

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

EIGHTH DAY'S PROCEEDINGS

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

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Tuesday, April 27, 2021

The Senate was called to order at 3:15 o'clock P.M. by Hon. Patrick Page Cortez, President of the Senate.

Morning Hour

CONVENING ROLL CALL

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

PRESENT

Mr. President	Fields	Mizell
Abraham	Harris	Morris
Allain	Henry	Peacock
Barrow	Hensgens	Peterson
Bernard	Hewitt	Pope
Boudreaux	Jackson	Price
Bouie	Lambert	Reese
Carter	Luneau	Smith
Cathey	McMath	Talbot
Cloud	Milligan	White
Connick	Mills, F.	Womack
Fesi	Mills, R.	
Total - 35		

ABSENT

Foil	Tarver
Johns	Ward
Total - 4	

The President of the Senate announced there were 35 Senators present and a quorum.

Prayer

The prayer was offered by Brother Ricky Belgard, 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 Talbot, the reading of the Journal was dispensed with and the Journal of April 26, 2021, was adopted.

Message from the House

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

April 27, 2021

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. 29—

BY SENATOR JOHNS

A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the passing of Joseph "Rock" Palermo III, to acknowledge his lifelong commitment to his family and community, and to note his many contributions made on behalf of the state of Louisiana.

Reported without amendments.

Respectfully submitted,
MICHELLE D. FONTENOT
Clerk of the House of Representatives

Introduction of Senate Resolutions

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

SENATE RESOLUTION NO. 23—

BY SENATOR TALBOT

A RESOLUTION

To establish a task force to study the desirability and feasibility of implementing a Medicaid managed long-term supports and services system in Louisiana and to provide the recommended content for a request for proposals for the Medicaid managed long-term supports and services system.

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

SENATE RESOLUTION NO. 24—

BY SENATOR JACKSON

A RESOLUTION

To establish a task force to study crime and crime prevention in Ouachita Parish and to require the task force to make recommendations to the Senate.

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

SENATE RESOLUTION NO. 25—

BY SENATOR TALBOT

A RESOLUTION

To commend the Louisiana Restaurant Association upon the celebration of its seventy-fifth anniversary.

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

SENATE RESOLUTION NO. 26—

BY SENATOR PRICE

A RESOLUTION

To commend and recognize Joel Walker for being one of only two Louisiana recipients earning the national Cooke College Scholarship sponsored by the Jack Kent Cooke Foundation.

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

**Senate Resolutions on
Second Reading**

SENATE RESOLUTION NO. 18—

BY SENATOR JACKSON

A RESOLUTION

To establish a task force to study crime and crime prevention in Morehouse Parish and to require the task force to make recommendations.

The resolution was read by title and referred by the President to the Committee on Judiciary C.

April 27, 2021

SENATE RESOLUTION NO. 19—
BY SENATOR FOIL

A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of Rosemary Searcy "Rosie" Campbell.

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

SENATE RESOLUTION NO. 21—
BY SENATOR BARROW

A RESOLUTION

To recognize Wednesday, April 28, 2021, as Workers' Memorial Day in recognition of workers killed, injured, and disabled on the job.

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

SENATE RESOLUTION NO. 22—
BY SENATOR JACKSON

A RESOLUTION

To create a study group to study the voting rights of persons who are incarcerated prior to trial and the procedures available to those persons to cast their ballots.

The resolution was read by title and referred by the President to the Committee on Senate and Governmental Affairs.

Senate Concurrent Resolutions on
Second Reading

SENATE CONCURRENT RESOLUTION NO. 31—
BY SENATOR HENRY

A CONCURRENT RESOLUTION

To direct the Department of Revenue, office of alcohol and tobacco control, to amend administrative rules Title 55, Part VII, Chapter 3, Section 317(C)(2)(a)(ii) and (b)(iii) of the Louisiana Administrative Code to provide relative to equipment and product displays that an alcoholic beverage manufacturer may furnish, or cause to be furnished, to a retail dealer in order to provide for the storage, display, proper dispensing, and advertisement of the manufacturer's products.

The resolution was read by title and referred by the President to the Committee on Judiciary B.

SENATE CONCURRENT RESOLUTION NO. 32—
BY SENATOR BARROW

A CONCURRENT RESOLUTION

To re-create and continue the work of the task force to study health services delivery and financing in the Baton Rouge region, and to require the task force to report findings and recommendations to the legislative committees on health and welfare.

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

Message from the House

ASKING CONCURRENCE IN
HOUSE BILLS AND JOINT RESOLUTIONS

April 26, 2021

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. 221

HB No. 293

HB No. 295

HB No. 400

HB No. 517

HB No. 550

HB No. 593

Respectfully submitted,
MICHELLE D. FONTENOT
Clerk of the House of Representatives

House Bills and Joint Resolutions
on First Reading

HOUSE BILL NO. 221—

BY REPRESENTATIVE PIERRE

AN ACT

To enact R.S. 32:409.1(A)(6)(d) and (e), relative to certain commercial driver's license applicants; to require a record check prior to issuing certain commercial driver's licenses; and to provide for related matters.

