees; to provide relative to prohibited practices and limitations; to provide relative to criminal penalties for violations of election campaign finance law; to provide penalties for engaging in prohibited practices or for failure to submit certain information to candidates or committees; 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 COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Reengrossed Senate Bill No. 47 by Senator Adley

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 18:1501.1(A)" insert a comma "," and insert "1505.2(O),"

AMENDMENT NO. 2

On page 1, line 2, after "R.S. 18:1483(9.1)," insert "1505.2(I)(4),"

AMENDMENT NO. 3

On page 1, line 7, after "committees;" insert "to provide relative to the use of campaign funds; to provide for the payment of campaign finance fines, fees, and penalties;"

AMENDMENT NO. 4

On page 1, line 10, after "R.S. 18:1501.1(A)" insert a comma "," and insert "1505.2(O),"

AMENDMENT NO. 5

On page 1, line 11, after "R.S. 18:1483(9.1)," insert "1505.2(I)(4),"

AMENDMENT NO. 6

On page 2, between lines 16 and 17, insert the following:
"§1505.2. Contributions; expenditures; certain prohibitions and limitations
* * *

I.

(4) No candidate, political committee, person required to file reports under this Chapter, nor any other person shall use a contribution, loan, or transfer of funds to pay a fine, fee, or penalty imposed pursuant to the provisions of Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950.
* * *

O.(1) The A fine, fee, or penalty assessed for a violation of this Chapter shall be paid only by the person against whom the fine, fee, or penalty was assessed. All such fines, fees, or penalties may be paid only with the personal funds of such person or with contributions in accordance with Subsection I of this Section; however, the supervisory committee may prohibit a candidate or elected official from using contributions received by, or other campaign funds of, such candidate or elected official or the principal or a subsidiary campaign committee of such candidate or elected official to pay a fine, fee, or penalty, assessed for a violation of this Chapter upon a finding that the violation was intentional or egregious.

(2) "Intentional" for the purposes of this Subsection shall mean actions which, in the considered opinion of the supervisory committee, were designed to avoid full and accurate compliance with the provisions of this Chapter. "Egregious" for the purposes of this Subsection shall mean actions which, in the considered opinion of the supervisory committee, significantly injured the public's right to full and accurate disclosure of the financing of election campaigns.
* * *

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Morrish
Adley	Gautreaux B	Mount
Alario	Gautreaux N	Murray
Amedee	Gray	Nevers
Broome	Hebert	Riser
Cassidy	Heitmeier	Scalise
Cheek	Jackson	Shaw
Cravins	Kostelka	Smith
Donahue	Long	Thompson
Dorsey	Marionneaux	Walsworth
Duplessis	Martiny	
Dupre	Michot	
Total - 34		

NAYS

Total - 0

ABSENT

Crowe	McPherson	Shepherd
LaFleur	Quinn	
Total - 5		

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

SENATE BILL NO. 58—

BY SENATORS MARTINY, MURRAY AND N. GAUTREAUX
AN ACT

To enact R.S. 14:134.3, relative to official misconduct and corrupt practices; to provide for the crime of abuse of office; to provide for the prosecution of such crime; to provide penalties; 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 Administration of Criminal Justice to Reengrossed Senate Bill No. 58 by Senator Martiny

AMENDMENT NO. 1

On page 1, line 3, change "prosecution" to "elements"

AMENDMENT NO. 2

On page 1, at the beginning of line 4, insert "for criminal"

AMENDMENT NO. 3

On page 1, line 10, after "officer" and before "or" insert a comma and "public employee."

AMENDMENT NO. 4

On page 1, line 11, after "officer" and before "is" insert "or employee"

AMENDMENT NO. 5

On page 2, at the end of line 1, after "state" add "or any political subdivision of the state or any governmental entity"

AMENDMENT NO. 6

On page 2, at the end of line 3, add "Nothing in this Section shall prohibit or limit the ability of a public officer or public employee from performing his duties as authorized by law or as a condition of his employment or office."

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Mickey Guillory to Reengrossed Senate Bill No. 58 by Senator Martiny

AMENDMENT NO. 1

In Amendment No. 6 proposed by the House Committee on Administration of Criminal Justice and adopted by the House on February 20, 2008, on page 1, line 15, after "office" and before the period insert "nor shall it prohibit or limit the ability of an elected official from responding to a request by his constituency"

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Morrish
Adley	Erdey	Mount
Alario	Gautreaux B	Murray
Amedee	Gautreaux N	Nevers
Broome	Gray	Riser
Cassidy	Hebert	Scalise
Cheek	Heitmeier	Shaw
Cravins	Jackson	Smith
Crowe	Kostelka	Thompson
Donahue	Long	Walsworth
Dorsey	Martiny	
Duplessis	Michot	
Total - 34		

NAYS

Total - 0

ABSENT

LaFleur	McPherson	Shepherd
Marionneau	Quinn	
Total - 5		

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

Rules Suspended

Senator Chaisson asked for and obtained a suspension of the rules for the purpose of taking up at this time.

Senate Bills and Joint Resolutions Returned from the House of Representatives with Amendments, Subject to Call

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

Called from the Calendar

Senator Chaisson asked that Senate Bill No. 5 be called from the Calendar at this time.

SENATE BILL NO. 5—

BY SENATORS CHAISSON, ALARIO, AMEDEE, BROOME, CHEEK, CRAVINS, CROWE, DONAHUE, DORSEY, DUPLESSIS, DUPRE, ERDEY, B. GAUTREAUX, N. GAUTREAUX, HEBERT, HEITMEIER, JACKSON, KOSTELKA, LONG, MARTINY, MICHOT, MORRISH, MOUNT, MURRAY, NEVERS, QUINN, RISER, SCALISE, SHAW, SHEPHERD, SMITH, THOMPSON AND WALSWORTH

AN ACT

To amend and reenact R.S. 42:1112(A), the introductory paragraph of R.S. 42:1112(B), and 1120, relative to recusal from voting for certain elected officials; to eliminate authorization for certain elected officials to vote upon certain matters which would otherwise present a conflict of interest; to require filing of a statement of recusal; 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 House and Governmental Affairs to Engrossed Senate Bill No. 5 by Senator Chaisson

AMENDMENT NO. 1

On page 1, line 2, after "reenact" delete the remainder of the line and at the beginning of line 3, delete "1120," and insert "R.S. 42:1120,"

AMENDMENT NO. 2

On page 1, line 8, after "Section 1." delete the remainder of the line and at the beginning of line 9, delete "1120 are" and insert "R.S. 42:1120 is"

AMENDMENT NO. 3

On page 1, delete lines 10 through 17 in their entirety

AMENDMENT NO. 4

On page 2, line 10, after "question" and before "the" delete the comma "," and insert "and"

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Connick to Engrossed Senate Bill No. 5 by Senator Chaisson

AMENDMENT NO. 1

On page 1, line 5, delete "to require filing of a statement of recusal;" and insert "to allow for certain participation under certain circumstances;"

February 25, 2008

AMENDMENT NO. 2

Delete House Committee Amendment No. 4 proposed by the Committee on House and Governmental Affairs and adopted by the House of Representatives on February 19, 2008

AMENDMENT NO. 3

On page 2, delete lines 1 through 22 and insert the following:

"§1120. Recusal from voting

A. If any elected official, in the discharge of a duty or responsibility of his office or position, would be required to vote on a matter which vote would be a violation of R.S. 42:1112, he shall recuse himself from voting. Notwithstanding the foregoing, an elected official shall not be required to recuse himself if he prepares and files the statement required by this Section as provided herein. In such case, the elected official shall prepare in writing a statement describing the matter in question, the nature of the conflict or potential conflict, and the reasons why, despite the conflict, the elected official is able to cast a vote that is fair, objective, and in the public interest. Such statement shall be filed within three days of the vote with the chief clerical officer of the respective house of the legislature, of the legislative committee, of the governing authority, or of any other body in which the vote is taken, as the case may be, who shall cause the statement to be recorded in the official journal, minutes, or other official record of the body. In addition, the elected official shall be required to file a copy of such statement as it appears in such published or recorded official journal, minutes, or record, with the appropriate ethics body: An elected official who recuses himself from voting pursuant to this Section shall not be prohibited from participating in discussion and debate concerning the matter, provided that he verbally discloses the nature of the conflict or potential conflict during his participation in the discussion or debate and prior to any vote taken on the matter.

