

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

THIRD DAY'S PROCEEDINGS

**Forty-Fourth Regular Session of the Legislature
Under the Adoption of the
Constitution of 1974**

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Wednesday, March 14, 2018

The Senate was called to order at 5:20 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 | Fannin | Morrish |
| Appel | Gatti | Peacock |
| Barrow | Hewitt | Perry |
| Bishop | Johns | Peterson |
| Boudreaux | LaFleur | Price |
| Carter | Long | Riser |
| Chabert | Luneau | Thompson |
| Claitor | Martiny | Walsworth |
| Colomb | Milkovich | Ward |
| Cortez | Mills | White |
| Erdey | Mizell | |
| Total - 32 | | |

ABSENT

| | | |
|-----------|-----------|--------|
| Allain | Morrell | Tarver |
| Donahue | Smith, G. | |
| Lambert | Smith, J. | |
| Total - 7 | | |

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

Prayer

The prayer was offered by Pastor Jeff Ginn, 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 Martiny, the reading of the Journal was dispensed with and the Journal of March 13, 2018, was adopted.

**Introduction of Senate Bills
and Joint Resolutions**

SENATE BILL NO. 462—
BY SENATOR MARTINY

AN ACT

To amend and reenact R.S. 33:5002(A) and (B)(2) and 5003, relative to inclusionary zoning for affordable housing; to provide for findings and purpose; to authorize and permit any municipality or parish with land use or zoning ordinances or regulations to adopt ordinances for inclusionary zoning for affordable housing; and to provide for related matters.

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

SENATE BILL NO. 463—

BY SENATOR PETERSON

AN ACT

To amend and reenact Civil Code Arts. 86, 87, 369, and 2318 and Children's Code Arts. 502(2) and 1113(A), and to repeal Civil Code Arts. 367 and 2333, Children's Code Arts. 1543 through 1550, and R.S. 9:225(A)(2), relative to marriage; to provide a minimum age for marriage; to provide definitions; to repeal certain provisions relative to emancipation by marriage; and to provide for related matters.

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

Introduction of Senate Resolutions

Senator Peacock asked for and obtained a suspension of the rules to read Senate Resolutions a first and second time.

SENATE RESOLUTION NO. 20—

BY SENATORS 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, MORRELL, MORRISH, PEACOCK, PERRY, PETERSON, PRICE, RISER, GARY SMITH, JOHN SMITH, TARVER, THOMPSON, WALSWORTH, WARD AND WHITE

A RESOLUTION

To commend Commander Gregory Reed Koeppe II of the United States Navy on his outstanding naval career and upon his service as the commanding officer of the soon-to-be, newly commissioned USS Colorado.

On motion of Senator Peacock the resolution was read by title and adopted.

**Introduction of
Senate Concurrent Resolutions**

SENATE CONCURRENT RESOLUTION NO. 19—

BY SENATOR GATTI

A CONCURRENT RESOLUTION

To commend Providence Classical Academy on the dedication of the Dr. Fred Lowery Library.

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

SENATE CONCURRENT RESOLUTION NO. 20—

BY SENATOR GATTI

A CONCURRENT RESOLUTION

To commend the archery team and coaches of Benton Middle School in Benton, Louisiana, for its accomplishment of winning the Middle School World Archery championship for the third consecutive year.

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

SENATE CONCURRENT RESOLUTION NO. 21—

BY SENATOR GATTI

A CONCURRENT RESOLUTION

To commend Lawrence and Varrie Player of Benton, Louisiana, on being the longest married couple in Louisiana for 2017.

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

SENATE CONCURRENT RESOLUTION NO. 22—

BY SENATOR GATTI

A CONCURRENT RESOLUTION

To commend the Kingston Elementary School archery team on winning the elementary school world archery championship.

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

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SENATE CONCURRENT RESOLUTION NO. 23—
BY SENATOR GATTI
A CONCURRENT RESOLUTION
To commend Vicki's School of Dance on its forty-seventh anniversary.

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

SENATE CONCURRENT RESOLUTION NO. 24—
BY SENATORS GATTI AND PEACOCK
A CONCURRENT RESOLUTION
To commend Bossier Sign Company, Inc. on its fiftieth anniversary.

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

SENATE CONCURRENT RESOLUTION NO. 25—
BY SENATOR ERDEY AND REPRESENTATIVE MACK
A CONCURRENT RESOLUTION
To commend the Holden High School Lady Rockets on winning the Louisiana High School Athletic Association Class B girls basketball championship.

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

SENATE CONCURRENT RESOLUTION NO. 26—
BY SENATOR CORTEZ
A CONCURRENT RESOLUTION
To provide for the selection and authority of commissioners to attend an Article V Convention called for proposing amendments to the U.S. Constitution, as provided for in Article V of that Constitution.

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

Senate Bills and Joint Resolutions on Second Reading to be Referred

SENATE BILL NO. 460—
BY SENATOR CARTER
AN ACT
To repeal R.S. 48:25.2(D), relative to special treasury funds; to repeal the termination date of the New Orleans Ferry Fund.

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

SENATE BILL NO. 461—
BY SENATOR LONG
AN ACT
To provide relative to state highways; to designate a portion of Louisiana Highway 117 in Natchitoches Parish as the "Caroline Dorman Highway"; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Transportation, Highways and Public Works.

Senate Concurrent Resolutions on Second Reading

SENATE CONCURRENT RESOLUTION NO. 13—
BY SENATOR CARTER
A CONCURRENT RESOLUTION
To memorialize the Congress of the United States to take such actions as are necessary to pass the Disability Integration Act of 2017.

The resolution was read by title and referred by the President to the Committee on Health and Welfare.

SENATE CONCURRENT RESOLUTION NO. 14—
BY SENATOR WARD
A CONCURRENT RESOLUTION
To approve the Atchafalaya Basin Annual Plan for Fiscal Year 2018-2019, as adopted by the Atchafalaya Basin Research and Promotion Board and the Coastal Protection and Restoration Authority.

The resolution was read by title and referred by the President to the Committee on Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 16—
BY SENATOR COLOMB
A CONCURRENT RESOLUTION
To memorialize the Congress of the United States to review the Americans with Disabilities Act section on telecommunications, codified as 47 U.S.C. §151, et seq., and determine if additional provisions are needed to properly provide assistance in entering numerical information when prompted by a computerized telephone system for those who are hearing impaired, whether deaf or hard of hearing.

The resolution was read by title and referred by the President to the Committee on Health and Welfare.

SENATE CONCURRENT RESOLUTION NO. 17—
BY SENATOR BISHOP
A CONCURRENT RESOLUTION
To urge and request the New Orleans City Council for the city of New Orleans to rename a portion of Higgins Boulevard in Orleans Parish as Johnny Jackson Jr. Boulevard to honor the memory of Johnny Jackson Jr., a former city councilman, state representative, and community leader.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 31

NAYS

Total - 0

ABSENT

Table with 3 columns: Name, Lambert, Smith, J. Lists names of senators and their counts for ABSENT.