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

HOUSE BILL NO. 293—

BY REPRESENTATIVE RISER

AN ACT

To amend and reenact R.S. 47:287.12, relative to corporation income tax; to provide relative to the rate of the corporation income tax; to provide for applicability; to provide for effectiveness; and to provide for related matters.

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

HOUSE BILL NO. 295—

BY REPRESENTATIVE SEABAUGH

AN ACT

To amend and reenact Code of Civil Procedure Articles 3431(A) and 3434(C)(1) and to repeal Code of Civil Procedure Article 3421(B), relative to immovable property in successions; to provide relative to the definition of small succession; to provide relative to the small succession affidavit; and to provide for related matters.

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

HOUSE BILL NO. 400—

BY REPRESENTATIVE COUSSAN

AN ACT

To amend and reenact Civil Code Article 811 and Code of Civil Procedure Articles 4607, 4622, 4624, and 4625, relative to property; to provide for partitions by private sale; to provide relative to absentee or non-consenting co-owners; to provide for petition requirements; to provide for sale requirements; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 517—

BY REPRESENTATIVE THOMAS

AN ACT

To amend R.S. 9:2773(A), relative to limitations on the responsibility of agents, contractors, and representatives of proprietors; to provide for the limitation of liability for ultrahazardous activity; to provide for prospective application; and to provide for related matters.

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

HOUSE BILL NO. 550—
BY REPRESENTATIVE MUSCARELLO
AN ACT

To amend and reenact R.S. 32:413 and to enact R.S. 40:1321.1, relative to the issuance of duplicate driver's licenses and special identification cards; to provide for the issuance fee for duplicate driver's licenses and special identification cards; to provide for the department's immunity from liability for receipt of an applicant's statement and sworn affidavit from a physician connected to the issuance of a duplicate driver's license and special identification card in certain actions resulting from driving accidents; to provide for the department's immunity for the issuance of an unlawfully obtained special identification card; and to provide for related matters.

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

HOUSE BILL NO. 593—
BY REPRESENTATIVE TRAVIS JOHNSON
AN ACT

To amend and reenact R.S. 32:125(B)(introductory paragraph) and 327(B), relative to passing a parked emergency vehicle; to provide relative to the Department of Transportation and Development displaying certain lights; to provide for an effective date; and to provide for related matters.

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

Message from the House

ASKING CONCURRENCE IN
HOUSE CONCURRENT RESOLUTIONS

April 27, 2021

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:

HCR No. 43 HCR No. 47

Respectfully submitted,
MICHELLE D. FONTENOT
Clerk of the House of Representatives

House Concurrent Resolutions
on First Reading

HOUSE CONCURRENT RESOLUTION NO. 43—
BY REPRESENTATIVE MCFARLAND AND SENATOR CATHEY
A CONCURRENT RESOLUTION

To designate April 28, 2021, as the first annual Louisiana Loggers Day at the Capitol.

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

HOUSE CONCURRENT RESOLUTION NO. 47—
BY REPRESENTATIVE IVEY
A CONCURRENT RESOLUTION

To express the condolences of the Legislature of Louisiana on the death of Bradley Dewayne Cryer, assistant legislative auditor and director of local government services.

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

House Bills and Joint Resolutions on
Second Reading

HOUSE BILL NO. 12—
BY REPRESENTATIVES WHITE, CARPENTER, LANDRY, AND MOORE
AND SENATORS JACKSON, MIZELL, AND PETERSON
AN ACT

To enact Subpart BBB of Part I of Chapter 1 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:120.351, 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 Sexual Trauma Awareness and Response organization; 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.

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

HOUSE BILL NO. 64—
BY REPRESENTATIVE ECHOLS
AN ACT

To enact R.S. 51:391(A)(3), relative to solicitations; to prohibit solicitations with misleading connections to the secretary of state; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Commerce, Consumer Protection, and International Affairs.

HOUSE BILL NO. 69—
BY REPRESENTATIVE MCKNIGHT
AN ACT

To amend and reenact R.S. 40:1749.13(B)(4) and (D) and to enact R.S. 40:1749.14(C)(4), relative to underground utilities; to provide for excavation and demolition; to provide for notice; to provide for electronic drawings; to provide for physical markings; to provide for limitations; to provide for positive response; 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 Commerce, Consumer Protection, and International Affairs.

HOUSE BILL NO. 81—
BY REPRESENTATIVE PRESSLY
AN ACT

To amend and reenact Civil Code Articles 2041, 2534, and 3463, relative to prescription; to provide for prescription of the revocatory action; to provide for prescription of actions for redhibition and breach of the warranty of fitness for use; to provide for the interruption of prescription; to provide with respect to prescription of actions for recognition of inheritance rights; and to provide for related matters.

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

HOUSE BILL NO. 147—
BY REPRESENTATIVE HORTON
AN ACT

To amend and reenact R.S. 6:969.18(A)(3), R.S. 9:3530(F), and R.S. 47:532.1(A)(7)(c), (C), and (D), relative to public license tag agents; to authorize a maximum convenience charge for certain transactions; to increase the convenience charges collected by public license tag agents for certain services; to authorize the collection of a convenience charge in addition to other authorized fees, sales taxes, and transactions; 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.