B. This Section shall not be applicable when the elected official is the sole decisionmaker in the discharge of the particular duty or responsibility of his office or position.

C. This Section shall not extend to any act of participation other than voting."

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Adley, Alario, Amedee, Broome, Cassidy, Cheek, Cravins, Crowe, Donahue, Dorsey, Duplessis, Total - 35; Dupre, Erdrey, Gautreaux B, Gautreaux N, Gray, Hebert, Heitmeier, Jackson, Kostelka, Long, Martiny, Michot; Morrish, Mount, Murray, Nevers, Quinn, Riser, Scalise, Shaw, Smith, Thompson, Walsworth

NAYS

Total - 0

ABSENT

Table with 2 columns of names: LaFleur, Marionneaux, Total - 4; McPherson, Shepherd

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

Rules Suspended

Senator Murray asked for and obtained a suspension of the rules for the purpose of reverting to the order of

Senate Concurrent Resolutions Returned from the House of Representatives with Amendments

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

SENATE CONCURRENT RESOLUTION NO. 2—

BY SENATOR MURRAY

A CONCURRENT RESOLUTION

To create a special committee to study heirship property and to develop recommendations for facilitating the ability of co-owners of heirship property to make their titles merchantable; to review the rights and obligations of co-owners of heirship property in order to prevent undue hardship resulting from partition sales; and to review the costs of probate and of intrafamily transfers of real estate to determine whether such costs might be reduced for co-owners and heirs of property with a small value.

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

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Original Senate Concurrent Resolution No. 2 by Senator Murray

AMENDMENT NO. 1

On page 1, line 2, after "To" and before "to study" delete "create a special committee" and insert the following: "request the Senate Committee on Judiciary A and the House Committee on Civil Law and Procedure to meet and function as a joint committee"

AMENDMENT NO. 2

On page 1, line 18, after "WHEREAS," and before "allows" change "present law" to "current law"

AMENDMENT NO. 3

On page 2, delete line 19, and insert "it."

AMENDMENT NO. 4

On page 2, at the end of line 20, after "hereby" delete "creates" and at the beginning of line 21, delete "a special committee" and insert the following: "requests the Senate Committee on Judiciary A and the House Committee on Civil Law and Procedure to meet and function as a joint committee"

AMENDMENT NO. 5

On page 2, at the end of line 23, change "families;" to "families."

AMENDMENT NO. 6

On page 2, line 24, after "that the" delete the remainder of the line and delete lines 25 through 30 in their entirety and delete pages 3 and 4 in their entirety and insert the following: "joint committee shall specifically solicit input, recommendations, and advice from the following:

- (1) The Louisiana State Bar Association.
(2) The New Orleans Notarial Archives.
(3) The Louisiana Clerks of Court Association.
(4) The Louisiana Land Title Association.
(5) The Louisiana Bankers Association.
(6) The Louisiana Mortgage Lenders Association.
(7) The Louisiana State Law Institute.
(8) The Louisiana Housing Finance Agency.
(9) The office of the secretary of state.
(10) The New Orleans Legal Assistance Corporation.

(11) The Civil District Court for the Parish of Orleans.
 (12) The Louisiana District Judges Association.
 (13) The Louisiana State University AgCenter.
 (14) The New Orleans Bar Association.
 (15) Louisiana Appleseed, a branch of the national non-profit network of public interest justice centers.
 (16) The Louisiana Municipal Association.
 (17) The Lewis A. Martinet Legal Society.
 BE IT FURTHER RESOLVED that the joint committee shall report the results of its study findings to the legislature prior to March 1, 2009."

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Michot
Adley	Erdey	Morrish
Alario	Gautreaux B	Mount
Amedee	Gautreaux N	Murray
Broome	Gray	Nevers
Cassidy	Hebert	Quinn
Cheek	Heitmeier	Riser
Cravins	Jackson	Scalise
Crowe	Kostelka	Shaw
Donahue	Long	Smith
Dorsey	Marionneaux	Thompson
Duplessis	Martiny	Walsworth
Total - 36		

NAYS

Total - 0

ABSENT

LaFleur	McPherson	Shepherd
Total - 3		

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

Recess

On motion of Senator Michot, the Senate took a recess until 12:30 o'clock P.M.

After Recess

The Senate was called to order at 12:30 o'clock P.M. by the President of the Senate.

ROLL CALL

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

PRESENT

Mr. President	Erdey	Morrish
Adley	Gautreaux B	Mount
Alario	Gautreaux N	Murray
Amedee	Gray	Nevers
Broome	Hebert	Quinn
Cassidy	Heitmeier	Riser
Cheek	Jackson	Scalise
Cravins	Kostelka	Shaw
Crowe	LaFleur	Shepherd
Donahue	Long	Smith

Dorsey	Marionneaux	Thompson
Duplessis	Martiny	Walsworth
Dupre	Michot	
Total - 38		

ABSENT

McPherson
Total - 1

The President of the Senate announced there were 38 Senators present and a quorum.

Senate Business Resumed

Appointment of Conference Committee on Senate Concurrent Resolution No. 2

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 Concurrent Resolution No. 2: Senators Murray, Kostelka and Jackson.

Appointment of Conference Committee on Senate Bill No. 1

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. 1: Senators Chaisson, Kostelka and Broome.

Appointment of Conference Committee on Senate Bill No. 3

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. 3: Senators Chaisson, Kostelka and Broome.

Appointment of Conference Committee on Senate Bill No. 8

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. 8: Senators Chaisson, Kostelka and Broome.

Appointment of Conference Committee on Senate Bill No. 11

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. 11: Senators Chaisson, Kostelka and Broome.

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 Marionneaux, Chaisson and Amedee.

Appointment of Conference Committee on Senate Bill No. 35

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. 35: Senators Chaisson, Kostelka and Broome.

Appointment of Conference Committee on Senate Bill No. 58

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. 58: Senators Martiny, Chaisson and Amedee.

Appointment of Conference Committee on House Bill No. 1

The President of the Senate appointed on the Conference Committee on House Bill No. 1 the following members of the Senate: Senators Chaisson, Kostelka and Broome.

Appointment of Conference Committee on House Bill No. 56

The President of the Senate appointed on the Conference Committee on House Bill No. 56 the following members of the Senate: Senators Chaisson, Kostelka and Broome.

Regular Order of the Day Resumed

Special Order of the Day

The following House Bill on Third Reading and Final Passage, which was made Special Order of the Day No. 1, was taken up and acted upon as follows:

HOUSE BILL NO. 41—

BY REPRESENTATIVES TUCKER, PETERSON, GALLOT, ABRAMSON, ANDERS, ARNOLD, AUBERT, BOBBY BADON, BALDONE, BILLIOT, BURFORD, HENRY BURNS, TIM BURNS, CARTER, CHAMPAGNE, CHANDLER, CHANEY, CONNICK, CORTEZ, CROMER, DIXON, DOERGE, DOVE, DOWNS, ELLINGTON, FANNIN, GISCLAIR, GUINN, HARDY, HAZEL, HENRY, HILL, HINES, HOFFMANN, HONEY, HOWARD, GIROD JACKSON, ROSALIND JONES, KATZ, LABRUZZO, LEBAS, LEGER, LIGI, LOPINTO, LORUSSO, MILLS, MONICA, MORRELL, NOWLIN, PEARSON, PONTI, POPE, PUGH, RICHARD, RICHARDSON, RICHMOND, SCHRODER, SIMON, SMILEY, GARY SMITH, JANE SMITH, ST. GERMAIN, TALBOT, TEMPLET, TRAHAN, WHITE, WILLIAMS, AND WILLMOTT

AN ACT

To amend and reenact R.S. 42:1141(C), (D), (E), and (F) and to enact R.S. 49:992.1 and 994(E), relative to enforcement of laws within the jurisdiction of the Board of Ethics; to provide for proceedings related to such enforcement; to provide for the powers, functions, and duties of the board relative to such enforcement; to provide for the Ethics Adjudicatory Board; to provide for the powers, functions, and duties of the Ethics Adjudicatory Board and the division of administrative law relative to such enforcement; to provide for the conduct of hearings and procedures related thereto; to provide relative to appeals; to provide relative to effectiveness; and to provide for related matters.

Floor Amendments Sent Up

Senator Marionneaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux to Reengrossed House Bill No. 41 by Representative Tucker

AMENDMENT NO. 1

On page 3, line 12 delete "substantial"

On motion of Senator Marionneaux, the amendments were adopted.

