

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

THIRD DAY'S PROCEEDINGS

**Forty-Fifth Extraordinary Session of the Legislature
Under the Adoption of the
Constitution of 1974**

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Friday, June 22, 2018

The Senate was called to order at 5:10 o'clock P.M. by Hon. John A. Alario Jr., President of the Senate.

Morning Hour

CONVENING ROLL CALL

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

PRESENT

Mr. President	Erdey	Morrell
Allain	Fannin	Morrish
Appel	Gatti	Peacock
Barrow	Hewitt	Peterson
Bishop	Johns	Price
Boudreaux	Lambert	Smith, G.
Carter	Long	Tarver
Chabert	Luneau	Thompson
Claitor	Martiny	Ward
Cortez	Mills	White
Donahue	Mizell	
Total - 32		

ABSENT

Colomb	Perry	Walsworth
LaFleur	Riser	
Milkovich	Smith, J.	
Total - 7		

The President of the Senate announced there were 32 Senators present and a quorum.

Prayer

The prayer was offered by Senator James "Jim" Fannin, following which the Senate joined in the Pledge of Allegiance to the flag of the United States of America.

Reading of the Journal

On motion of Senator Chabert, the reading of the Journal was dispensed with and the Journal of June 21, 2018, was adopted.

Introduction of Senate Resolutions

SENATE RESOLUTION NO. 18—
BY SENATOR CLAITOR

A RESOLUTION

To commend John Honeycutt of Baton Rouge, Louisiana, for being selected as a candidate to represent Louisiana at the HOBY

World Leadership Congress to be held on July 21-28, 2018, at Loyola University in Chicago, Illinois.

The resolution was read by title and placed on the Calendar for a second reading.

SENATE RESOLUTION NO. 19—
BY SENATOR CLAITOR

A RESOLUTION

To commend Tucker Poret for being selected as a candidate to represent Louisiana at the HOBY World Leadership Congress to be held on July 21-28, 2018, at Loyola University in Chicago, Illinois.

The resolution was read by title and placed on the Calendar for a second reading.

SENATE RESOLUTION NO. 20—
BY SENATOR MILKOVICH

A RESOLUTION

To commend LaPolitics Weekly and editor and publisher, Jeremy Alford, on twenty-five years of accurately and enjoyably reporting on the political news of Louisiana and sharing thought-provoking opinions relevant to that news.

The resolution was read by title and placed on the Calendar for a second reading.

SENATE RESOLUTION NO. 21—
BY SENATOR DONAHUE

A RESOLUTION

To commend Cameron Doyle for being selected to represent Louisiana at the 2018 Hugh O'Brian Youth (HOBY) Leadership Program World Leadership Congress (WLC).

The resolution was read by title and placed on the Calendar for a second reading.

SENATE RESOLUTION NO. 22—
BY SENATOR GARY SMITH

A RESOLUTION

To commend Mr. Juan A. Ramirez on the occasion of his ninety-eighth birthday to be celebrated on July 24, 2018, and to honor his lifetime of accomplishments.

The resolution was read by title and placed on the Calendar for a second reading.

**Introduction of
Senate Concurrent Resolutions**

SENATE CONCURRENT RESOLUTION NO. 7—
BY SENATOR CLAITOR

A CONCURRENT RESOLUTION

To express the sincere condolences of the Louisiana Legislature upon the death of Charles Krauthammer.

The resolution was read by title and placed on the Calendar for a second reading.

SENATE CONCURRENT RESOLUTION NO. 8—
BY SENATOR MARTINY

A CONCURRENT RESOLUTION

To commend Gerald N. "Jerry" Giovaniello upon his retirement from the National Association of REALTORS® and to congratulate him for his thirty-seven years of service to the real estate industry and property owners nationwide.

The resolution was read by title and placed on the Calendar for a second reading.

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

June 22, 2018

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 Bills and Joint Resolutions:

HB No. 10 HB No. 1

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

House Bills and Joint Resolutions

Senator Long asked for and obtained a suspension of the rules to read House Bills and Joint Resolutions a first and second time by title and refer them to committee.

HOUSE BILL NO. 1— BY REPRESENTATIVE HENRY AN ACT

To appropriate funds and to make certain reductions in appropriations from certain sources to be allocated to designated agencies and purposes in specific amounts for the making of supplemental appropriations and reductions for said agencies and purposes for Fiscal Year 2018-2019; to provide for effectiveness; to provide for an effective date; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Finance.