April 27, 2021

HOUSE BILL NO. 188—
BY REPRESENTATIVE BEAULLIEU
AN ACT

To amend and reenact R.S. 40:1165.1(A)(2)(b)(i), relative to medical records of a patient; to provide for persons who may have access to a patient's medical records; to authorize access to medical records by certain insurance companies or their counsel for underwriting purposes; and to provide for related matters.

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

HOUSE BILL NO. 199—
BY REPRESENTATIVES SCHEXNAYDER, BAGLEY, BISHOP, BRYANT, BUTLER, CARRIER, COUSSAN, DAVIS, DEVILLIER, ECHOLS, EDMONDS, FARNUM, FREEMAN, GADBERRY, GLOVER, GOUDEAU, GREEN, HARRIS, HILFERTY, HORTON, MIKE JOHNSON, TRAVIS JOHNSON, KERNER, LARVADAIN, MARCELLE, MCKNIGHT, MCMAHEN, MOORE, NELSON, NEWELL, ORGERON, PIERRE, PRESSLY, ROMERO, SELDERS, ST. BLANC, STAGNI, THOMAS, VILLIO, WHEAT, WHITE, AND WRIGHT
A JOINT RESOLUTION

Proposing to add Article VII, Section 3.1 of the Constitution of Louisiana, relative to sales and use tax collection; to create the State and Local Streamlined Sales and Use Tax Commission; to authorize the legislature to provide by law for the streamlined electronic collection of sales and use taxes; to provide for commission membership; to provide for commission duties and responsibilities; to provide for commission officers; to provide for the administration of sales and use taxes; to provide for the transfer of powers, duties, functions, and responsibilities of the Louisiana Sales and Use Tax Commission for Remote Sellers and the Louisiana Uniform Local Sales Tax Board; to provide for funding; to provide for submission of the proposed amendment to the electors; 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 BILL NO. 264—
BY REPRESENTATIVE SEABAUGH
AN ACT

To amend and reenact Code of Civil Procedure Article 2331, relative to judicial sales; to provide for writs of fieri facias, to provide for advertisement and legal notices; to provide for rescheduled sales; and to provide for related matters.

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

HOUSE BILL NO. 292—
BY REPRESENTATIVE RISER
AN ACT

To amend and reenact R.S. 47:241 and 287.69 and to repeal R.S. 47:287.79, 287.83, 287.85, and 287.442(B)(1), relative to corporation income tax; to provide relative to the deductibility of federal income taxes; to repeal deductibility of federal income taxes paid for purposes of calculating corporate income taxes; to provide for applicability; 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 Revenue and Fiscal Affairs.

HOUSE BILL NO. 350—
BY REPRESENTATIVE FARNUM
AN ACT

To amend and reenact R.S. 32:429(A)(2), relative to office of motor vehicle field offices; to provide relative to the office of motor vehicles field office for Calcasieu Parish; to authorize Calcasieu Parish to levy certain fees; 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.

HOUSE BILL NO. 359—
BY REPRESENTATIVE HOLLIS
AN ACT

To enact R.S. 6:412.1(I) and (J), relative to solicitors; to authorize enforcement by the commissioner; to provide for false advertising law and penalties; to authorize enforcement by the state attorney general; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Commerce, Consumer Protection, and International Affairs.

HOUSE BILL NO. 360—
BY REPRESENTATIVE TRAVIS JOHNSON
AN ACT

To enact R.S. 40:1584, relative to the registration of short-term rental dwelling units; to provide certain definitions; to provide the requirements for the registration and renewal of short-term rental dwelling units; to provide relative to registration and renewal fees for short-term rental dwelling units; to impose fees; to provide penalties; to authorize the promulgation of rules and regulations; to provide for applicability; and to provide for related matters.

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

HOUSE BILL NO. 365—
BY REPRESENTATIVE FARNUM
AN ACT

To amend and reenact R.S. 4:144(B)(2)(b), relative to the Louisiana State Racing Commission; to require that one member of the commission be from the Louisiana quarter horse industry; and to provide for related matters.

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

HOUSE BILL NO. 375—
BY REPRESENTATIVES FREEMAN, CARPENTER, LANDRY, MOORE, AND WHITE AND SENATORS BARROW, JACKSON, MIZELL, AND PETERSON AND REPRESENTATIVES BUTLER, NEWELL, PHELPS, ADAMS, BRYANT, GARY CARTER, CORMIER, COX, ECHOLS, GLOVER, GREEN, HORTON, HUGHES, JEFFERSON, JENKINS, LARVADAIN, MARCELLE, AND WILLARD
AN ACT

To enact R.S. 9:3261.2, relative to residential leases; to provide relative to sexual assault victims as parties to certain residential lease agreements; to provide certain definitions, terms, procedures, conditions, and requirements; to provide relative to certain actions by lessors and lessees; to provide for termination of leases under certain circumstances; to provide relative to certification of sexual assault victim status; to provide relative to certain civil proceedings; to provide for immunity from liability in certain circumstances; and to provide for related matters.