Total - 8

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

SENATE CONCURRENT RESOLUTION NO. 18—
BY SENATOR PEACOCK
A CONCURRENT RESOLUTION
To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the untimely death of Emilie Michelle Gibson of Bossier City, Louisiana, and to remember her contributions to others.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|---------------|-----------|-----------|
| Mr. President | Gatti | Peacock |
| Appel | Hewitt | Perry |
| Barrow | Johns | Peterson |
| Bishop | LaFleur | Price |
| Boudreaux | Long | Riser |
| Carter | Luneau | Thompson |
| Chabert | Martiny | Walsworth |
| Claitor | Milkovich | Ward |
| Cortez | Mills | White |
| Erdey | Mizell | |
| Fannin | Morrish | |
| Total - 31 | | |

NAYS

Total - 0

ABSENT

| | | |
|-----------|-----------|-----------|
| Allain | Lambert | Smith, J. |
| Colomb | Morrell | Tarver |
| Donahue | Smith, G. | |
| Total - 8 | | |

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

Message from the House

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

March 13, 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 concurred in the following Senate Concurrent Resolutions:

SENATE CONCURRENT RESOLUTION NO. 15—
BY SENATORS JOHNS, MORRISH AND JOHN SMITH AND REPRESENTATIVES ABRAHAM, DANAHAY, DWIGHT, FRANKLIN, GUINN AND HILL

A CONCURRENT RESOLUTION

To commend Firestone Polymers, LLC upon seventy-five years as a maker of synthetic rubber, an endeavor that began in support of the United States war effort in World War II.

Reported without amendments.

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

**House Concurrent Resolutions on
Second Reading**

HOUSE CONCURRENT RESOLUTION NO. 9—
BY REPRESENTATIVE HOFFMANN

A CONCURRENT RESOLUTION

To recognize June 2018 as Post-traumatic Stress Injury Awareness Month and to recognize Wednesday, June 27, 2018, as Post-traumatic Stress Injury Awareness Day in Louisiana.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|---------------|-----------|-----------|
| Mr. President | Fannin | Morrish |
| Appel | Gatti | Peacock |
| Barrow | Hewitt | Perry |
| Bishop | Johns | Price |
| Boudreaux | Long | Riser |
| Carter | Luneau | Thompson |
| Chabert | Martiny | Walsworth |
| Claitor | Milkovich | Ward |
| Cortez | Mills | White |
| Erdey | Mizell | |
| Total - 29 | | |

NAYS

Total - 0

ABSENT

| | | |
|------------|-----------|-----------|
| Allain | Lambert | Smith, J. |
| Colomb | Morrell | Tarver |
| Donahue | Peterson | |
| LaFleur | Smith, G. | |
| Total - 10 | | |

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
COMMERCE, CONSUMER PROTECTION
AND INTERNATIONAL AFFAIRS**

Senator Daniel R. Martiny, Chairman on behalf of the Committee on Commerce, Consumer Protection and International Affairs, submitted the following report:

March 14, 2018

To the President and Members of the Senate:

I am directed by your Committee on Commerce, Consumer Protection and International Affairs to submit the following report:

SENATE BILL NO. 63—
BY SENATOR MARTINY
AN ACT

To enact R.S. 49:191(10)(c) and to repeal R.S. 49:191(8)(h), relative to the Department of Economic Development; to provide for the re-creation of the Department of Economic Development and all statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 64—
BY SENATOR MARTINY
AN ACT

To enact R.S. 49:191(10)(c) and to repeal R.S. 49:191(8)(i), relative to the Department of Public Service; to provide for the re-creation of the Department of Public Service and all statutory entities made a part of the department by law; to provide for the

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effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 126—
BY SENATOR MARTINY

AN ACT

To enact R.S. 32:1264.2, relative to recall repairs; to provide for definitions; to provide for reimbursement claims; to provide for compensation to a dealer under certain circumstances; to provide for terms, conditions, and procedures; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 416—
BY SENATOR WHITE

AN ACT

To enact R.S. 51:703(D)(5), relative to investment adviser representatives; to provide for criminal background checks; to provide for exceptions; to provide for terms, conditions, and procedures; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
DANIEL R. MARTINY
Chairman

REPORT OF COMMITTEE ON
HEALTH AND WELFARE

Senator Fred H. Mills Jr., Chairman on behalf of the Committee on Health and Welfare, submitted the following report:

March 14, 2018

To the President and Members of the Senate:

I am directed by your Committee on Health and Welfare to submit the following report:

SENATE BILL NO. 24—
BY SENATOR MILLS

AN ACT

To amend and reenact the introductory paragraph of R.S. 37:2703 and (15)(b) and to enact R.S. 37:2703(B), relative to social work practice; to provide for an exception from licensure; to provide for technical corrections; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 26—
BY SENATOR MILLS

AN ACT

To enact R.S. 40:2191, relative to disposal of controlled substances by hospice providers; to provide for ownership; to provide for written procedures; to provide for patient records; to provide for disposal; to provide for patient notification; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 28—
BY SENATOR MILLS

AN ACT

To enact R.S. 37:1251(D) and R.S. 40:978(F)(3) and 978.3(E), relative to veterinarians; to exempt veterinarians and certain manufacturers from disclosure of prescription drug price information provisions; to exempt veterinarians from accessing the prescription monitoring program prior to prescribing an opioid; to exempt veterinarians from continuing education

requirements for prescribers of controlled dangerous substances; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 76—
BY SENATOR BOUDREAUX

AN ACT

To amend and reenact R.S. 14:402.1, relative to controlled dangerous substances in a hospital; to provide for applicability to all hospitals; to provide for relevant statutory reference; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 90—
BY SENATOR MILLS

AN ACT

To enact Subpart D of Part 1 of Subchapter A of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1156.1, relative to a voluntary nonopioid directive form; to provide for voluntary prescription opioid opt-out opportunity for patients; to provide for a form; to provide for access to the form; to provide for immunity; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 99—
BY SENATOR MORRELL

AN ACT

To amend and reenact R.S. 37:3718, relative to the Louisiana Behavior Analyst Board; to provide for a termination date of the board; to provide for an effective date; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 109—
BY SENATOR JOHNS

AN ACT

To enact R.S. 40:1007(E)(8), relative to access to prescription monitoring information; to provide for access by certain Louisiana Department of Health epidemiologists; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 110—
BY SENATOR JOHNS

AN ACT

To amend and reenact R.S. 40:1003(10), relative to definitions used for implementation of the prescription monitoring program; to provide for an update to certain terms; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 131—
BY SENATOR MILLS

AN ACT

To amend and reenact R.S. 37:1202(A), (B)(4), and (C) and 1203(A) and to enact R.S. 37:1202(D), relative to licensing requirements for pharmacists; to provide for qualifications to obtain a license; to provide for the expiration of examination scores; to provide for a timeline to issue a license; to provide for qualifications for reciprocity; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 134—
BY SENATOR MILLS

AN ACT

To amend and reenact R.S. 40:978(A), relative to prescriptions for controlled dangerous substances; to provide for patient options

regarding quantity dispensed; to provide technical corrections; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 207—
BY SENATOR BOUDREAU

AN ACT

To amend and reenact R.S. 40:2018.4, relative to the Louisiana Obesity Prevention and Management Commission; to provide for membership; to provide for the functions of the commission; to provide for a termination date of the commission; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 241—
BY SENATOR MORRELL

AN ACT

To amend and reenact R.S. 22:1657 and to enact R.S. 37:1219, relative to pharmacist communication with patients; to provide for cost options regarding prescription drugs; to provide for immunity; to provide for prohibited contract clauses; and to provide for related matters.