HOUSE BILL NO. 10— BY REPRESENTATIVES DAVIS, BARRAS, BISHOP, STEVE CARTER, FOIL, HAZEL, MCFARLAND, GREGORY MILLER, AND ZERINGUE AND SENATORS CLAITOR, DONAHUE, AND WHITE AN ACT

To amend and reenact R.S. 47:301(16)(o)(i), 302(R)(2) and (3), (S), (T), (X)(introductory paragraph), (AA)(introductory paragraph), (AA)(29) through (31), and (AA)(32)(introductory paragraph), 321(H)(2) through (6), and (I) through (K), and 321.1(A) through (C), (E), (F)(introductory paragraph), (F)(66)(introductory paragraph), (F)(67) through (69), and (F)(70)(introductory paragraph), and 331(P), (Q), and (R), to enact R.S. 47:302(BB) and (CC), 321(P) and (Q), 321.1(I) and (J), and 331(V) and (W), and to repeal R.S. 47:302(Y), 321(M), 331(T), and Act No. 395 of the 2017 Regular Session of the Louisiana Legislature, relative to state sales and use taxes; to provide for the tax rate; to provide for the applicability of certain exclusions and exemptions applicable to certain taxes; to provide for effectiveness; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

House Concurrent Resolutions on Second Reading

HOUSE CONCURRENT RESOLUTION NO. 4— BY REPRESENTATIVES MARINO, DUPLESSIS, HAZEL, MUSCARELLO, PYLANT, AND STEFANSKI A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study and make recommendations relative to fees for the expungement of arrest and conviction records.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Yeas, Nays. Lists names of members and their counts for Yeas and Nays.

NAYS

Total - 0

ABSENT

Table with 3 columns: Name, Yeas, Nays. Lists names of absent members and their counts.

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

REVENUE AND FISCAL AFFAIRS

Senator Jean-Paul "JP" Morrell, Chairman on behalf of the Committee on Revenue and Fiscal Affairs, submitted the following report:

June 22, 2018

To the President and Members of the Senate:

I am directed by your Committee on Revenue and Fiscal Affairs to submit the following report:

SENATE CONCURRENT RESOLUTION NO. 6— BY SENATORS MORRELL AND ALARIO A CONCURRENT RESOLUTION

To suspend from July 1, 2018, until sixty days after final adjournment of the 2019 Regular Session of the Legislature of Louisiana the provisions of R.S. 47:321.1(E), the sunset date as to the tax levied pursuant to R.S. 47:321.1.

Reported favorably.

SENATE BILL NO. 1— BY SENATOR MORRELL AN ACT

To amend and reenact Section 2 of Act No. 5 of the 2018 Second Extraordinary Session of the Legislature, relative to sales and use tax; to provide with respect to collection and remittance of sales and use taxes; to provide for the effective date of the definition of dealer; and to provide for related matters.

Reported with amendments.

Respectfully submitted, JEAN-PAUL "JP" MORRELL Chairman

REPORT OF COMMITTEE ON

SENATE AND GOVERNMENTAL AFFAIRS

Senator Karen Carter Peterson, Chairwoman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

June 22, 2018

To the President and Members of the Senate:

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

SENATE RESOLUTION NO. 9—

BY SENATOR MORRELL

A RESOLUTION

To urge and request the governor of the state of Louisiana to recall any troops or other assets of the Louisiana National Guard from the United States-Mexico border until all children separated from their families at the border pursuant to the zero-tolerance memorandum are reunited with their families and the practice ceases of systematically separating children from their families on the sole ground that the parent or legal guardian is present in the United States in violation of federal immigration laws.

Reported favorably.

SENATE CONCURRENT RESOLUTION NO. 3—

BY SENATOR PETERSON

A CONCURRENT RESOLUTION

To create and establish the Constitutional Convention Study Commission to undertake all necessary study to examine the feasibility and advisability of calling a convention to revise the Constitution of Louisiana and, if a convention is found to be feasible and advisable, to make recommendations to the legislature for calling such a convention, including a plan for the conduct of an effective constitutional convention.

Reported with amendments.