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

HOUSE BILL NO. 385—
BY REPRESENTATIVE BEAULLIEU
AN ACT

To enact R.S. 9:3259.3 and Code of Civil Procedure Article 4912(A)(3), relative to privileges on certain movable property; to provide for a privilege on certain abandoned movable property; to provide for possession and sale of abandoned movable property; to provide procedures for enforcement of the privilege; to provide for notice; to provide for court approval; to provide for redemption by the lessee; to provide for recognition of the judgment of ownership; to provide for definitions; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Commerce, Consumer Protection, and International Affairs.

HOUSE BILL NO. 445—
BY REPRESENTATIVES BOURRIQUE AND WHITE
AN ACT

To amend and reenact R.S. 47:6023(C)(4)(b), relative to the sound recording investor tax credit; to eliminate certain restrictions regarding the reduction of a taxpayer's tax liability; to authorize the payment of refunds under certain circumstances; to provide for certain requirements and limitations; 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 Revenue and Fiscal Affairs.

HOUSE BILL NO. 465—
BY REPRESENTATIVES MIKE JOHNSON AND THOMPSON
AN ACT

To amend and reenact R.S. 29:725.4 and to enact Chapter 12-A of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:1371 through 1376, relative to the 4.9 GHz band; to provide for authority; to provide definitions; to provide a policy for leasing; to provide parameters on auctioning; to exempt certain parishes; to require reporting; to create task forces; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Commerce, Consumer Protection, and International Affairs.

HOUSE BILL NO. 521—
BY REPRESENTATIVE SEABAUGH
AN ACT

To amend and reenact Code of Civil Procedure Article 4622 and to enact Code of Civil Procedure Articles 4607.1 and 4607.2, relative to property; to provide for partitions of property; to provide for partitions by private sale; to provide for absentee co-owners; to provide for proceedings and judgments of partitions by private sale; 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 Judiciary A.

HOUSE BILL NO. 532—
BY REPRESENTATIVES ST. BLANC, GREEN, JORDAN, KERNER, NEWELL, THOMPSON, AND TURNER
AN ACT

To repeal R.S. 45:164(E)(3), relative to common carrier's certificates; to provide relative to intrastate movers of household goods; to remove the contract limit for certain common carrier certificate requirements for movers of household goods; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Commerce, Consumer Protection, and International Affairs.

HOUSE BILL NO. 689— (Substitute for House Bill No. 466 by Representative Jordan)
BY REPRESENTATIVE JORDAN
AN ACT

To amend and reenact R.S. 6:649(A)(2) and (C), relative to credit unions; to allow for compensation; to provide for the payment of insurance premiums; 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 Commerce, Consumer Protection, and International Affairs.

**House Concurrent Resolutions on
Second Reading**

HOUSE CONCURRENT RESOLUTION NO. 41—
BY REPRESENTATIVE SCHEXNAYDER
A CONCURRENT RESOLUTION

To commend Louisiana Restaurant Association on the occasion of its seventy-fifth anniversary.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Harris	Peacock
Abraham	Henry	Peterson
Allain	Hensgens	Pope
Barrow	Hewitt	Price
Bernard	Jackson	Reese
Boudreaux	Lambert	Smith
Carter	Luneau	Talbot
Cathey	McMath	Tarver
Cloud	Milligan	Ward
Connick	Mills, F.	White
Fesi	Mills, R.	Womack
Fields	Mizell	
Foil	Morris	
Total - 37		

NAYS

Total - 0

ABSENT

Bouie
Total - 2

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
JUDICIARY A**

Senator Barrow Peacock, Chairman on behalf of the Committee on Judiciary A, submitted the following report:

April 27, 2021

To the President and Members of the Senate:

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

SENATE BILL NO. 19—
BY SENATOR MORRIS
AN ACT

To amend and reenact R.S. 9:1113(A) and (B)(1), relative to property; to provide relative to partition of immovable property; to provide certain terms, conditions, procedures, and requirements; to remove certain requirements related to ownership of aggregate interests if there was past ownership of the whole by a common ascendant; and to provide for related matters.

Reported favorably.

April 27, 2021

SENATE BILL NO. 50—
BY SENATORS CARTER, BOUIE AND TARVER AND REPRESENTATIVE GARY CARTER

AN ACT

To enact Civil Code Article 3419.1, relative to ownership of domestic animals; to provide for determination of ownership; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 71—
BY SENATOR BERNARD

AN ACT

To amend and reenact R.S. 13:3049(B)(2)(a) and (d), and Code of Civil Procedure Articles 1733(A), 1734, and 1734.1, relative to civil jury trials; to provide for the costs and expenses related to jury trials; to provide for the payment of jurors; to provide for certain deposits and amounts; to provide for certain actions by the court and clerk; to provide certain terms, conditions, and procedures; and to provide for related matters.

Reported by substitute.