Reported favorably.

Respectfully submitted,
FRED H. MILLS JR.
Chairman

REPORT OF COMMITTEE ON

INSURANCE

Senator John Smith, Chairman on behalf of the Committee on Insurance, submitted the following report:

March 14, 2018

To the President and Members of the Senate:

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

SENATE BILL NO. 35—
BY SENATOR JOHN SMITH

AN ACT

To amend and reenact R.S. 22:1995, relative to departmental complaint directives; to provide with respect to the levying of fines for the failure to comply with certain directives; to provide for the discretion of the commissioner of insurance regarding the levying of fines for the failure to comply with a directive issued by the commissioner in response to a complaint; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 36—
BY SENATOR JOHN SMITH

AN ACT

To enact R.S. 22:1573(N), relative to continuing education requirements for insurance producers; to provide for reciprocity of license renewal; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 37—
BY SENATOR JOHN SMITH

AN ACT

To amend and reenact R.S. 22:1667, relative to claims adjuster registration; to provide for registration of unlicensed adjusters in certain circumstances; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 85—
BY SENATOR JOHN SMITH

AN ACT

To amend and reenact R.S. 22:41(13), relative to the insurance policyholder bill of rights; to provide for an insured to opt in to receive a claim payment by electronic transfer; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 86—
BY SENATOR JOHN SMITH

AN ACT

To amend and reenact R.S. 22:1673(B) and (C), relative to continuing education for insurance adjusters; to provide for an exemption for adjusters upon their first renewal; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 87—
BY SENATOR JOHN SMITH

AN ACT

To amend and reenact R.S. 22:42(F), relative to public records of the commissioner of insurance; to provide with respect to the commissioner requiring or permitting the electronic filing of any application for any license or registration; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 138—
BY SENATOR LUNEAU

AN ACT

To amend and reenact R.S. 32:872(D), relative to automobile insurance; to provide relative to required security and proof of financial responsibility; to provide for out-of-state automobile insurance coverage; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 272—
BY SENATOR JOHN SMITH

AN ACT

To enact R.S. 22:1056, relative to health insurance policy coverage of incarcerated persons prior to adjudication; to require insurance coverage for health care provided premiums are paid; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
JOHN SMITH
Chairman

REPORT OF COMMITTEE ON

SENATE AND GOVERNMENTAL AFFAIRS

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

March 14, 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 BILL NO. 22—
BY SENATOR THOMPSON

AN ACT

To amend and reenact R.S. 38:3087.4(A) and (B), relative to the Poverty Point Reservoir District Board of Commissioners; to

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provide for an additional gubernatorial appointment to the Board of Commissioners; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 30—
BY SENATOR PERRY

AN ACT

To enact R.S. 24:202(A)(26), relative to the Louisiana State Law Institute; to provide for the membership of the council; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 137—
BY SENATOR PEACOCK

AN ACT

To enact R.S. 1:58.9, relative to Diffuse Intrinsic Pontine Glioma awareness; to designate "Diffuse Intrinsic Pontine Glioma Awareness Day" in Louisiana; to promote public awareness about the cancer and recognize those individuals who have been diagnosed with Diffuse Intrinsic Pontine Glioma; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 142—
BY SENATOR PETERSON

AN ACT

To enact R.S. 49:191(10)(c) and to repeal R.S. 49:191(8)(b), relative to the Department of State Civil Service, including provisions to provide for the re-creation of the Department of State Civil Service and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 174—
BY SENATOR PERRY

AN ACT

To repeal Chapter 9 of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:551 through 553, R.S. 25:802(A)(7) and (B)(11), and R.S. 36:209(H)(11), relative to the Old Arsenal Museum; to provide for its management, operation, maintenance, and control; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 175—
BY SENATOR PERRY

AN ACT

To enact R.S. 49:150.1(H), relative to the state capitol complex; to provide for the establishment and maintenance of a monument honoring Louisiana Gold Star Families; to provide for the duties of the superintendent of state buildings relative thereto; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 319—
BY SENATOR GATTI

AN ACT

To amend and reenact R.S. 47:302.26(C)(4) and R.S. 51:2214(H) and to repeal Chapter 21 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3051 through 3060, R.S. 33:4579 through 4579.5, Chapter 27-A of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:9039.1 through 9039.4, Part IV of Chapter 6 of Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S. 34:1101 through 1106, R.S. 36:4(X), 109(U), and 651(D)(10), R.S. 38:291(J), Part IV of Chapter 7 of Title 38 of the Louisiana Revised Statutes of 1950, comprised of R.S. 38:1921, Part XXXII of Chapter 13 of Title 38 of the Louisiana Revised Statutes of 1950, comprised of R.S. 38:3087.301 through

3087.314, R.S. 39:551.10, R.S. 40:1061.16(F), Part VII of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1273.1 through 1273.8, Part III of Chapter 10 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:1081 through 1083, R.S. 47:463.67, Chapter 18 of Title 49 of the Louisiana Revised Statutes of 1950, comprised of R.S. 49:1211 through 1213, Chapter 40 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:2401, relative to boards, commissions, authorities, districts, and like entities; to provide relative to the functional organization of state government by abolishing certain boards, commissions, authorities, districts, and like entities; to remove references to certain abolished entities; to transfer property of certain abolished entities; to remove references to, provisions for, and the powers, functions, and duties of the Health Education Authority of Louisiana, St. Tammany Event Center District, Louisiana's I-12 Retirement District, Board of Morgan City, Berwick Port Pilot Commissioners and Examiners, North Bossier Levee and Drainage District, Bayou Desiard Lake Restoration Commission, Red River, Atchafalaya River, and Bayou Boeuf Gravity Drainage District, Jackson Parish Industrial District, Point of Rescue Task Force a/k/a Task Force on Abortion Information, River Region Cancer Screening and Early Detection District, Parish Hospital Service District for Rapides Parish, Louisiana Council on the Social Status of Black Men and Boys, and Louisiana Innovation Council; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 419—
BY SENATOR PETERSON

AN ACT

To amend and reenact R.S. 34:1(A)(3) and R.S. 42:1112(D) and to repeal R.S. 42:1120.1 and 1123(8), relative to the Board of Commissioners of the Port of New Orleans; to repeal recusal provisions for members of the Board of Commissioners of the Port of New Orleans; to remove provisions allowing certain individuals to serve as members of the board; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
KAREN CARTER PETERSON
Chairman

Senate Bills and Joint Resolutions
on Second Reading
Reported by Committees

SENATE BILL NO. 2—
BY SENATOR PEACOCK

AN ACT

To grant a permanent benefit increase to retirees and beneficiaries of the Louisiana State Police Retirement System in conformity with the statutory provisions governing the system's experience account.