Floor Amendments Sent Up

Senator Marionneaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux to Reengrossed House Bill No. 41 by Representative Tucker

AMENDMENT NO. 1

On page 3, between lines 21 and 22, insert the following:

"(6) Any complainant who, with knowledge of its falsity, makes a false non-sworn complaint shall be subject to the penalties set forth in R.S. 42:1153."

On motion of Senator Marionneaux, the amendments were adopted.

Floor Amendments Sent Up

Senator Marionneaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux to Reengrossed House Bill No. 41 by Representative Tucker

AMENDMENT NO. 1

In Senate Committee Amendment No. 22 proposed by the Senate Committee on Senate and Governmental Affairs and adopted by the Senate on February 20, 2008 on page 2, line 30, after "Board" insert "or panel thereof"

AMENDMENT NO. 2

In Senate Committee Amendment No. 23 proposed by the Senate Committee on Senate and Governmental Affairs and adopted by the Senate on February 20, 2008 on page 3, line 2, after "Board" insert "or panel thereof"

AMENDMENT NO. 3

In Senate Committee Amendment No. 24 proposed by the Senate Committee on Senate and Governmental Affairs and adopted by the Senate on February 20, 2008 on page 3, line 25 after "Board" insert "or panel thereof"

On motion of Senator Marionneaux, the amendments were adopted.

Floor Amendments Sent Up

Senator Marionneaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux to Reengrossed House Bill No. 41 by Representative Tucker

AMENDMENT NO. 1

On page 1, line 11, of the Senate Committee Amendment identified as BURKHARD 547, proposed by the Senate Committee on Senate and Governmental Affairs, and adopted by the Senate on February 20, 2008, change "(b)(i)" to "(4)(a)"

AMENDMENT NO. 2

On page 1, line 16, of the Senate Committee Amendment identified as BURKHARD 547, proposed by the Senate Committee on Senate and Governmental Affairs, and adopted by the Senate on February 20, 2008, change "(ii)" to "(b)"

AMENDMENT NO. 3

On page 1, between lines 19 and 20, of the Senate Committee Amendment identified as BURKHARD 547, proposed by the Senate Committee on Senate and Governmental Affairs, and adopted by the Senate on February 20, 2008, insert the following:

"(c) The members of the Ethics Adjudicatory Board shall be randomly selected at a public meeting of the Board of Ethics, from among the names of all administrative law judges who meet the qualifications. The members of the first Ethics Adjudicatory Board will be selected by no later than August 14, 2008, or before the effective date of this Subparagraph. The initial Ethics Adjudicatory Board will serve until January 1, 2009. Thereafter, the board members will be selected annually to serve a one-year term from January 1 through December 31. The board members for the years 2009 and beyond shall be randomly selected at a public meeting held by the Board of Ethics in December of the preceding year. Since selection to the board is random, there is no limitation on the number of times a qualified member may be selected to serve."

AMENDMENT NO. 4

On page 1, line 20, of the Senate Committee Amendment identified as BURKHARD 547, proposed by the Senate Committee on Senate and Governmental Affairs, and adopted by the Senate on February 20, 2008, change "(ii)" to "**(d)**"

AMENDMENT NO. 5

Delete Senate Committee Amendment No. 22, proposed by the Senate Committee on Senate and Governmental Affairs, and adopted by the Senate on February 20, 2008.

AMENDMENT NO. 6

On page 4, delete lines 24 through 29.

AMENDMENT NO. 7

On page 5, delete lines 1 through 14.

Senator Marionneaux moved for a division of the question on the floor amendments.

Without objection, the division of the question was ordered.

Senator Marionneaux moved the adoption of Amendments No. 1, 2 and 3.

Without objection, Amendments No. 1, 2 and 3 were adopted.

Senator Marionneaux moved the adoption of Amendments No. 4, 5, 6 and 7.

Without objection, Amendments No. 4, 5, 6 and 7 were adopted.

Floor Amendments Sent Up

Senator B. Gautreaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator B. Gautreaux to Reengrossed House Bill No. 41 by Representative Tucker

AMENDMENT NO. 1

Delete the set of 26 Senate Committee Amendments proposed by the Senate Committee on Governmental Affairs and adopted by the Senate on February 20, 2008.

AMENDMENT NO. 2

On page 1, line 2 after "reenact R.S." delete the remainder of the line and at the beginning of line 3 delete "994(E)," and insert in lieu thereof "42:1134(B), and 1141,"

AMENDMENT NO. 3

On page 1, line 6 after "Ethics" and before "to provide" delete "Adjudicatory Board;" and insert in lieu thereof "Investigatory Committee and the Ethics Adjudicatory Committee;"

AMENDMENT NO. 4

On page 1, delete line 7 in its entirety and insert in lieu thereof "committees relative to such"

AMENDMENT NO. 5

On page 1, line 12 after "R.S." delete "42:1141(C), (D), (E), and (F)" and insert in lieu thereof "42:1134(B) and 1141"

AMENDMENT NO. 6

On page 1, between lines 13 and 14 insert the following:
 * §1134. Powers, duties, and responsibilities of the board
 * * *

B.(1) The board shall select an executive secretary who shall perform the necessary administrative and other functions that the board may delegate. The executive secretary shall be a full-time public employee and shall not engage in any employment with any other agency of the state or with a political subdivision or agency thereof or enter into any contract or subcontract with any other agency of the state or with a political subdivision or agency thereof. All investigations, normal staff functions, and legal services shall be conducted by the staff of the Department of State Civil Service under the authority and direction of the board. The board may obtain investigative assistance from any agency.

(2)(a) The board shall select an ethics administrator to serve as ~~general counsel~~ chief investigator for the board, to provide general office management, and to perform other functions that the board may delegate. The board shall assign such staff to the ethics administrator for his investigations as it may deem necessary for carrying out the investigatory function of the board.

(b) The ethics administrator shall be a full-time public employee and shall not engage in any employment with any other agency of the state or with a political subdivision or agency thereof or enter into any contract or subcontract with any other agency of the state or with a political subdivision or agency thereof. In addition, the ethics administrator shall not engage in outside business activities requiring active participation as determined by the board. For purposes of this Subparagraph, "outside business activities requiring active participation" shall include but not be limited to the practice of any profession for compensation other than in performing his public duties and responsibilities as ethics administrator.

(3)(a) The board shall select a general counsel to serve as the chief prosecutor of the board. The board shall assign such staff to the general counsel for his carrying out his duties as it may deem necessary for implementing the adjudicatory function of the board.

(b) The general counsel shall be a full-time public employee and shall not engage in any employment with any other agency of the state or with a political subdivision or agency thereof or enter into any contract or subcontract with any other agency of the state or with a political subdivision or agency thereof. In addition, the general counsel shall not engage in outside business activities requiring active participation as determined by the board. For purposes of this Subparagraph, "outside business activities requiring active participation" shall include but not be limited to the practice of any profession for compensation other than in performing his public duties and responsibilities as general counsel to the board.
 * * *

AMENDMENT NO. 7

On page 1, between lines 14 and 15 insert the following:

"A. Panels and committees. (1)(a) The board members shall sit en banc and in panels in such order and at such times as the board directs.

(b) The chairman shall divide the board members into two committees. The committees shall be known as the Ethics Investigatory Committee and the Ethics Adjudicatory Committee. The committees shall have the duties and authority as provided in Subsection C of this Section.

(2) The board shall authorize the hearing and determination of matters by separate panels of the committees, each consisting of not less than three members. Such panels shall sit at the times and places

to hear matters assigned as the chairman directs. Such hearings shall be public except those provided for in Subsection C of this Section. Each panel shall be vested with specific subject matter jurisdiction. The board may determine by rule a procedure to rotate members among different subject matter panels to encourage the participation of each member of the board in, and the knowledge of each member of the board of, matters concerning the different provisions of law under the jurisdiction of the board.

(3) Matters shall be heard and determined by the board or a committee panel of not less than three members, unless a hearing before the board en banc is ordered by a majority of the members of the board. The presence of the three members of the panel shall be required to conduct the business of the panel.

(4) Notwithstanding any other provision of this Chapter, the presence of nine members shall be required to conduct the business of the board sitting en banc.

(5) The board shall promulgate procedural and jurisdictional rules relative to the establishment of the committees and the several panels. The rules shall specify procedures wherein the chairman may refer matters to the appropriate panel with proper subject matter jurisdiction.

(6) The board, by a majority vote of its membership, may review any opinion, decision, finding, or ruling of any panel.