SENATE BILL NO. 126—
BY SENATOR MIZELL

AN ACT

To amend and reenact Civil Code Arts. 941, 944, and 946 and R.S. 22:901(D)(2), and to enact Code of Evidence Art. 412.6 and R.S. 22:902.1, relative to the successions of certain crime victims; to provide for public policy; to provide relative to actions to declare a successor unworthy; to provide relative to testimony and evidence in succession proceedings; to provide for devolution of the succession rights; to provide relative to life insurance policies and certain victims of domestic violence resulting in death; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
BARROW PEACOCK
Chairman

REPORT OF COMMITTEE ON

JUDICIARY C

Senator Franklin J. Foil, Chairman on behalf of the Committee on Judiciary C, submitted the following report:

April 27, 2021

To the President and Members of the Senate:

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

SENATE BILL NO. 69—
BY SENATOR MIZELL

AN ACT

To enact Code of Criminal Procedure Article 814(A)(69), R.S. 14:2(B)(56), and R.S. 40:981.4, relative to controlled dangerous substances; to create the crime of aggravated distribution of a controlled dangerous substance; to designate aggravated distribution of a controlled dangerous substance a crime of violence; to provide relative to responsive verdicts; to provide relative to definitions; to provide penalties; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 115—
BY SENATOR PEACOCK

AN ACT

To amend and reenact R.S. 14:95.1(A), relative to illegal carrying and discharge of weapons; to prohibit possession of a firearm or carrying a concealed weapon by a person convicted of certain

felonies; to provide for consideration of certain juvenile offenses; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 139—
BY SENATOR HARRIS

AN ACT

To amend and reenact Code of Criminal Procedure Art. 893.2, relative to the sentence imposed when a firearm is discharged, used, or actually possessed during the commission of certain offenses; to provide relative to the procedure for such determinations; to provide relative to the court's authority to consider certain evidence and hold a contradictory hearing in this regard; to provide that the determination of whether a firearm was discharged, used, or actually possessed during the commission of an offense is a specific finding of fact to be submitted to the jury; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 140—
BY SENATOR HARRIS

AN ACT

To amend and reenact R.S. 14:130.1(B)(3) and to enact 14:130.1(B)(4), relative to the crime of obstruction of justice; to provide for an exception; to provide for penalties; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 144—
BY SENATORS TARVER AND CARTER

AN ACT

To enact R.S. 14:102.29, relative to offenses affecting the public sensibility; to create the crime of unlawful possession, transfer, or manufacture of animal fighting paraphernalia; to provide definitions; to provide exceptions; to provide penalties; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 186—
BY SENATOR SMITH

AN ACT

To amend and reenact Code of Criminal Procedure Article 930.3 and to enact Code of Criminal Procedure Articles 926.2, 926.3, 930.4(G), 930.8(A)(5) and (6) and (D), and 930.10, relative to post conviction relief; to provide for a petitioner's claim of factual innocence; to provide for exceptions; to provide for evidence; to provide for appointment of judges; to provide for motions of testing evidence; to provide for grounds for relief; to provide for burden of proof; to provide for joint motions; to provide for waiver; to provide for time limitations; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
FRANKLIN J. FOIL
Chairman

REPORT OF COMMITTEE ON

JUDICIARY B

Senator Gary L. Smith Jr., Chairman on behalf of the Committee on Judiciary B, submitted the following report:

April 27, 2021

To the President and Members of the Senate:

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

SENATE BILL NO. 34—
BY SENATOR FIELDS

AN ACT

To amend and reenact R.S. 40:2404.2(C) and to enact Chapter 25-A of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:2551 through 2553, and Code of Criminal Procedure Article 162.3, relative to law enforcement; to provide for requirements for grant applications; to provide for recruitment of minorities; to provide for body cameras; to provide for motor vehicle dash cameras; to restrict use of neck restraints; to restrict the use of no-knock warrants; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 66—
BY SENATOR BERNARD

AN ACT

To enact Chapter 18-A of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2411, and R.S. 44:4(59), relative to public health and safety; to provide for the Peace Officer and Public Safety Personnel Peer Support and Mental Health and Wellness Act; to provide relative to legislative intent; to provide definitions; to provide guidelines for training of peer support members; to exempt certain records relating to peace officer and public safety personnel peer support programs from public access; to provide relative to privilege and confidentiality; to provide penalties for violations of the confidentiality provisions of the Act; to provide for civil immunity under certain circumstances; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 76—
BY SENATOR TALBOT

AN ACT

To enact R.S. 26:794.1, relative to the Office of Alcohol and Tobacco Control; to provide relative to permits; to provide for exception permits for certain establishments; to provide for qualifications and limitations; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 124—
BY SENATOR HEWITT

AN ACT

To enact R.S. 4:3, relative to the playing or singing of the national anthem prior to certain athletic contests; to provide for requirements; and to provide for related matters.

Reported favorably.

Respectfully submitted,
GARY L. SMITH JR.
Chairman

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

SENATE BILL NO. 24—
BY SENATORS PRICE, HENSGENS, ROBERT MILLS, MIZELL AND PEACOCK

AN ACT

To enact R.S. 11:542.1.2, 883.3.1, 1145.4, and 1331.3, relative to the Louisiana State Employees' Retirement System, Teachers' Retirement System of Louisiana, Louisiana School Employees' Retirement System, and the State Police Retirement System; to provide relative to a permanent benefit increase, a cost-of-living adjustment or other supplemental payment for certain retirees; to provide with respect to a minimum benefit increase to certain retirees, their survivors, and their beneficiaries; to provide relative to the experience account; to provide with respect to calculation and for funding; to provide for qualifications; to provide an effective date; and to provide for related matters.