Reported with amendments by the Committee on Retirement.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Retirement to Original Senate Bill No. 2 by Senator Peacock

AMENDMENT NO. 1

On page 2, line 8, delete "is expected" and on line 9 delete "to send" and insert "has sent"

AMENDMENT NO. 2

On page 2, line 14, delete "is expected to contain" and insert "contains"

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

SENATE BILL NO. 3—

BY SENATOR PEACOCK

AN ACT

To amend and reenact R.S. 11:618(B), relative to hazardous duty retirement plans and sub-plans; to provide for members killed in the line of duty by an intentional act of violence; to provide for benefits for survivors of these members; to provide for qualifications to receive these benefits; to provide for benefit calculation; to provide for notification; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Retirement.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Retirement to Original Senate Bill No. 3 by Senator Peacock

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 11:" delete the remainder of the line and insert "478(E), 585, the introductory paragraph of 586(A) and 586(B), 587, 618(B), and 3685(A)(2)(e) and to enact R.S. 11:478(F), 586(A)(5), and 604(F), relative to hazardous duty retirement plans and"

AMENDMENT NO. 2

On page 1, line 9, after "R.S. 11:" delete the remainder of the line and insert "478(E), 585, the introductory paragraph of 586(A) and 586(B), 587, 618(B), and 3685(A)(2)(e) are hereby amended and reenacted and R.S. 11:478(F), 586(A)(5), and 604(F) are hereby enacted to read as follows:

AMENDMENT NO. 3

On page 1, between lines 9 and 10, insert the following: "§478. Benefits payable to certain members killed in the line of duty; survivor benefits; corrections officers hired on or before December 31, 2010

E. The provisions of Subsections A through D of this Section shall be applied retroactively to July 1, 1996.

F. If the member's death resulted from an intentional act of violence and the member has a surviving spouse, minor, or handicapped or mentally incapacitated child or children, the amount of the total benefit shall equal one hundred percent of the member's average compensation. The benefit shall be shared equally by the surviving spouse and children. When a child who is not handicapped or mentally incapacitated no longer meets the definition of minor child under R.S. 11:403, his benefit shall cease, and the remaining beneficiaries shall have their shares adjusted accordingly.

§585. Death benefits of surviving spouse

A. If any member's death results from injury received in the line of duty, survivor benefits shall be payable as provided for in accordance with this Section. This benefit is payable only if the member dies as a direct result of injuries sustained in the line of duty.

B. The benefit for the surviving spouse of any member with twenty-five years or more of service with the department, or commission, whose death results from injury received in line of duty, shall be pensioned at seventy-five shall equal:

(1) Seventy-five percent of his the member's average compensation if the member had twenty-five years or more of service with the department or commission.

(2) and on sixty Sixty percent of his the member's average compensation if said employee the member had credit for less than twenty-five years of service with the department; or commission.

(3) One hundred percent of the member's average compensation, regardless of years of service, if the member's death resulted from an intentional act of violence.

C. ; provided, however, that said pension The survivor benefit shall be paid only so long as she the surviving spouse is eligible under the provisions of this Subpart.

§586. Death benefits of minor children

A. If there is no surviving spouse to receive the pension due a widow of any member benefit provided under R.S. 11:585, minor children of the deceased member shall receive a monthly pension in the proportions set out as follows:

(5) If the member's death resulted from an intentional act of violence and the member has a minor, or handicapped or mentally incapacitated child or children, the amount of the total benefit shall equal one hundred percent of the member's average compensation. The benefit shall be shared equally by the children. When a child who is not handicapped or mentally incapacitated no longer meets the definition of minor child under R.S. 11:403, his benefit shall cease, and the remaining beneficiaries shall have their shares adjusted accordingly.

B. When Except as otherwise provided in Paragraph (A)(5) of this Section, when a child no longer meets the definition of minor child as provided in R.S. 11:403, he shall receive no further benefits and the monthly pension shall be reduced by the amount previously paid to him.

§587. Death benefits of parents

If there is no surviving spouse and no minor children eligible to receive a benefit, a monthly pension of twenty-five percent of the average compensation of the deceased member shall be paid to the parent or parents of the deceased member, if they, or either of them, derived their main support from the member. The pension shall equal:

(1) One hundred percent of the member's average compensation if the member's death resulted from an injury received in the line of duty, and such injury resulted from an intentional act of violence.

(2) Twenty-five percent of the member's average compensation.

§604. Survivor's benefit for members killed in the line of duty

F. If the member's death resulted from an intentional act of violence and the member has a surviving spouse, minor, or handicapped or mentally incapacitated child or children, the amount of the total benefit shall equal one hundred percent of the member's average compensation. The benefit shall be shared equally by the surviving spouse and children. When a child who is not handicapped or mentally incapacitated no longer meets the definition of minor child under R.S. 11:403, his benefit shall cease, and the remaining beneficiaries shall have their shares adjusted accordingly.

AMENDMENT NO. 4

On page 2, between lines 11 and 12, insert the following:

"§3685. Benefits

A. (2) Benefits shall be payable to survivors of a deceased member who had at least five years of creditable service and who dies before retirement as specified in the following:

(e) Provided that in the case of death of any member resulting from injury received in line of duty survivors' benefits shall be paid regardless of number of years of service and shall be equal:

(i) sixty Sixty percent of his the member's final salary payable to his widow the surviving spouse until she the spouse remarries or to his the surviving children under eighteen years of age if there is no eligible surviving widow spouse; or to his the member's surviving parents if there is no eligible surviving widow spouse or child.

(ii) One hundred percent of the member's final salary if the member's death resulted from an intentional act of violence payable to the surviving spouse until the spouse remarries or to the surviving children under eighteen years of age if there is no eligible surviving spouse; or to the member's surviving parents if there is no eligible surviving spouse or child.