B. Complaints. (1)(a) The board shall consider any signed sworn complaint from any elector, hereinafter referred to as complainant, concerning a violation of this Chapter which is within its jurisdiction or the regulations or orders issued by the board, or may by a two-thirds majority vote of its membership, consider any matter which it has reason to believe may be a violation of this Chapter. Additionally, the board may consider any matter which it has reason to believe may be a violation of any other provision of law within its jurisdiction as provided in this Subsection or as may be otherwise provided by law. A certified copy of the vote and explanation of the matter or a copy of the sworn complaint if one has been submitted to the board shall be sent by certified mail to the accused and the complainant within ten days after the vote occurs. The chairman of the board shall assign each such matter to the appropriate panel of the investigatory committee for investigation.

(b) The board shall provide a person who has filed a non-sworn complaint with only a notification stating the final disposition of the complaint.

(2) A notice or report sent to the board by the legislative auditor or the inspector general may be treated by the board as a matter for consideration in accordance with the provisions of this Subsection.

(3) If an elected official has tested positive for the use of illegal drugs or if an elected official has refused to submit to a drug test required pursuant to R.S. 42:1116.1, the board shall treat such conduct as a matter for consideration in accordance with the provisions of this Subsection."

AMENDMENT NO. 8

On page 2, line 1 after "conducted" and before "to elicit" insert "by the ethics administrator"

AMENDMENT NO. 9

On page 2, line 1 after "panel" and before "as provided" insert "of the investigatory committee"

AMENDMENT NO. 10

On page 2, line 2 delete "board" and insert in lieu thereof "adjudicatory committee"

AMENDMENT NO. 11

On page 2, line 6 after "of the" and before "panel" insert "investigatory committee"

AMENDMENT NO. 12

On page 2, at the beginning of line 7 insert "investigatory committee"

AMENDMENT NO. 13

On page 2, at the end of line 8 insert "If two members of the three-member panel vote to recommend that a public hearing be conducted, the matter shall go before a five-member panel of the investigatory

committee for final determination of whether to recommend to the adjudicatory committee that a public hearing be conducted."

AMENDMENT NO. 14

On page 2, line 9 change "board" to "investigatory committee"

AMENDMENT NO. 15

On page 2, line 10 after "conducted" and before "to receive" insert "by the adjudicatory committee"

AMENDMENT NO. 16

On page 2, line 12 after "occurred" and before "If" delete the period "." and insert in lieu thereof a comma "," and "and if a violation has occurred, to prescribe authorized penalties."

AMENDMENT NO. 17

On page 2, line 15 change "board" to "investigatory committee"

AMENDMENT NO. 18

On page 2, line 19 change "board" to "investigatory committee"

AMENDMENT NO. 19

On page 2, line 21 change "board" to "investigatory committee"

AMENDMENT NO. 20

On page 2, line 22 change "division of administrative law" to "adjudicatory committee"

AMENDMENT NO. 21

On page 2, delete lines 24 and 25 in their entirety and insert in lieu thereof

"(b) The chairman of the board shall appoint at least five board members to the Ethics Adjudicatory Committee to conduct public hearings, make"

AMENDMENT NO. 22

On page 2, at the end of line 26 delete "administrative" and delete line 27 in its entirety and insert in lieu thereof "board members appointed by the chairman to conduct"

AMENDMENT NO. 23

On page 2, line 29 change "Board" to "Committee"

AMENDMENT NO. 24

On page 3, line 1 change "Board" to "Committee" and change "board" to "committee" and change "director" to "chairman"

AMENDMENT NO. 25

On page 3, line 2 change "Board" to "Committee"

AMENDMENT NO. 26

On page 3, line 4 change "an administrative law judge" to "a three-member panel of the adjudicatory committee"

AMENDMENT NO. 27

On page 3, delete line 6 in its entirety and insert in lieu thereof "If the panel determines by a unanimous vote that a violation has occurred, it shall"

AMENDMENT NO. 28

On page 3, delete line 8 in its entirety and insert the following:
"(ii) If two members of the three-member panel agree that a violation has occurred, the matter shall go before a five-member panel of the adjudicatory committee for final determination of whether a violation has occurred and what penalties or other sanctions, if any, should be imposed.

(iii) No panel of the adjudicatory committee shall conduct a public hearing"

AMENDMENT NO. 29

On page 3, line 11 change "administrative law judge" to "panel"

AMENDMENT NO. 30

On page 3, line 12 change "administrative law judge" to "panel"

AMENDMENT NO. 31

On page 3, line 13 change "his" to "its"

AMENDMENT NO. 32

On page 3, line 15 change "administrative law judge's" to "panel's"

AMENDMENT NO. 33

On page 3, line 16 change "administrative law judge" to "panel"

AMENDMENT NO. 34

On page 3, line 18 change "administrative law judge" to "panel"

AMENDMENT NO. 35

On page 3, line 20 change "administrative law judge" to "panel"

AMENDMENT NO. 36

On page 3, line 21 change "administrative law judge" to "panel"

AMENDMENT NO. 37

On page 3, line 22 after "board" delete the remainder of the line and at the beginning of line 23 delete "law" and insert in lieu thereof "or any panel thereof"

AMENDMENT NO. 38

On page 4, at the end of line 4 delete "an" and at the beginning of line 5 delete "administrative law judge" and insert in lieu thereof "a panel of the adjudicatory committee"

AMENDMENT NO. 39

On page 4, line 25 delete "or administrative law judge"

AMENDMENT NO. 40

On page 5, line 7 delete "or administrative law judge"

AMENDMENT NO. 41

On page 5, delete lines 15 through 21 in their entirety and insert in lieu thereof the following:

"(5) No disciplinary action shall be taken against a public servant or other person by the board or any panel thereof unless it is determined by a majority vote of the membership of the board or panel that such public servant or other person has violated a provision of law within its jurisdiction at a public hearing conducted for that purpose. However, in cases where the panel consists of three members, all determinations of such a panel shall require a unanimous vote of the members of the panel."

AMENDMENT NO. 42

On page 5, at the beginning of line 22 change "(5)" to "(6)"

AMENDMENT NO. 43

On page 5, at the beginning of line 25 change "(6)" to "(7)"

AMENDMENT NO. 44

On page 5, at the beginning of line 27 change "(7)" to "(8)"

AMENDMENT NO. 45

On page 6, at the beginning of line 3 change "(8)" to "(9)"

AMENDMENT NO. 46

On page 6, at the beginning of line 8 change "(9)" to "(10)"

AMENDMENT NO. 47

On page 6, at the beginning of line 10 change "administrative law judge" to "board or any panel thereof"

AMENDMENT NO. 48

On page 6, at the end of line 22 insert "Any appeal of panel action shall be filed with the board within fourteen days of the panel's decision."

AMENDMENT NO. 49

On page 7, line 14 delete "private" and after "board" and before the period "." insert "or any panel thereof"

AMENDMENT NO. 50

On page 7, delete lines 15 through 27 in their entirety.

AMENDMENT NO. 51

On page 7, at the beginning of line 28 change "Section 3." to "Section 2."

AMENDMENT NO. 52

On page 8, line 1 change "member" to "panel"

AMENDMENT NO. 53

On page 8, line 2 change "Board." to "Committee."

AMENDMENT NO. 54

On page 8, line 2 after "the board" delete the remainder of the line and at the beginning of line 3 delete "administrative law"

AMENDMENT NO. 55

On page 8, at the beginning of line 5 change "Section 4." to "Section 3."

Senator B. Gautreaux moved adoption of the amendments.

Senator Marionneaux objected.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Dorsey	LaFleur
Broome	Dupre	Michot
Cassidy	Gautreaux B	Mount
Cravins	Gautreaux N	Murray
Total - 12		

NAYS

Alario	Heitmeier	Quinn
Amedee	Jackson	Riser
Cheek	Kostelka	Scalise
Crowe	Long	Shaw
Donahue	Marionneaux	Shepherd
Duplessis	Martiny	Smith
Erdey	Morrish	Thompson
Hebert	Nevers	Walsworth
Total - 24		

ABSENT

Mr. President	Gray	McPherson
Total - 3		

The Chair declared the amendments were rejected.

Floor Amendments Sent Up

Senator N. Gautreaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator N. Gautreaux to Reengrossed House Bill No. 41 by Representative Tucker

AMENDMENT NO. 1

On page 8, between lines 4 and 5 insert "Section 4. The number of new employee positions created by this Act shall not exceed two administrative law judges, one attorney, and one clerical worker."