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

SENATE BILL NO. 31—
BY SENATOR CATHEY

AN ACT

To enact R.S. 47:293(9)(a)(xx) and 297.16, relative to individual income tax exemptions; to provide for an individual income tax exemption for digital nomads; to provide for definitions; to provide for eligibility requirements; to authorize Louisiana Economic Development to promulgate rules; to provide for record keeping requirements; to provide for effectiveness; 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. 31 by Senator Cathey

AMENDMENT NO. 1

On page 1, line 4, change "Louisiana Economic" to "the Department of Revenue;"

AMENDMENT NO. 2

On page 1, line 5, delete "Development"

AMENDMENT NO. 3

On page 1, line 5, after "requirements;" insert "to provide for recovery of the tax exemption by the Department of Revenue;"

AMENDMENT NO. 4

On page 2, delete lines 9 through 13, and insert the following: "**by this Chapter not to exceed the lesser of one hundred-fifty thousand dollars or the gross wages of each taxpayer who qualifies as a digital nomad.**"

(2) The exemption shall apply for a period of up to two taxable years during taxable years 2022, 2023, 2024, and 2025.

(3) The exemption shall apply only to gross wages received from the services performed as a digital nomad.

(4) The taxpayer claiming the digital nomad exemption shall maintain domicile in this state for one calendar year following the last year the exemption is claimed."

AMENDMENT NO. 5

On page 2, line 14, change "(2)" to "(5)"

AMENDMENT NO. 6

On page 2, delete line 16, and insert the following:

"(a) Establishes residency in Louisiana after December 31, 2021."

AMENDMENT NO. 7

On page 2, line 18, after "works" delete the remainder of the line, delete line 19, and insert the following: "**remotely full-time for a nonresident business.**"

(d) Is required to file a Louisiana resident or part-year resident individual income tax return for the taxable year in which the exemption is claimed."

AMENDMENT NO. 8

On page 2, line 20, change "(d)" to "(e)"

AMENDMENT NO. 9

On page 2, line 21, change "(e)" to "(f)"

AMENDMENT NO. 10

On page 2, line 23, change "(f)" to "(g)"

AMENDMENT NO. 11

On page 2, delete lines 25 and 26

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AMENDMENT NO. 12

On page 3, between lines 10 and 11, insert the following:
"(3) "Nonresident business" means a business entity that is not registered to do business in this state, has no agents, independent contractors, or employees other than digital nomads in this state, is not transacting business in this state, and has not filed and is not required to file any state or local tax return in this state."

AMENDMENT NO. 13

On page 3, delete lines 13 through 15

AMENDMENT NO. 14

On page 3, line 16, delete "(2) Louisiana Economic Development" and insert "E. The Department of Revenue"

AMENDMENT NO. 15

On page 3, line 17, delete "per year" and insert "for the life of the program"

AMENDMENT NO. 16

On page 3, delete lines 18 through 27 and insert "F. The Department of Revenue shall provide an annual written evaluation"

AMENDMENT NO. 17

On page 4, line 2, change "January 1, 2027" to "January 1 of each year beginning in 2024"

AMENDMENT NO. 18

On page 4, between lines 2 and 3, insert the following:
"G. Recovery by Department of Revenue.
(1) The tax exemption previously granted to a taxpayer under this Section, but later disallowed, may be recovered by the secretary of the Department of Revenue through any collection remedy authorized by R.S. 47:1561 and initiated within three years from December thirty-first of the year in which the exemption was claimed.
(2) The only interest that may be assessed and collected on the recovered exemption is interest at a rate of three percentage points above the rate provided in R.S. 9:3500(B)(1), which shall be computed from the original due date of the return on which the exemption was claimed.
(3) The provisions of this Subsection are in addition to and shall not limit the authority of the secretary of the Department of Revenue to assess or to collect under any other provision of law.
H. The Department of Revenue may promulgate rules in accordance with the Administrative Procedure Act to carry out the intent and purposes of this Section.
I. There shall be no exemption pursuant to this Section for any wages earned by a digital nomad after December 31, 2025."

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

SENATE BILL NO. 36—

BY SENATOR REESE AN ACT

To amend and reenact R.S. 47:287.86(B), relative to net operating loss deductions on Louisiana corporation income; to authorize a net operating loss to carryover to each taxable year until the loss is fully recovered; 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. 49—

BY SENATORS CARTER AND BARROW AN ACT

To enact Chapter 6-B of Title 23 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 23:671 through 676, relative to minimum wage; to provide for state minimum wage; to provide

for annual increases to the minimum wage; to provide for exceptions; to provide relative to a civil action; to provide for venue; to provide for damages; to provide for reporting of certain information; to provide for terms, conditions, and procedure; and to provide for related matters.

Reported with amendments by the Committee on Labor and Industrial Relations.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Labor and Industrial Relations to Original Senate Bill No. 49 by Senator Carter

AMENDMENT NO. 1

On page 2, between lines 18 and 19 insert:
"C. An increase in the state minimum wage rate shall result in a corresponding increase in the Medicaid home and community-based services reimbursement rate."