March 14, 2018

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

SENATE BILL NO. 4—
BY SENATOR PEACOCK

AN ACT

To enact R.S. 11:252, relative to the state and statewide retirement systems; to provide relative to the employment of actuaries; to limit the duties a board may prescribe for or require of an actuary; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Retirement. The was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 5—
BY SENATOR PEACOCK

AN ACT

To amend and reenact R.S. 11:1322(B), to provide relative to benefits of State Police Retirement System retirees' surviving spouses; to provide for qualifications for payment of survivor benefits; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Retirement. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 6—
BY SENATOR PEACOCK

AN ACT

To amend and reenact R.S. 11:723(C), relative to the Clerks' of Court Retirement and Relief Fund; to provide for membership requirements; to provide with respect to members previously employed in other public employment; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Retirement. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 7—
BY SENATOR PEACOCK

AN ACT

To amend and reenact R.S. 11:2220(B)(1)(a)(ii) and (2)(a) and (b) and (G) and 2223(E)(2), relative to the Municipal Police Employees' Retirement System; to provide relative to the term "average final compensation"; to provide for consistency of language; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Retirement.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Retirement to Original Senate Bill No. 7 by Senator Peacock

AMENDMENT NO. 1

On page 3, at the end of line 6, insert "**final**"

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

SENATE BILL NO. 8—
BY SENATOR PEACOCK

AN ACT

To amend and reenact R.S. 11:2241.3(A) and to enact R.S. 11:2220(C)(4) relative to the Municipal Police Employees' Retirement System; to provide for membership classification; to provide relative to refund of contributions; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Retirement.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Retirement to Original Senate Bill No. 8 by Senator Peacock

AMENDMENT NO. 1

On page 1, line 14, after "**(4)**" insert "**(a)**"

AMENDMENT NO. 2

On page 1, line 14, after "**contrary,**" and before "**any**" insert "**except Subparagraph (b) of this Paragraph,**"

AMENDMENT NO. 3

On page 2, between lines 2 and 3, insert:

"(b) Notwithstanding the eighteen-month waiting period in R.S. 11:2218(G), any member whose first employment making him eligible for membership in this system occurred prior to January 1, 2013, who received a refund of all contributions as provided for in this Subsection before June 30, 2018, who returns to employment making him eligible for membership in this system shall be immediately eligible to obtain credit for his previous service in the system. The member may reestablish the previous service under the plan provisions that applied to the member on the date he received his refund by repaying the refund with interest calculated as provided in R.S. 11:2218(G) within one year of returning to employment covered by this system. If the member repays the refund at any time thereafter, the provisions of Subparagraph (a) of this Paragraph shall apply."

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

SENATE BILL NO. 9—
BY SENATOR PEACOCK

AN ACT

To amend and reenact R.S. 11:1332(A)(1)(c), relative to the experience account of the State Police Retirement System; to provide for credits to the experience account; to provide for accumulation of credits to fund supplemental permanent benefit increases; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Retirement. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 11—
BY SENATOR PEACOCK

AN ACT

To amend and reenact R.S. 11:1532, relative to the Clerks' of Court Retirement and Relief Fund; to provide for eligible rollover distributions to certain persons; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Retirement. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 12—
BY SENATOR PEACOCK

AN ACT

To amend and reenact R.S. 11:2213(22), 2220(B)(2), 2241.8, and 2242.8 and to enact R.S. 11:2213(23) and (24), relative to the Municipal Police Employees' Retirement System; to provide for definitions; to provide for survivor benefit qualifications; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Retirement.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Retirement to Original Senate Bill No. 12 by Senator Peacock

AMENDMENT NO. 1

On page 1, delete lines 15-17 and insert:

"(a) The person is enrolled in a high school or postsecondary education institution duly accredited or approved by the appropriate state, regional, or professional accrediting agency which is recognized by the state in which it is located or by the United States Department of Education pursuant to the applicable laws, rules, or regulations."

AMENDMENT NO. 2

On page 2, at the end of line 7, change the period "." to "**2241.8, or 2242.8.**"

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

SENATE BILL NO. 13—
BY SENATOR PEACOCK

AN ACT

To amend and reenact R.S. 11:121(A) and 126, relative to the Public Retirement Systems' Actuarial Committee; to provide for the officers of the committee; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Retirement.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Retirement to Original Senate Bill No. 13 by Senator Peacock

AMENDMENT NO. 1

On page 1, line 2, after "126" and before "relative to" delete the comma "," and insert "and to repeal R.S. 36:769(L)."

AMENDMENT NO. 2

On page 2, between lines 3 and 4, insert the following:
"Section 2. R.S. 36:769(L) is hereby repealed."

AMENDMENT NO. 3

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

AMENDMENT NO. 4

On page 2, line 8, change "Section 3." to "Section 4."

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

SENATE BILL NO. 17—
BY SENATOR PEACOCK

AN ACT

To amend and reenact R.S. 11:142(F)(3), (G), and (K), 152(C), and 153(F) and 29:411(B), 412, 414, and 415(A)(1) and (D) and to enact R.S. 11:152.1 and 153(L), relative to creditable service in public retirement and pension systems, plans, and funds for service in the uniformed services; to provide relative to contributions, procedures, time limitations, and costs; to provide for rules promulgation; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Retirement. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 18—
BY SENATOR CORTEZ

AN ACT

To amend and reenact R.S. 14:63.3(A) and 63.4(A), and to enact R.S. 14:63(J), relative to criminal trespass; to provide for the use of purple paint in lieu of signs to indicate that unauthorized entrance on property is prohibited; to provide definitions; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 42—
BY SENATORS APPEL, CLAITOR, MILLS, MORRELL AND WHITE

AN ACT

To enact R.S. 14:126.1.1, relative to perjury; to create the crime of false communication with the intent to cause an emergency response by a law enforcement agency or "swatting"; to provide definitions; to provide penalties; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 42 by Senator Appel

AMENDMENT NO. 1

On page 2, delete lines 10 through 18 and insert the following:

"(4) If an emergency response results and the death of a person occurs, shall be imprisoned at hard labor for not more than forty years."

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

SENATE BILL NO. 50—
BY SENATORS MORRELL, BARROW, MILLS AND WHITE

AN ACT

To amend and reenact the introductory paragraph of R.S. 14:67.16(A)(2) and 67.16(B), and to enact R.S. 14:67.16(A)(2)(o), (4), and (5) and (I), relative to the crime of identity theft; to add a person's telephone number to the definition of "personal identifying information" for purposes of the crime of identity theft; to provide definitions; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. The bill was read by title, ordered engrossed and passed to a third reading.

March 14, 2018

SENATE BILL NO. 65—
BY SENATOR JOHNS

AN ACT

To amend and reenact R.S. 51:2455(D)(3), relative to Quality Jobs incentive rebates; to change the application period for certain incentive rebates; to provide for an effective date; 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. 65 by Senator Johns

AMENDMENT NO. 1

On page 1, delete lines 10 through 15, and insert:

"(3) Applications shall be filed no later than twenty-four months after the filing of the advance notification, except for ~~advances~~ **as follows:**

(a) For advance notifications filed on or after January 1, 2014, and before January 31, 2014, applications may be filed at any time prior to January 31, 2016.