AMENDMENT NO. 2

On page 8, line 5, change "Section 4." to "Section 5."

On motion of Senator N. Gautreaux, the amendments were adopted.

February 25, 2008

Floor Amendments Sent Up

Senator Nevers sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Nevers to Reengrossed House Bill No. 41 by Representative Tucker

AMENDMENT NO. 1

On page 3, line 17, after "him," insert "If the ethics adjudicatory panel or the Board of Ethics makes an official determination that the charges lack validity, the complainant shall be liable to the person charged for the court costs and attorney fees."

Senator Nevers moved adoption of the amendments.

Senator Marionneaux objected.

ROLL CALL

The roll was called with the following result:

YEAS

Broome Erdey Murray
Cassidy Gautreaux B Nevers
Cheek Heitmeier Quinn
Cravins Kostelka Riser
Crowe LaFleur Shaw
Donahue Long Shepherd
Dorsey Michot Smith
Dupre Mount

Total - 23

NAYS

Mr. President Gautreaux N Martiny
Adley Gray Morrish
Alario Hebert Scalise
Amedee Jackson Thompson
Duplessis Marionneaux Walsworth

Total - 15

ABSENT

McPherson
Total - 1

The Chair declared the amendments were adopted.

Floor Amendments Sent Up

Senator Kostelka sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Kostelka to Reengrossed House Bill No. 41 by Representative Tucker

AMENDMENT NO. 1

On page 3, line 11 after the words "disclose" delete "any"

AMENDMENT NO. 2

On page 3, line 12 delete "substantial" and insert "clear and convincing"

AMENDMENT NO. 3

Delete Senate Floor Amendment proposed by Senator Marionneaux and adopted by the Senate on February 25, 2008, designated as SFA41 WADDELLG 772

On motion of Senator Kostelka, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Adley Erdey Morrish
Alario Gautreaux N Mount
Amedee Gray Nevers
Broome Hebert Quinn
Cheek Heitmeier Riser
Cravins Jackson Scalise
Crowe Kostelka Shaw
Donahue LaFleur Shepherd
Dorsey Long Smith
Duplessis Martiny Thompson
Dupre Michot Walsworth
Total - 33

NAYS

Mr. President Gautreaux B Murray
Total - 3

ABSENT

Cassidy Marionneaux McPherson
Total - 3

The Chair declared the amended bill was passed. The bill was read by title and returned to the House. Senator Marionneaux moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Notice Regarding Vote

Senator Marionneaux stated he appeared as absent on the vote on House Bill No. 41. He was handling the bill on the floor and his machine malfunctioned and he was shown as absent. He intended to vote yea on the bill and asked that the Official Journal so state.

Messages from the House

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

Message from the House

HOUSE CONFEREES APPOINTED

February 25, 2008

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has appointed the following members, on the part of the House of Representatives, to confer, with a like committee from the Senate, on the disagreement to Senate Bill No. 1 by Senator Chaisson:

Representatives Gallot, Tucker and Peterson.

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

Message from the House

HOUSE CONFEREES APPOINTED

February 25, 2008

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has appointed the following members, on the part of the House of Representatives, to confer, with a like committee from the Senate, on the disagreement to Senate Bill No. 3 by Senator Chaisson:

Representatives Gallot, Tucker and Connick.

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

Message from the House

HOUSE CONFEREES APPOINTED

February 25, 2008

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has appointed the following members, on the part of the House of Representatives, to confer, with a like committee from the Senate, on the disagreement to Senate Bill No. 8 by Senator Chaisson:

Representatives Gallot, Tucker and Danahay.

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

Message from the House

HOUSE CONFEREES APPOINTED

February 25, 2008

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has appointed the following members, on the part of the House of Representatives, to confer, with a like committee from the Senate, on the disagreement to Senate Bill No. 11 by Senator Chaisson:

Representatives Gallot, Tucker and Peterson.

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

Message from the House

HOUSE CONFEREES APPOINTED

February 25, 2008

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has appointed the following members, on the part of the House of Representatives, to confer, with a like committee from the Senate, on the disagreement to Senate Bill No. 14 by Senator Marionneaux:

Representatives Ellington, Gallot and Lambert.

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

Message from the House

HOUSE CONFEREES APPOINTED

February 25, 2008

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has appointed the following members, on the part of the House of Representatives, to confer, with a like committee from the Senate, on the disagreement to Senate Bill No. 35 by Senator Chaisson:

Representatives Henry, Gallot and Abramson.

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

Message from the House

HOUSE CONFEREES APPOINTED

February 25, 2008

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has appointed the following members, on the part of the House of Representatives, to confer, with a like committee from the Senate, on the disagreement to Senate Bill No. 58 by Senator Martiny:

Representatives Wooton, Tucker and Gallot.

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

Message from the House

HOUSE CONFEREES APPOINTED

February 25, 2008

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has appointed the following members, on the part of the House of Representatives, to confer, with a like committee from the Senate, on the disagreement to Senate Concurrent Resolution No. 2 by Senator Murray:

Representatives Peterson, Gallot and Barras.

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

Rules Suspended

Senator Murray asked for and obtained a suspension of the rules for the purpose of advancing to the order of

**House Bills and Joint Resolutions on
Third Reading
and Final Passage**

The following House Bills and Joint Resolutions on Third Reading and Final Passage were taken up and acted upon as follows:

February 25, 2008

HOUSE BILL NO. 58—
BY REPRESENTATIVES MORRELL AND BALDONE
AN ACT

To enact Part VIII of Chapter 11 of Title 18 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 18:1601 through 1604, relative to campaign finance; to provide relative to certain expenditures for certain political activities; to provide for certain required content; to provide for certain required reports; to provide for penalties; and to provide for related matters.

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

Rules Suspended

Senator Dupre asked for and obtained a suspension of the rules for the purpose of allowing the Committee on Natural Resources to meet without the required 24 hour notice.

Recess

On motion of Senator Dupre, the Senate took a recess until 5:00 o'clock P.M.

After Recess

The Senate was called to order at 5:00 o'clock P.M. by the President of the Senate.

ROLL CALL

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

PRESENT

Mr. President	Erdey	Morrish
Adley	Gautreaux B	Mount
Alario	Gautreaux N	Murray
Amedee	Gray	Nevers
Broome	Hebert	Quinn
Cassidy	Heitmeier	Riser
Cheek	Jackson	Scalise
Cravins	Kostelka	Shaw
Crowe	LaFleur	Shepherd
Donahue	Long	Smith
Dorsey	Marionneaux	Thompson
Duplessis	Martiny	Walsworth
Dupre	Michot	
Total - 38		

ABSENT

McPherson
Total - 1

The President of the Senate announced there were 38 Senators present and a quorum.

Senate Business Resumed

**House Bills and Joint Resolutions on
Third Reading
and Final Passage, Resumed**

The following House Bills and Joint Resolutions on Third Reading and Final Passage were taken up and acted upon as follows:

HOUSE BILL NO. 80—
BY REPRESENTATIVES MORRELL, ABRAMSON, BALDONE, LEGER,
LORUSSO, AND PETERSON
AN ACT

To enact Chapter 44 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9611 through 9615, relative to certain local entities; to provide relative to certain powers of a local ethics entity, ethics review board, or office of inspector general in certain municipalities; and to provide for related matters.

Senator Marionneaux in the Chair

Floor Amendments Sent Up

Senator Quinn sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Quinn to Reengrossed House Bill No. 80 by Representative Morrell

AMENDMENT NO. 1

Delete Senate Committee Amendment No. 7 proposed by the Senate Committee on Local and Municipal Affairs and adopted by the Senate on February 21, 2008.

AMENDMENT NO. 2

On page 8, after line 6, insert the following:

"C. Except for the completed reports, findings, advisories, letters, and recommendations of investigations, audits, inspections, performance reviews, qualitative assurance reviews, peer reviews, annual operating budgets, and annual office reports, the records prepared or obtained by the ethics entity, ethics review board, or office of inspector general shall be deemed confidential and protected from disclosure pursuant to R.S. 44:3 and 44:5. In order to maintain the confidentiality of such materials, the ethics entity, ethics review board, or office of inspector general may meet and make decisions in executive session. No privilege established by law shall be deemed waived on any record obtained by the ethics entity, ethics review board, or office of inspector general in connection with the performance of duties established by this Chapter. Any record or information obtained by the ethics entity, ethics review board, or office of inspector general which is confidential pursuant to any other provision of law shall remain confidential, and it shall be a misdemeanor punishable by a fine of not more than two thousand dollars or imprisonment for not more than one year, or both, for the ethics entity, ethics review board, or office of inspector general or any designated staff member or any other public official, corporation, or individual to make public any such information or record."