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

SENATE BILL NO. 61— BY SENATORS CARTER AND BARROW AN ACT

To enact R.S. 23:332(I), relative to discrimination; to provide relative to discrimination in employment; to provide certain prohibitions relative to discrimination based upon hair texture or protective hairstyles; to provide for definitions; and to provide for related matters.

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

SENATE BILL NO. 77— BY SENATOR MIZELL AN ACT

To amend and reenact R.S. 47:301(10)(i) and to enact R.S. 47:302(BB)(114), 321(P)(115), 321.1(I)(115), and 331(V)(115), relative to sales and use tax exemptions; to exempt purchases of certain school buses to be used by elementary and secondary schools from sales and use tax; to provide for effectiveness; 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. 77 by Senator Mizell

AMENDMENT NO. 1

On page 2, line 23, change "R.S. 47:301(1)(i)" to "R.S. 47:301(10)(i)"

AMENDMENT NO. 2

On page 3, line 5, change "R.S. 47:301(1)(i)" to "R.S. 47:301(10)(i)"

AMENDMENT NO. 3

On page 3, line T6, change "R.S. 47:301(1)(i)" to "R.S. 47:301(10)(i)"

AMENDMENT NO. 4

On page 3, line 27, change "R.S. 47:301(1)(i)" to "R.S. 47:301(10)(i)"

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

SENATE BILL NO. 89—
BY SENATOR REESE

AN ACT

To amend and reenact R.S. 23:1474(J), relative to unemployment insurance; to provide for taxes and benefits for calendar year 2022; to provide for certain terms, conditions, procedures, and requirements; and to provide for related matters.

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

SENATE BILL NO. 92—
BY SENATOR LUNEAU

AN ACT

To amend and reenact R.S. 47:111(A)(10) and (E), 113, and 114(F)(2) and (3) and to enact R.S. 23:1472(9) and (12)(H)(XXIII) and R.S. 47:111(F), 113.1, and 114(F)(4), relative to classification of employees; to provide for definitions and exceptions to defined terms; to provide relative to liability imposed on employers who fail to withhold tax due to misclassification of employees; to increase the penalties for failing to file required reports; to provide penalties for the misclassification of employees; to provide for effectiveness; and to provide for related matters.

Reported by substitute by the Committee on Revenue and Fiscal Affairs. The bill was read by title; the committee substitute bill was read.

SENATE BILL NO. —(Substitute of Senate Bill No. 92 by Senator Luneau)

BY SENATOR LUNEAU

AN ACT

To amend and reenact R.S. 23:1711(G)(1) and to enact R.S. 23:1472(15.1) and Part XIII of Chapter 1 to be comprised of R.S. 23:1771 through 1777, relative to employee misclassification; to provide with respect to administrative penalties; to provide relative to the failure to pay contributions; to provide for definitions; to provide factors to be used to identify an independent contractor; to facilitate voluntary resolution of worker classification issues; to enact the Fresh Start Proper Worker Classification Initiative and the Louisiana Voluntary Disclosure Program; to require the Louisiana Workforce Commission to promulgate rules; to provide for the disposition of penalties; to provide a safe harbor; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:1711(G)(1) is hereby amended and R.S. 23:1472(15.1) and Part XIII of Chapter 1 to be comprised of R.S. 23:1771 through 1777 are hereby enacted to read as follows:

§1711. False statements or representations; failure to file reports or maintain records; duties of officers and agents; presumptive proof; penalties

* * *

G. Misclassification of employees as independent contractors.

(1)(a) ~~Written warning. If the administrator determines, after investigation, that an employer, or any officer, agent, superintendent, foreman, or employee of the employer, failed to properly classify an individual as an employee in accordance with this Chapter, and failed to pay contributions required by this Chapter, but the failure was not knowing or willful, the employer shall be issued a written warning as evidence that the employer has been cited for a first offense of misclassification. Such warning shall constitute a determination that any workers identified therein are employees, and all resulting contributions, interest and penalties shall be due, and shall be appealable as provided in this Section. However, no administrative penalties shall be due.~~

(b) Administrative penalties. If the administrator determines, after investigation, that an employer, or any officer, agent, superintendent, foreman, or employee of the employer, ~~after June 30, 2013, and subsequent to the issuance of a written warning,~~ failed to properly classify an individual as an employee and failed to pay contributions in accordance with this Chapter, then, in addition to any

contributions, interest, and penalties otherwise due, the administrator may assess an administrative penalty of ~~not more than two hundred fifty dollars per each such individual~~ five hundred dollars for each individual who was misclassified. If the employer properly classifies the employee and remits the resulting contributions and interest within sixty day of the issuance of the citation, the penalty shall be waived.

(b) Upon the second failure by an employer to properly classify an individual as an employee and pay contributions due, the administrator shall assess an administrative penalty of not more than one thousand dollars for each individual misclassified.

(c) ~~Thereafter, any such failure by an employer to properly classify an individual as an employee and pay contributions due shall be subject to an administrative penalty of not more than five hundred dollars per each such individual.~~ two thousand five hundred dollars for each individual misclassified. In determining the amount of the administrative penalty imposed, the administrator shall consider factors including previous violations by the employer, the seriousness of the violation, the good faith of the employer, and the size of the employer's business.