(b) For advance notifications filed on or after June 1, 2015, and before July 1, 2015, applications may be filed at any time before January 1, 2018."

AMENDMENT NO. 2

On page 1, line 17, after "Section 2." delete the remainder of the line and insert: "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."

AMENDMENT NO. 3

On page 2, line 1, after "Section 3." delete the remainder of the line and delete lines 2 through 6 and insert: "In the event a conflict between this Act and the provisions of Section 3 of Act No. 126 of the 2015 Regular Session of the Legislature, the provisions of this Act shall supercede and control."

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

SENATE BILL NO. 92—
BY SENATOR WARD

AN ACT

To amend and reenact R.S. 35:191(C)(3), relative to notaries public; to provide relative to written examinations and procedures; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 101—
BY SENATOR MORRELL AND REPRESENTATIVE MORENO

AN ACT

To amend and reenact R.S. 15:555 and 556 and to enact R.S. 36:706(D), relative to sexual assault collection kits and forensic medical examinations; to create the Louisiana Sexual Assault Oversight Commission; to provide relative to the membership, meetings, compensation, and duties of the Louisiana Sexual Assault Oversight Commission; to provide relative to the office of the attorney general; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 101 by Senator Morrell

AMENDMENT NO. 1

On page 1, line 2, after "reenact" insert "Chapter 3-C of Title 15 of the Louisiana Revised Statutes of 1950, comprised of"

AMENDMENT NO. 2

On page 1, line 9, after "Section 1." delete the remainder of the line insert the following: "Chapter 3-C of Title 15 of the Louisiana Revised Statutes of 1950, comprised of R.S. 15:555 and 556, is hereby amended and reenacted to read as"

AMENDMENT NO. 3

On page 3, between lines 23 and 24, insert the following:

"(15) The director of the North Louisiana Criminalistics Laboratory or his designee.

(16) The director of the Southwest Louisiana Regional Crime Laboratory or his designee.

(17) The director of the Acadiana Criminalistics Laboratory or his designee."

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

SENATE BILL NO. 123—
BY SENATOR PERRY

AN ACT

To amend and reenact R.S. 13:1878, relative to city courts; to provide for courts with two divisions; to provide for division declaration; to provide for determining the presiding judge; to provide for the duties of the presiding judge; to provide for the term of the presiding judge; to provide for technical changes; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 132—
BY SENATOR MORRELL

AN ACT

To amend and reenact R.S. 47:6103, relative to the administration of the school readiness tax credit program; to provide relative to rulemaking procedures pursuant to the school readiness tax credit program; to provide relative to the oversight committees for school readiness tax credit program rules; and to provide for related matters.

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

SENATE BILL NO. 147—
BY SENATOR MORRELL AND REPRESENTATIVE MORENO

AN ACT

To enact Chapter 12-A of Title 13 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 13:3381 and 3382, relative to certain claims initiated by alleged perpetrators of sexual misconduct; to provide for special procedures when claims are against the alleged victim; to provide for waivers; to provide for damages; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 147 by Senator Morrell

AMENDMENT NO. 1

On page 1, line 3, after "R.S. 13:3381" delete "and 3382" and insert "through 3384"

AMENDMENT NO. 2

On page 1, line 5, after "damages;" insert "to provide for presumptions;"

AMENDMENT NO. 3

On page 1, line 9, after "R.S. 13:3381" delete "and 3382" and insert "through 3384"

AMENDMENT NO. 4

On page 2, delete lines 13 and 14, and insert the following: **"frivolous, the court shall order the plaintiff to pay all court costs and reasonable attorney fees and the defendant shall be entitled to exemplary damages."**

AMENDMENT NO. 5

On page 3, after line 1, insert the following:

§3383. Costs

A defendant shall not be required to prepay costs to file an answer to a claim for defamation of character, libel, slander, or damage to reputation referenced in R.S. 13:3381.

§3384. Presumption; limitations

If the plaintiff in a claim for defamation of character, libel, slander, or damage to reputation referenced in R.S. 13:3381 is a person against whom a bill of information or indictment has been made for the pertinent sexual misconduct, there shall be a presumption that no defamation of character, libel, slander, or damage to reputation occurred."

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

SENATE BILL NO. 166—

BY SENATOR THOMPSON

AN ACT

To enact R.S. 15:541.1(A)(6) and (7), relative to the posting of the National Human Trafficking Resource Center hotline; to require airports and bus terminals and stations to post information regarding the hotline; to provide for the location of the posting; and to provide for related matters.

Reported favorably by the Committee on Judiciary B. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 182—

BY SENATOR HEWITT

AN ACT

To enact R.S. 39:21.3(E)(5)(e), relative to the Medicaid Subcommittee on the Health and Social Services Estimating Conference; to require the Medicaid Subcommittee to submit the Medicaid forecast to the Joint Legislative Committee on the Budget for its review; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Finance. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 184—

BY SENATOR MARTINY

AN ACT

To amend and reenact R.S. 27:402(17) and (18), 405(C)(2), (3), and (4), 416(A), (C), and (D)(1) and (2), 417(A)(2) and (3), and 418(A), to enact R.S. 27:417(A)(6)(h), and to repeal R.S. 27:421, relative to the Video Draw Poker Devices Control Law; to provide for the method of operation of video draw poker devices; to provide for qualified truck stops; to provide for fuel sales of qualified truck stops; to provide for qualified truck stop amenities; to provide for leasing or subleasing of certain business operations by qualified truck stop facilities; to provide for definitions; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 184 by Senator Martiny

AMENDMENT NO. 1

On page 1, line 2, after "(17)" delete the remainder of the line and insert ", 405(A)(6) and (C)(2), (3), and (4), 416(C) and (D)."

AMENDMENT NO. 2

On page 1, at the beginning of line 3, delete "(D)(1) and (2)."

AMENDMENT NO. 3

On page 1, at the end of line 3 and the beginning of line 4, delete "and to repeal R.S. 27:421,"

AMENDMENT NO. 4

On page 1, line 11, after "(17)" delete the remainder of the line and insert ", 405(A)(6) and (C)(2), (3), and (4), 416(C) and (D)."

AMENDMENT NO. 5

On page 1, at the beginning of line 12, delete "and (2)."

AMENDMENT NO. 6

On page 2, delete lines 12 and 13

AMENDMENT NO. 7

On page 2, between lines 15 and 16, insert the following:

"A. Each video draw poker device shall:

* * *

(6) For card games, use a display with images of cards that closely resemble standard poker playing cards. **Additional displays that are only for entertainment purposes are permitted.**

AMENDMENT NO. 8

On page 2, line 21, after "utilize" insert "a deck **or**"

AMENDMENT NO. 9

On page 2, line 22, after "The" insert "deck **or**"

AMENDMENT NO. 10

On page 2, line 23, after "the" insert "deck **or**"

AMENDMENT NO. 11

On page 2, line 26, after "the" insert "deck **or**"

AMENDMENT NO. 12

On page 2, line 27, after "the" insert "deck **or**"

AMENDMENT NO. 13

On page 2, delete line 29, and insert "deck **or decks.**"

March 14, 2018

AMENDMENT NO. 14

On page 3, delete lines 3 through 29, and on page 4, delete lines 1 through 8, and insert the following:

* * *

C.(1) A qualified truck stop facility shall have a fuel facility that offers, in the regular course of business, fuel sales for individual vehicle consumption. The board may adopt rules to recognize alternative fuel sources to satisfy the requirement regarding fuel sales provided by this Chapter.