SENATE CONCURRENT RESOLUTION NO. 5—

BY SENATORS BISHOP, BARROW, CARTER AND MIZELL AND REPRESENTATIVE THOMAS

A CONCURRENT RESOLUTION

To establish and recognize the Louisiana Early Childhood Learning Caucus of the Legislature of Louisiana and to provide relative to the caucus.

Reported favorably.

Respectfully submitted, KAREN CARTER PETERSON Chairwoman

Rules Suspended

Senator Morrell asked for and obtained a suspension of the rules to take up Senate Resolutions just reported by Committees.

Senate Resolutions on Second Reading Reported by Committees

SENATE RESOLUTION NO. 9—

BY SENATOR MORRELL

A RESOLUTION

To urge and request the governor of the state of Louisiana to recall any troops or other assets of the Louisiana National Guard from the United States-Mexico border until all children separated from their families at the border pursuant to the zero-tolerance memorandum are reunited with their families and the practice ceases of systematically separating children from their families

on the sole ground that the parent or legal guardian is present in the United States in violation of federal immigration laws.

Reported favorably by the Committee on Senate and Governmental Affairs.

Rules Suspended

Senator Morrell asked for and obtained a suspension of the rules to take up Senate Concurrent Resolutions just reported by Committees.

Senate Concurrent Resolutions on Second Reading Reported by Committees

SENATE CONCURRENT RESOLUTION NO. 3—

BY SENATORS PETERSON AND CARTER

A CONCURRENT RESOLUTION

To create and establish the Constitutional Convention Study Commission to undertake all necessary study to examine the feasibility and advisability of calling a convention to revise the Constitution of Louisiana and, if a convention is found to be feasible and advisable, to make recommendations to the legislature for calling such a convention, including a plan for the conduct of an effective constitutional convention.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Original Senate Concurrent Resolution No. 3 by Senator Peterson

AMENDMENT NO. 1

On page 3, between lines 24 and 25, insert the following:

"(14) A representative of the Louisiana AFL-CIO appointed by the Louisiana AFL-CIO.

(15) The director of the Louisiana Budget Project or his designee."

AMENDMENT NO. 2

On page 3, between lines 29 and 30, insert the following:

"BE IT FURTHER RESOLVED that members of the commission shall serve without compensation, except per diem or expense reimbursement to which any member may be individually entitled as a member of their respective organization."

AMENDMENT NO. 3

On page 6, line 1, after "purpose" insert a period "." and delete the remainder of the line and delete lines 2 and 3

On motion of Senator Peterson, the committee amendment was adopted.

The amended resolution was read by title and ordered engrossed and passed to a third reading.

SENATE CONCURRENT RESOLUTION NO. 5—

BY SENATORS BISHOP, BARROW, CARTER AND MIZELL AND REPRESENTATIVE THOMAS

A CONCURRENT RESOLUTION

To establish and recognize the Louisiana Early Childhood Learning Caucus of the Legislature of Louisiana and to provide relative to the caucus.

Reported favorably by the Committee on Senate and Governmental Affairs.

June 22, 2018

SENATE CONCURRENT RESOLUTION NO. 6—
BY SENATORS MORRELL AND ALARIO
A CONCURRENT RESOLUTION

To suspend from July 1, 2018, until sixty days after final adjournment of the 2019 Regular Session of the Legislature of Louisiana the provisions of R.S. 47:321.1(E), the sunset date as to the tax levied pursuant to R.S. 47:321.1.

Reported favorably by the Committee on Revenue and Fiscal Affairs. The concurrent resolution was read by title, ordered engrossed and passed to a third reading.

Rules Suspended

Senator Morrell asked for and obtained a suspension of the rules to take up Senate Bills and Joint Resolutions just reported by Committees.

Senate Bills and Joint Resolutions on Second Reading Reported by Committees

SENATE BILL NO. 1— BY SENATOR MORRELL

AN ACT

To amend and reenact Section 2 of Act No. 5 of the 2018 Second Extraordinary Session of the Legislature, relative to sales and use tax; to provide with respect to collection and remittance of sales and use taxes; to provide for the effective date of the definition of dealer; and to provide for related matters.