Senator Quinn moved adoption of the amendments.

Senator Shepherd objected.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Gautreaux N	Mount
Amedee	Gray	Murray
Cassidy	Hebert	Nevers
Cravins	Heitmeier	Quinn
Crowe	Kostelka	Riser
Donahue	LaFleur	Scalise
Dorsey	Long	Shaw
Duplessis	Marionneaux	Smith
Dupre	Martiny	Thompson
Erdey	Michot	
Gautreaux B	Morrish	
Total - 31		

NAYS

Alario Cheek Shepherd
Total - 3

ABSENT

Mr. President Jackson Walsworth
Broome McPherson
Total - 5

The Chair declared the amendments were adopted.

Floor Amendments Sent Up

Senator Duplessis sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Duplessis to Reengrossed House Bill No. 80 by Representative Morrell

AMENDMENT NO. 1

On page 5, at the end of line 11, add the following: "Any request for financial records in the possession or under the control of a bank pursuant to this Chapter is subject to and shall comply with the requirements and procedures of R.S. 6:333."

On motion of Senator Duplessis, the amendments were adopted.

Floor Amendments Sent Up

Senator Alario sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Alario to Reengrossed House Bill No. 80 by Representative Morrell

AMENDMENT NO. 1

On page 1, line 3, change "9615" to "9614"

AMENDMENT NO. 2

On page 1, line 8, change "9615" to "9614"

AMENDMENT NO. 3

On page 2, line 19, after "A.", insert "(1)"

AMENDMENT NO. 4

On page 2, delete lines 23 and 24 and insert the following:
"(2) In the performance of its duties, a local ethics entity, ethics review board, or office of the inspector general may administer oaths and take the testimony of those sworn.

(3) In the performance of its duties, a local ethics entity, ethics review board, or office of the inspector general may compel the attendance of witnesses to be deposed under oath or the production of public and private records by issuing a subpoena. However, such a subpoena or subpoena duces tecum shall be issued only upon approval of a judge of the district court of the parish in which a local ethics entity, ethics review board, or office of inspector general is domiciled upon application in writing by such entity, board, or office. The judge shall issue a written decision within seventy-two hours after receipt of such application. Any subpoena for production of private records shall be in compliance with all applicable constitutionally established rights and processes. The subpoena may be served by certified mail, return receipt requested, at the addressee's residence or business address, or by representatives appointed by the local ethics entity, ethics review board, or office of inspector general, or may be directed for service to the office of the municipal police. If a person refuses to obey a subpoena issued by the local ethics entity, ethics review board, or office of inspector general, the district court of the parish in which the local ethics entity, ethics review board, or office of inspector general is domiciled may issue an order to the person requiring the person to appear before the court to show

cause why an order shall not be issued ordering such person to obey the subpoena.

B. Any costs and attorney's fees incurred by the local ethics entity, ethics review board, or office of inspector general may be taxed against the person who failed or refused to comply with the terms of the subpoena.

C. When the local ethics entity, ethics review board, or office of inspector general issuing the subpoena has reason to believe that a person may attempt to conceal or destroy materials essential to an investigation, examination, audit, inspection, or performance review, the local ethics entity, ethics review board, or office of inspector general may apply by verified petition to the district court of the parish in which the person resides or is found or has a principal place of business or in which the materials may be found for an order protecting the materials from concealment or destruction. The court may order and fix the amount of a bond to be posted and conditioned upon compliance with the terms of the subpoena. The order shall be directed to the person upon whom the subpoena will be served and to any other person necessary to protect the materials from concealment or destruction."

AMENDMENT NO. 5

On page 2, line 25, change "B." to "D."

AMENDMENT NO. 6

On page 3, line 14, change "C." to "E."

AMENDMENT NO. 7

On page 4, line 14, change "D." to "F."

AMENDMENT NO. 8

On page 4, line 19, change "E." to "G."

AMENDMENT NO. 9

On page 4, delete lines 23 through 29

AMENDMENT NO. 10

Delete pages 5 and 6 in their entirety

AMENDMENT NO. 11

On page 7, delete lines 1 through 14

AMENDMENT NO. 12

On page 7, line 15, change "§9615" to "§9614"

Senator Alario moved adoption of the amendments.

Senator Quinn objected.

ROLL CALL

The roll was called with the following result:

YEAS

Alario	Hebert	Mount
Cheek	Heitmeier	Murray
Dupre	Jackson	Shaw
Erdey	LaFleur	Shepherd
Gautreaux B	Marionneaux	Smith
Gautreaux N	Martiny	Thompson
Gray	Morrish	
Total - 20		

NAYS

Amedee	Duplessis	Quinn
Cassidy	Kostelka	Riser
Cravins	Long	Scalise
Crowe	Michot	Walsworth
Donahue	Nevers	
Total - 14		

February 25, 2008

ABSENT

Mr. President	Broome	McPherson
Adley	Dorsey	
Total - 5		

The Chair declared the amendments were adopted.

Floor Amendments Sent Up

Senator Martiny sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Martiny to Reengrossed House Bill No. 80 by Representative Morrell

AMENDMENT NO. 1

On page 2, delete lines 14 through 17 in their entirety.

On motion of Senator Martiny, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Gautreaux B	Mount
Alario	Gautreaux N	Murray
Amedee	Gray	Nevers
Broome	Hebert	Quinn
Cassidy	Heitmeier	Riser
Cheek	Jackson	Scalise
Cravins	Kostelka	Shaw
Crowe	LaFleur	Shepherd
Donahue	Long	Smith
Dorsey	Marionneaux	Thompson
Duplessis	Martiny	Walsworth
Dupre	Michot	
Erdey	Morrish	
Total - 37		

NAYS

Total - 0

ABSENT

Adley	McPherson
Total - 2	

The Chair declared the amended bill was passed. The bill was read by title and returned to the House. Senator Quinn moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Rules Suspended

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

Introduction of Senate and Concurrent Resolutions

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

SENATE RESOLUTION NO. 19—
BY SENATOR JACKSON

A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana upon the death of Sarah Anderson Merrick.

On motion of Senator Jackson, the resolution was read by title and adopted.

SENATE CONCURRENT RESOLUTION NO. 28—
BY SENATOR SCALISE

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to adopt and implement the recommendations of the Veterans' Disability Benefits Commission.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Michot
Alario	Gautreaux B	Morrish
Amedee	Gautreaux N	Mount
Broome	Gray	Murray
Cassidy	Hebert	Nevers
Cheek	Heitmeier	Quinn
Cravins	Jackson	Riser
Crowe	Kostelka	Scalise
Donahue	LaFleur	Shaw
Dorsey	Long	Shepherd
Duplessis	Marionneaux	Thompson
Dupre	Martiny	Walsworth
Total - 36		

NAYS

Total - 0

ABSENT

Adley	McPherson	Smith
Total - 3		

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

SENATE CONCURRENT RESOLUTION NO. 29—
BY SENATORS SHEPHERD, ALARIO AND HEITMEIER AND REPRESENTATIVES BILLIOT, CONNICK, GIROD JACKSON AND TEMPLET

A CONCURRENT RESOLUTION

To commend and congratulate Raymond John Brandt on the opening of Ray Brandt Nissan on Lapalco Boulevard in Marrero, Louisiana.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Gautreaux B	Mount
Alario	Gautreaux N	Murray
Amedee	Gray	Nevers
Broome	Hebert	Quinn
Cassidy	Heitmeier	Riser
Cheek	Jackson	Scalise
Cravins	Kostelka	Shaw

Crowe	LaFleur	Shepherd
Donahue	Long	Smith
Dorsey	Marionneaux	Thompson
Duplessis	Martiny	Walsworth
Dupre	Michot	
Erdey	Morrish	
Total - 37		

NAYS

Total - 0

ABSENT

Adley	McPherson
Total - 2	

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 25, 2008

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. 23—

BY REPRESENTATIVE BILLIOT
A CONCURRENT RESOLUTION

To urge and request the Department of Environmental Quality, the Department of Transportation and Development, and the Department of Economic Development to send representatives to public hearings conducted by the United States Army Corps of Engineers regarding the use of borrow material and report to the House Committee on Natural Resources and Environment and Senate Committee on Environmental Quality.