(2) Except as provided in R.S. 27:421 and Paragraph (2) (3) of this Subsection, the number of video draw poker devices placed at a qualified truck stop facility shall be based on the average monthly fuel sales calculated quarterly, using four sets of three calendar months, for the first year of operation and thereafter shall be based upon the average monthly fuel sales calculated annually, using a calendar year, as follows:

(a) One hundred thousand gallons of fuel - not more than fifty devices.

(b) Seventy-five thousand gallons of fuel - not more than forty devices.

(c) Fifty thousand gallons of fuel - not more than thirty-five devices.

(2)(3)(a) ~~In addition to the requirements in Paragraph (1) of this Subsection, a~~ A qualified truck stop facility, except a qualified truck stop facility located within a radius of twelve miles or less from the location of the official gaming establishment in Orleans Parish, which that complies or has complied with one of the fuel sales requirements of Paragraph (2) of this Subsection for five consecutive years shall thereafter be permitted to retain the number of devices it operated during that same consecutive five-year period provided it continues to meet the fuel sales requirement set forth in Subparagraph (2)(c) of this Subsection.

(b) After ten years of operation as a qualified truck stop facility, the facility shall thereafter be permitted to retain the number of devices for which the facility qualified in the prior calendar year of operation without having to meet the fuel sales requirements necessary to retain that number of devices as set forth in Paragraph (2) of this Subsection. However, such qualified truck stop facility shall be required to comply with the provisions of Paragraph (1) of this Subsection.

~~(3) The board may adopt rules to recognize alternative fuel sources to satisfy the requirements regarding fuel sales provided by this Chapter.~~

D.(1) ~~The fuel facility shall offer, in the regular course of business, fuel sales for individual vehicle consumption.~~

(2) Bulk sales or transfers shall not be used to calculate monthly averages. All fuel sales must correspond to state-accepted daily sales reports which correspond to monthly state sales tax reports and shall be verified by fuel tickets from the truck stop facility.

(2) To be considered a fuel facility at a qualified truck stop facility for the purpose of licensing that qualified truck stop to operate video draw poker devices, the fuel facility shall not be subject to the fuel sales requirements provided for in Subpart E of Part VIII of Chapter 1 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:421 through 427, and the requirements of Chapter 13 of Title 51 of the Louisiana Revised Statutes of 1950.

(3) The provisions of this Subsection provide for the fuel sales requirements for the purpose of licensing criteria for the operation of video draw poker devices at a qualified truck stop facility.

(4) The provisions of this Subsection shall not be construed to repeal, limit, or supercede any requirements for the sale of fuel by fuel facilities as otherwise provided for by law.

(5) The provisions of this Subsection shall not be construed to repeal, limit, or supercede the authority of the office of the attorney general to enforce the Unfair Trade Practices or Consumer Protection Law or the authority of any district attorney to prosecute violations

of Subpart E of Part VIII of Chapter 1 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:421 through 427."

AMENDMENT NO. 15

On page 4, line 18, after "facility" delete the comma "," and insert "restaurant"

AMENDMENT NO. 16

On page 6, delete line 7

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

SENATE BILL NO. 211—

BY SENATORS GATTI AND BISHOP
AN ACT

To amend and reenact Children's Code Art. 1036(C), relative to children; to provide relative to return from foster care; to provide relative to parental compliance with a case plan; to provide relative to testing for synthetic controlled dangerous substances; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 211 by Senator Gatti

AMENDMENT NO. 1

On page 1, line 4, after "synthetic" insert "or other"

AMENDMENT NO. 2

On page 2, line 10, after "synthetic" insert "or other"

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

SENATE BILL NO. 220—

BY SENATOR CARTER
AN ACT

To amend and reenact R.S. 39:105(B), and to enact R.S. 39:105(C), relative to capital outlay reports; to require the office of facility planning and control to submit to the Joint Legislative Committee on Capital Outlay an annual report of funded nonstate projects which do not have a fully executed cooperative endeavor agreement, a design contract, or are not proceeding with construction, and the reasons therefor; to provide for a copy of the report to be sent to each legislator whose district includes one or more projects on the list; to provide for an effective date; and to provide for related matters.

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

SENATE BILL NO. 230—

BY SENATOR MORRELL
AN ACT

To amend and reenact R.S. 27:417(A)(2) and (3) and 418(A), and to enact R.S. 27:417(A)(6)(h), relative to the Video Draw Poker Devices Control Law; to provide for qualified truck stop facilities; to provide for qualified truck stop amenities; to

provide for leasing or subleasing of certain business operations by qualified truck stop facilities; to provide for definitions; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 230 by Senator Morrell

AMENDMENT NO. 1

On page 2, line 2, after "facility" delete the comma "," and insert "**restaurant**"

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

SENATE BILL NO. 239—

BY SENATOR MORRELL

AN ACT

To enact R.S. 47:1574.2, relative to tax administration; to authorize the Department of Revenue to refuse to register or issue a sales tax clearance to a reorganized business when the intent of the reorganization is to evade trust fund taxes; to provide for definitions; to provide for penalties; 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. 239 by Senator Morrell

AMENDMENT NO. 1

On page 1, line 3, after "or issue" and before "a sales tax clearance" insert "or to revoke"

AMENDMENT NO. 2

On page 1, delete lines 10 and 11, and insert:

"A. The secretary may refuse to register or issue or may revoke a state sales tax resale certificate to a business that has"

AMENDMENT NO. 3

On page 2, line 10, delete "**department**" and insert "**secretary**"

AMENDMENT NO. 4

On page 2, line 14, after "**business to**" delete the remainder of the line and delete lines 15 and 16 and insert "**a penalty of five thousand dollars. This penalty shall be in addition to any other tax, interest, and penalties for which the business or the owner of the business may be liable.**"

AMENDMENT NO. 5

On page 2, delete lines 17 through 21, and insert:

"Section 2. This Act shall become effective on July 1, 2018."