Reported with amendments by the Committee on Revenue and Fiscal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Original Senate Bill No. 1 by Senator Morrell

AMENDMENT NO. 1

On page 1, line 3, after "Legislature" insert "and R.S. 47:339(A)(2)"

AMENDMENT NO. 2

On page 1, between lines 13 and 14 insert:

"Section 2. R.S. 47:339(A)(2) is hereby amended and reenacted to read as follows:

§339. Louisiana Sales and Use Tax Commission for Remote Sellers

A. The Louisiana Sales and Use Tax Commission for Remote Sellers, hereinafter referred to as "commission", is created and established within the Department of Revenue for the administration and collection of the sales and use tax imposed by the state and political subdivisions with respect to remote sales. The commission shall:

* * *

(2) Serve as the single entity in Louisiana to require remote sellers and their designated agents to collect from customers and remit to the commission, sales and use taxes on remote sales sourced to Louisiana on the uniform Louisiana state and local sales and use tax base established by Louisiana law with respect applicable pursuant to any federal law as may be enacted by the United States Congress or final ruling by the United States Supreme Court authorizing states to require remote sellers to collect and remit state and local sales and use taxes on their sales in each state, except those remote sellers who qualify for exceptions as may be provided by federal law.

* * *

Section 3. Any provision of Chapter 2-E of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950 requiring a federal law to be enacted or effective for the provision to become effective shall be effective as of June 21, 2018."

AMENDMENT NO. 3

On page 1, line 14, delete "Section 2." and insert "Section 4."

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

Rules Suspended

Senator Allain asked for and obtained a suspension of the rules to allow the Senate Committee on Finance to add House Bill No. 1 to the agenda.

Rules Suspended

Senator Morrell asked for and obtained a suspension of the rules to allow the Senate Committee on Revenue and Fiscal Affairs to add House Bill No. 10 to the agenda.

Privileged Report of the Committee on Senate and Governmental Affairs

ENROLLMENTS

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

June 22, 2018

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. 2—

BY SENATOR CLAITOR AND REPRESENTATIVES STEVE CARTER AND FOIL

A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of Stanford O. Bardwell Jr., former United States Attorney for the Middle District of Louisiana, well-respected Baton Rouge attorney, loving family man, and active community and faith leader.

SENATE CONCURRENT RESOLUTION NO. 4—

BY SENATORS MORRELL, ALARIO, ALLAIN, APPEL, BARROW, BISHOP, BOUDREAUX, CARTER, CHABERT, CLAITOR, COLOMB, CORTEZ, DONAHUE, ERDEY, FANNIN, GATTI, HEWITT, JOHNS, LAFLEUR, LAMBERT, LONG, LUNEAU, MARTINY, MILKOVICH, MILLS, MIZELL, MORRISH, PEACOCK, PERRY, PETERSON, PRICE, RISER, GARY SMITH, JOHN SMITH, TARVER, THOMPSON, WALSWORTH, WARD AND WHITE AND REPRESENTATIVES BOUIE, GLOVER AND SMITH

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the passing of Judge Joan Bernard Armstrong of New Orleans and to note her many accomplishments as a public servant and as an instrument for change in the judiciary of the state.

Respectfully submitted, KAREN CARTER PETERSON Chairman

The foregoing Senate Concurrent Resolutions were signed by the President of the Senate.

ATTENDANCE ROLL CALL

PRESENT

Table with 3 columns: Name, Position, and Status. Includes Mr. President, Allain, Appel, Barrow, Erdey, Fannin, Gatti, Hewitt, Mizell, Morrell, Morrish, Peacock.

Bishop	Johns	Peterson
Boudreaux	Lambert	Price
Carter	Long	Smith, G.
Chabert	Luneau	Tarver
Claitor	Martiny	Thompson
Cortez	Milkovich	Ward
Donahue	Mills	White

Total - 33

ABSENT

Colomb	Perry	Smith, J.
LaFleur	Riser	Walsworth

Total - 6

Leaves of Absence

The following leaves of absence were asked for and granted:

Colomb	1 Day	LaFleur	1 Day
Perry	1 Day	Riser	1 Day
Smith, J.	1 Day	Walsworth	1 Day

Announcements

The following committee meetings for June 23, 2018, were announced:

Finance	9:00 A.M.	Room A
Revenue and Fiscal Affairs	9:00 A.M.	Hainkel Room

Adjournment

On motion of Senator Thompson, at 5:20 o'clock P.M. the Senate adjourned until Saturday, June 23, 2018, at 11:00 o'clock A.M.

The President of the Senate declared the Senate adjourned.

GLENN A. KOEPP
Secretary of the Senate

DIANE O' QUIN
Journal Clerk