HOUSE CONCURRENT RESOLUTION NO. 24—

BY REPRESENTATIVE BILLIOT
A CONCURRENT RESOLUTION

To urge and request the Louisiana Department of Transportation and Development to consider contributing factors which clog the drainage systems on Louisiana Highway 18 on River Road from the St. Charles Parish line east to Louisiana Avenue.

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

House Concurrent Resolutions

Senator Broome 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. 23—

BY REPRESENTATIVE BILLIOT
A CONCURRENT RESOLUTION

To urge and request the Department of Environmental Quality, the Department of Transportation and Development, and the Department of Economic Development to send representatives to public hearings conducted by the United States Army Corps of Engineers regarding the use of borrow material and report to

the House Committee on Natural Resources and Environment and Senate Committee on Environmental Quality.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Gautreaux B	Mount
Alario	Gautreaux N	Murray
Amedee	Gray	Nevers
Broome	Hebert	Quinn
Cassidy	Heitmeier	Riser
Cheek	Jackson	Scalise
Cravins	Kostelka	Shaw
Crowe	LaFleur	Shepherd
Donahue	Long	Smith
Dorsey	Marionneaux	Thompson
Duplessis	Martiny	Walsworth
Dupre	Michot	
Erdey	Morrish	
Total - 37		

NAYS

Total - 0

ABSENT

Adley	McPherson
Total - 2	

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

HOUSE CONCURRENT RESOLUTION NO. 24—

BY REPRESENTATIVE BILLIOT
A CONCURRENT RESOLUTION

To urge and request the Louisiana Department of Transportation and Development to consider contributing factors which clog the drainage systems on Louisiana Highway 18 on River Road from the St. Charles Parish line east to Louisiana Avenue.

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

ROLL CALL

The roll was called with the following result:

PRESENT

Mr. President	Gautreaux B	Mount
Alario	Gautreaux N	Murray
Amedee	Gray	Nevers
Broome	Hebert	Quinn
Cassidy	Heitmeier	Riser
Cheek	Jackson	Scalise
Cravins	Kostelka	Shaw
Crowe	LaFleur	Shepherd
Donahue	Long	Smith
Dorsey	Marionneaux	Thompson
Duplessis	Martiny	Walsworth
Dupre	Michot	
Erdey	Morrish	
Total - 37		

NAYS

Total - 0

ABSENT

Adley McPherson
Total - 2

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

Mr. President in the Chair

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

NATURAL RESOURCES

Senator Reggie P. Dupre, Jr., Chairman on behalf of the Committee on Natural Resources, submitted the following report:

February 25, 2008

To the President and Members of the Senate:

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

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

To memorialize the United States Congress and to express to the Louisiana Congressional Delegation, the National Marine Fisheries Service of the National Oceanographic and Atmospheric Administration, and the Gulf of Mexico Fisheries Management Council opposition by the Louisiana Legislature to the authorization of deepwater fish farms in the Gulf of Mexico off the coast of the state of Louisiana.

Reported favorably.

Respectfully submitted,
REGGIE P. DUPRE, JR.
Chairman

Messages from the House

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

Message from the House

DISAGREEMENT TO HOUSE BILL

February 25, 2008

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has refused to concur in the proposed Senate Amendment(s) to House Bill No. 41 by Representative Tucker, and ask the President to appoint on the part of the Senate a committee to confer with a like committee from the House on the disagreement; and to inform your honorable body that the Speaker of the House of Representatives has appointed the following members as conferees on the part of the House:

Representatives Tucker, Gallot and Peterson.

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

Appointment of Conference Committee
on House Bill No. 41

The President of the Senate appointed on the Conference Committee on House Bill No. 41 the following members of the Senate: Senators Marionneau, Nevers and Chaisson.

Message from the House

SIGNED HOUSE BILLS AND
JOINT RESOLUTIONS

February 25, 2008

To the Honorable President and Members of the Senate:

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

HOUSE BILL NO. 6—

BY REPRESENTATIVES TUCKER, PETERSON, GALLOT, ABRAMSON, ANDERS, ARMES, ARNOLD, AUBERT, AUSTIN BADON, BOBBY BADON, BALDONE, BARRAS, BARROW, BILLIOT, BURFORD, HENRY BURNS, TIM BURNS, BURRELL, CARTER, CHAMPAGNE, CHANDLER, CHANEY, CORTEZ, CROMER, DANAHAY, DIXON, DOERGE, DOVE, DOWNS, EDWARDS, ELLINGTON, FOIL, FRANKLIN, GISCLAIR, GREENE, ELBERT, GUILLORY, MICKY GUILLORY, HARDY, HARRISON, HAZEL, HENDERSON, HENRY, HINES, HOFFMANN, HOWARD, HUTTER, ROSALIND JONES, KATZ, LABRUZZO, LAMBERT, LEBAS, LEGER, LIGI, LORUSSO, MILLS, MONICA, MONTOU CET, MORRELL, MORRIS, NOWLIN, PEARSON, PERRY, PONTI, POPE, PUGH, RICHARD, RICHARDSON, RITCHE, ROBIDEAUX, ROY, SCHRODER, SIMON, SMILEY, GARY SMITH, JANE SMITH, PATRICIA SMITH, TALBOT, TEMPLET, TRAHAN, WADDELL, WHITE, WILLIAMS, AND WILLMOTT AND SENATORS ADLEY, ALARIO, AMEDEE, BROOME, CASSIDY, CHAISSON, CHEEK, CROWE, DONAHUE, DORSEY, DUPLESSIS, DUPRE, ERDEY, B. GAUTREAUX, N. GAUTREAUX, GRAY, HEITMEIER, JACKSON, KOSTELKA, LAFLEUR, LONG, MARTINY, MICHOT, MORRISH, MURRAY, NEVERS, QUINN, RISER, SCALISE, SHAW, SHEPHERD, THOMPSON, AND WALSWORTH

AN ACT

To amend and reenact R.S. 42:1170(A) and (E), relative to ethics education and training; to provide for the duties of the Board of Ethics relative to such education and training; to provide for the education and training required of public servants; to provide for the education and training required of registered lobbyists; to provide for notice of noncompliance; to provide for penalties; and to provide for related matters.

HOUSE BILL NO. 29—

BY REPRESENTATIVES TUCKER, PETERSON, GALLOT, ABRAMSON, ANDERS, ARMES, ARNOLD, AUSTIN BADON, BOBBY BADON, BALDONE, BILLIOT, BURFORD, HENRY BURNS, TIM BURNS, CARMODY, CAZAYOUX, CHAMPAGNE, CHANDLER, CHANEY, CONNICK, CORTEZ, CROMER, DOERGE, DOVE, DOWNS, ELLINGTON, FANNIN, FRANKLIN, GISCLAIR, MICKY GUILLORY, HARDY, HARRISON, HAZEL, HENRY, HILL, HINES, HOFFMANN, HONEY, HOWARD, HUTTER, GIROD JACKSON, JOHNSON, ROSALIND JONES, SAM JONES, KATZ, KLECKLEY, LABRUZZO, LAMBERT, LEBAS, LEGER, LIGI, LITTLE, LOPINTO, LORUSSO, MILLS, MONICA, MONTOU CET, MORRELL, NORTON, NOWLIN, PEARSON, POPE, PUGH, RICHARD, RICHARDSON, RICHMOND, RITCHE, ROY, SCHRODER, SIMON, SMILEY, GARY SMITH, JANE SMITH, PATRICIA SMITH, ST. GERMAIN, TALBOT, TEMPLET, TRAHAN, WHITE, WILLIAMS, AND WILLMOTT AND SENATORS GRAY, NEVERS, SCALISE, AND WALSWORTH

AN ACT

To amend and reenact R.S. 42:1132(B)(1)(a) and (4) and to enact R.S. 42:1132(B)(5), relative to the Board of Ethics; to provide for qualifications for selection and service on the Board of Ethics; and to provide for related matters.

HOUSE BILL NO. 65—

BY REPRESENTATIVES GREENE AND BALDONE
AN ACT

To amend and reenact R.S. 18:463(A)(2) and 491(C) and to enact R.S. 18:492(A)(6), relative to qualifying for primary elections; to require a candidate to certify that he does not owe any ethics fines as a condition of qualification; to provide relative to objections to candidacy based on false certification regarding ethics fines; and to provide for related matters.