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

SENATE BILL NO. 259—

BY SENATOR CARTER

AN ACT

To enact R.S. 47:1561.3, relative to the recovery of certain tax benefits; to provide relative to the authority of the secretary of the Department of Revenue; to provide for terms and conditions; 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. 259 by Senator Carter

AMENDMENT NO. 1

On page 1, line 11, after "**initiated within**" delete "**the latter of**"

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

SENATE BILL NO. 275—

BY SENATOR MIZELL

AN ACT

To enact Subpart AAA of Part 1 of Chapter 1 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:120.341, relative to state individual income tax return checkoffs for certain donations; to provide for a method for individuals to donate all or a portion of any refund due to them to the Louisiana Coalition Against Domestic Violence; to establish the Louisiana Coalition Against Domestic Violence Fund as a special escrow fund in the state treasury; to provide for the administration and use of monies in the funds; to provide for the administration and disbursement of donated monies; to provide for reporting; to provide for an effective date; and to provide for related matters.

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

SENATE BILL NO. 341—

BY SENATOR DONAHUE

AN ACT

To amend and reenact R.S. 24:513(D)(4), relative to performance audits; to provide for the duties of the legislative auditor; to provide for performance audits of statutory dedications which include a fee for service; and to provide for related matters.

Reported favorably by the Committee on Finance. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 342—

BY SENATOR DONAHUE

AN ACT

To amend and reenact R.S. 39:29(B)(4) and (D)(2), relative to the nondiscretionary standstill budget; to provide for the nondiscretionary standstill budget to include means of financing substitutions adjustments necessary to finance a budget unit's existing operating budget in the ensuing fiscal year; and to provide for related matters.

Reported favorably by the Committee on Finance. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 360—

BY SENATOR DONAHUE

AN ACT

To amend and reenact R.S. 24:513(J)(1)(c)(v)(aa), relative to the powers and duties of the legislative auditor; to provide relative to the frequency of enhanced audits required of certain local auditees with at least three consecutive years of enhanced audits with no audit findings; and to provide for related matters.

Reported favorably by the Committee on Finance. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 390—

BY SENATOR CLAITOR

AN ACT

To enact R.S. 13:5109(B)(3) through (5), relative to the payment of final nonappealable judgments and compromises rendered against the state; to provide for the order judgments and compromises are to be paid, subject to legislative appropriation; to provide that the Joint Legislative Committee on the Budget

may make changes to the order on a case-by-case basis; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Finance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Original Senate Bill No. 390 by Senator Claitor

AMENDMENT NO. 1

On page 1, line 14, after "that" delete the remainder of the line, delete lines 15 and 16, on line 17 delete "compromises shall be paid" and insert the following: "final nonappealable judgments or compromises cannot be paid from the Self-Insurance Fund, any appropriated funds made available to pay such judgments or compromises shall be allocated"

AMENDMENT NO. 2

On page 2, line 2, change "dollars," to "dollars, including judicial interest,"

AMENDMENT NO. 3

On page 2, line 6, change "dollars," to "dollars, including judicial interest,"

AMENDMENT NO. 4

On page 2, line 8, change "dollars," to "dollars, including judicial interest,"

AMENDMENT NO. 5

On page 2, line 9, change "dollars," to "dollars, including judicial interest,"

AMENDMENT NO. 6

On page 2, delete line 12, and insert "hundred thousand dollars, including judicial interest, and two hundred fifty thousand dollars, including judicial interest, with the"

AMENDMENT NO. 7

On page 2, line 15, change "dollars," to "dollars, including judicial interest,"

AMENDMENT NO. 8

On page 2, line 19, change "dollars," to "dollars, including judicial interest,"

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

Rules Suspended

Senator Martiny asked for and obtained a suspension of the rules to recall Senate Bill No. 127 from the Committee on Judiciary A.

SENATE BILL NO. 127— BY SENATOR HEWITT

AN ACT

To amend and reenact R.S. 9:3571.1(W), relative to credit reporting agencies; to provide relative to charges upon consumers for information and reports; to provide certain exceptions to charges for a security freeze on a consumer file; to provide certain procedures and requirements; and to provide for related matters.

On motion of Senator Martiny, Senate Bill No. 127 was read by title and recommitted to the Committee on Commerce, Consumer Protection, and International Affairs.

Message from the House

CONCURRING IN SENATE CONCURRENT RESOLUTIONS

March 14, 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 concurred in the following Senate Concurrent Resolutions:

SENATE CONCURRENT RESOLUTION NO. 2— BY SENATOR CLAITOR AND REPRESENTATIVE FOIL A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of former judge, World War II veteran, servant of the public in the justice system, and loving husband, father, and grandfather, Lewis S. Doherty III of Baton Rouge, Louisiana.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 3— BY SENATOR CLAITOR AND REPRESENTATIVE FOIL A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of James Barrett Benton, Baton Rouge attorney and devoted family man.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 4— BY SENATOR CLAITOR AND REPRESENTATIVE FOIL A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of United States Marine Corps veteran, former Ragin' Cajun football player, Certified Public Accountant (CPA), a man of faith and outstanding citizen of Baton Rouge, George F. Ballard Jr.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 11— BY SENATOR MILLS AND REPRESENTATIVE HUVAL A CONCURRENT RESOLUTION

To recognize March 2018 as "National Kidney Month in Louisiana".

Reported without amendments.

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

Rules Suspended

Senator Riser asked for and obtained a suspension of the rules to revert to:

Introduction of Senate Bills and Joint Resolutions

SENATE BILL NO. 464— BY SENATOR RISER

AN ACT

To enact R.S. 40:34(C), relative to death certificates; to provide for electronic registration of death certificate data; to provide for enrollment; and to provide for related matters.

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

ATTENDANCE ROLL CALL

PRESENT

| | | |
|---------------|-----------|-----------|
| Mr. President | Fannin | Mizell |
| Appel | Gatti | Morrish |
| Barrow | Hewitt | Peacock |
| Bishop | Johns | Perry |
| Boudreaux | LaFleur | Peterson |
| Carter | Lambert | Price |
| Chabert | Long | Riser |
| Claitor | Luneau | Thompson |
| Colomb | Martiny | Walsworth |
| Cortez | Milkovich | Ward |
| Erdey | Mills | White |
| Total - 33 | | |

ABSENT

| | | |
|-----------|-----------|-----------|
| Allain | Morrell | Smith, J. |
| Donahue | Smith, G. | Tarver |
| Total - 6 | | |

Leaves of Absence

The following leaves of absence were asked for and granted:

| | | | |
|-----------|-------|-----------|-------|
| Allain | 1 Day | Donahue | 1 Day |
| Morrell | 1 Day | Smith, G. | 1 Day |
| Smith, J. | 1 Day | Tarver | 1 Day |

Announcements

The following committee meetings for March 15, 2018, were announced:

| | | |
|------------------------|--------|--------------|
| Education | At Adj | Hainkel Room |
| Labor and Ind. Rel. | At Adj | Room A |
| Local and Mun. Affairs | At Adj | Room F |
| Natural Resources | At Adj | Room C |
| Transportation | At Adj | Room E |

Adjournment

On motion of Senator Thompson, at 5:55 o'clock P.M. the Senate adjourned until Thursday, March 15, 2018, at 9:00 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