HOUSE BILL NO. 73—

BY REPRESENTATIVES WHITE AND BALDONE
AN ACT

To enact R.S. 18:1485(E), relative to certain campaign reporting requirements; to require certain reports to be filed electronically; to provide relative to procedures for the filing of such reports; to provide for penalties; and to provide for related matters.

HOUSE BILL NO. 78—

BY REPRESENTATIVES LEGER AND BALDONE
AN ACT

To amend and reenact R.S. 18:1485(C), relative to certain campaign finance reporting requirements; to require certain reports to be filed electronically; to provide relative to procedures for the filing of such reports; and to provide for related matters.

HOUSE BILL NO. 22—

BY REPRESENTATIVE CHAMPAGNE
AN ACT

To amend and reenact R.S. 42:1119(D), relative to nepotism; to provide relative to the persons who are subject to penalties in the enforcement of violations of the nepotism prohibitions; and to provide for related matters.

HOUSE BILL NO. 23—

BY REPRESENTATIVES LEGER AND BALDONE
AN ACT

To enact R.S. 42:1123(38), relative to governmental ethics; to allow certain public servants to accept certain free legal services; and to provide for related matters.

HOUSE BILL NO. 33—

BY REPRESENTATIVES PETERSON AND BALDONE
AN ACT

To amend and reenact R.S. 42:1170(C), relative to ethics education; to provide for certain qualifications and requirements for ethics designees in certain agencies; to require certain training for such persons; to provide for the manner and procedure for designating such persons; to require certain notifications; and to provide for related matters.

HOUSE BILL NO. 74—

BY REPRESENTATIVES CONNICK AND BALDONE
AN ACT

To amend and reenact R.S. 42:1142(A) and to enact R.S. 42:1141.1, relative to the Board of Ethics; to provide for a process of declaratory opinions of the board; to provide procedures for obtaining such opinions; to provide for matters on which the board may render declaratory opinions; to provide for circumstances in which the board may refuse to issue such decisions; and to provide for related matters.

HOUSE BILL NO. 90—

BY REPRESENTATIVES DIXON AND TUCKER
AN ACT

To amend and reenact R.S. 42:1141(B)(1)(a) and (C), relative to the enforcement procedures of the Board of Ethics; to require the board to provide certain information to the accused and the complainant; to provide relative to deadlines for the provision of such information; to provide relative to the issuance of charges by the board; to provide relative to the content of such charges; to provide relative to hearings on such charges; to require the board to consider offering consent opinions; and to provide for related matters.

and asked that the President of the Senate affix his signature to the same.

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

The House Bills and Joint Resolutions contained herein were signed by the President of the Senate.

Message from the House

SIGNED HOUSE CONCURRENT RESOLUTIONS

February 25, 2008

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has signed the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 7—

BY REPRESENTATIVE HOFFMANN AND SENATORS CASSIDY, CRAVINS, CROWE, B. GAUTREAU, NEVERS, SCALISE, AND WALSWORTH

A CONCURRENT RESOLUTION

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

HOUSE CONCURRENT RESOLUTION NO. 22—

BY REPRESENTATIVE PATRICIA SMITH
A CONCURRENT RESOLUTION

To commend Malavika Balachandran as a winner of the Siemens Award for Advanced Placement.

and asked that the President of the Senate affix his signature to the same.

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

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

Privilege Report of the Committee on Senate and Governmental Affairs

ENROLLMENTS

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

February 25, 2008

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 Bills have been properly enrolled:

SENATE BILL NO. 53—

BY SENATOR MURRAY AND REPRESENTATIVE BALDONE
AN ACT

To amend and reenact R.S. 14:120, relative to offenses affecting organized government; to provide relative to the crime of corrupt influencing; to provide for the increase of penalties for such crime; and to provide for related matters.

SENATE BILL NO. 5—

BY SENATORS CHAISSON, ALARIO, AMEDEE, BROOME, CHEEK, CRAVINS, CROWE, DONAHUE, DORSEY, DUPLESSIS, DUPRE, ERDEY, B. GAUTREAU, N. GAUTREAU, HEBERT, HEITMEIER, JACKSON, KOSTELKA, LONG, MARTINY, MICHOT, MORRISH, MOUNT, MURRAY, NEVERS, QUINN, RISER, SCALISE, SHAW, SHEPHERD, SMITH, THOMPSON AND WALSWORTH
AN ACT

To amend and reenact R.S. 42:1120, relative to recusal from voting for certain elected officials; to eliminate authorization for certain elected officials to vote upon certain matters which would otherwise present a conflict of interest; to allow for certain

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participation under certain circumstances; and to provide for related matters.

SENATE BILL NO. 29— BY SENATORS MARIONNEAUX, N. GAUTREAU AND LAFLEUR AND REPRESENTATIVE BALDONE

AN ACT

To amend and reenact R.S. 18:1483(14)(b) and 1505.2(O) and to enact R.S. 18:1483(14)(c), 1501.2 and 1505.2(I)(4), relative to campaign finance; to define certain political organizations to be included as political committees for purposes of filing campaign finance reports; to provide for reporting by such political organizations of campaign contributions and expenditures; to provide relative to the use of campaign funds; to provide for the payment of campaign finance fines, fees, and penalties; and to provide for related matters.

SENATE BILL NO. 37— BY SENATORS CHAISSON, AMEDEE, BROOME, CHEEK, DONAHUE, DUPLESSIS, N. GAUTREAU, JACKSON, KOSTELKA, MICHOT, SCALISE, SMITH AND WALSWORTH AND REPRESENTATIVE BALDONE

AN ACT

To enact R.S. 39:6(C), relative to the duties of the commissioner of administration; to require the commissioner of administration to establish and maintain a website to post reports of state spending; to provide for the contents of the website; and to provide for related matters.

SENATE BILL NO. 47— BY SENATOR ADLEY AND REPRESENTATIVE BALDONE

AN ACT

To amend and reenact R.S. 18:1501.1(A), 1505.2(O), and 1511.6(A) and to enact R.S. 18:1483(9.1), 1505.2(I)(4), and 1505.6(D), relative to election campaign finance; to provide relative to reports by persons not candidates or committees; to provide relative to prohibited practices and limitations; to provide relative to criminal penalties for violations of election campaign finance law; to provide penalties for engaging in prohibited practices or for failure to submit certain information to candidates or committees; to provide relative to the use of campaign funds; to provide for the payment of campaign finance fines, fees, and penalties; to provide for an effective date; and to provide for related matters.

Respectfully submitted, ROBERT W. "BOB" KOSTELKA Chairman

The foregoing Senate Bills were signed by the President of the Senate.

Privilege Report of the Committee on Senate and Governmental Affairs

ENROLLMENTS

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

February 25, 2008

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. 3— BY SENATORS ALARIO, CASSIDY, CRAVINS, CROWE, B. GAUTREAU, NEVERS AND SCALISE

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to review and consider eliminating provisions of federal law which reduce Social Security benefits for those receiving pension benefits from federal, state, or local government retirement or pension systems, plans, or funds.

SENATE CONCURRENT RESOLUTION NO. 27— BY SENATOR MARIONNEAUX

A CONCURRENT RESOLUTION

To designate the Smokin' Oldies Cook-Off in West Baton Rouge Parish as an official Louisiana State barbecue championship.

Respectfully submitted, ROBERT W. "BOB" KOSTELKA Chairman

The foregoing Senate Concurrent Resolutions were signed by the President of the Senate.

Message to the Governor

SIGNED SENATE BILLS

February 25, 2008

To the Honorable Governor of the State of Louisiana:

The President of the Senate and the Speaker of the House of Representatives have signed the following Senate Bill:

SENATE BILL NO. 53— BY SENATOR MURRAY AND REPRESENTATIVE BALDONE

AN ACT

To amend and reenact R.S. 14:120, relative to offenses affecting organized government; to provide relative to the crime of corrupt influencing; to provide for the increase of penalties for such crime; and to provide for related matters.

and they are hereby presented for executive approval.

Respectfully submitted, GLENN A. KOEPP Secretary of the Senate

Leaves of Absence

The following leaves of absence were asked for and granted:

McPherson 1 Day

Adjournment

Senator Broome moved that the Senate adjourn until Tuesday, February 26, 2008, at 9:00 o'clock A.M.

The President of the Senate declared the Senate adjourned until 9:00 o'clock A.M. on Tuesday, February 26, 2008.

GLENN A. KOEPP Secretary of the Senate

LYNDA E. WHEELER Journal Clerk