(c) ~~If, after an employer has been issued a written warning and is subsequently found, on two or more separate occasions, to have failed to properly classify an individual as an employee, the employer may also be subject to an additional fine of not less than one hundred dollars nor more than one thousand dollars, or imprisoned for not less than thirty days nor more than ninety days, or both.~~

(d) For the purpose of this Subsection, each employee so misclassified shall constitute a separate offense.

(d)(e) ~~No such determination shall be final or effective, and no resulting administrative penalty shall be assessed, unless the administrator first provides the employer with written notification by certified mail of the determination, including the amount of the proposed contributions, interest, and penalties determined to be due and of the opportunity to request a fair hearing~~ before the appeals tribunal, of which a record shall be made within thirty days of the mailing of such notice. The hearing request may be made by mail, as evidenced by the official postmarked date, or by otherwise timely delivering such appeal. If the employer does not request a hearing within the thirty-day period the determination shall become final and effective, and the contributions, interest, and penalties due shall be assessed.

(f) The administrative penalties assessed and collected pursuant to the provisions of this Subsection shall be deposited into the Unemployment Trust Fund.

* * *

§1472. Definitions

As used in this Chapter, the following terms shall have the meanings ascribed to them in this Section, unless the context clearly indicates otherwise:

* * *

(15.1) "Independent contractor" has the same meaning as provided in R.S. 23:1772.

* * *

PART XIII. FRESH START PROPER WORKER CLASSIFICATION INITIATIVE AND VOLUNTARY DISCLOSURE PROGRAM

§1771. Criteria for classification of an independent contractor

A. The legislature finds that it is in the best interests of workers, businesses, and government to have clear, objective and certain criteria identifying an independent contractor relationship as compared to an employment relationship. These criteria will reduce unnecessary and costly litigation, confusion in the workforce marketplace, among agencies, and within the courts. Therefore, the following provisions are enacted to ensure that employees are properly classified as such and afforded the legal protections and obligations that apply to that status while workers who desire to be independent contractors understand the criteria for that designation.

B. For the purposes of this Part and Title 47 of the Louisiana Revised Statutes of 1950, as amended, an independent contractor is any person or organization including a sole proprietor, partnership, limited liability company, corporation, or other entity that undertakes orally or in writing, the performance of services for or in connection with another party in a manner

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consistent with the requirements of this Part. When an individual or entity meets at least seven of the following criteria there shall be a rebuttable presumption of an independent contractor relationship with the contracting party for whom the independent contractor performs services. The criteria are as follows:

(1) The individual or entity operates an independent business through which he provides services for or in connection with the contracting party.

(2) The individual or entity represents his services as self-employment available to others, including through the use of an application platform to obtain work opportunities or as a lead generation service.

(3) The individual or entity accepts responsibility for all tax liability associated with payments received from or through the contracting party.

(4) The individual or entity is responsible for obtaining and maintaining any required registration, licenses, or other authorization necessary for the legal performance of the services rendered by him as the contractor.

(5) The individual or entity is not insured under the contracting party's health insurance or workers' compensation insurance coverages and is not covered for unemployment insurance benefits.

(6) The individual or entity has the right to accept or decline requests for services by or through the contracting party and is able to perform services for or through other parties or can accept work from and perform work for other businesses and individuals besides the contracting party even if the individual voluntarily chooses not to exercise this right or is temporarily restricted from doing so.

(7) The contracting party does not direct or oversee the performance, methods, or processes the individual or entity uses to perform services.

(8) The contracting party has the right to impose quality standards or a deadline for completion of services performed, or both, but the individual or entity determines the days worked and the time periods of work.

(9) The individual or entity furnishes the major tools or items of equipment needed to perform the work.

(10) The individual or entity is paid a fixed or contract rate for the work he performs and the contracting party does not pay the individual or entity a salary or wages based on an hourly rate.

(11) The individual or entity is responsible for the majority of expenses he incurs in performing the services, unless the expenses are reimbursed under an express provision of a written contract between the parties or the expenses reimbursed are commonly reimbursed under industry practice.

(12) The individual or entity can use assistants as he deems proper for the performance of the work and is directly responsible for their supervision and compensation.

C. Obtaining an independent contractor certification from the state is optional and is not required to establish independent contractor status. Any contracting party or independent contractor may rely on the provisions of this Section for the purpose of establishing an employment or independent contractor relationship.

§ 1772. The Fresh Start Proper Worker Classification Initiative A. The Fresh Start Proper Worker Classification Initiative is optional and provides taxpayers with an opportunity to voluntarily reclassify their workers as employees for future tax periods. To participate, a taxpayer shall meet all the eligibility requirements, apply to participate in the Fresh Start Proper Worker Classification Initiative, produce a certificate of proof of workers' compensation coverage for all employees, and enter into a closing agreement with the Louisiana Workforce Commission and the Department of Revenue.

B. The Fresh Start Proper Worker Classification Initiative applies to taxpayers that are currently treating their workers as independent contractors or other nonemployees and want to prospectively treat the workers as employees. To be eligible, a taxpayer shall have consistently treated the workers for the previous three years as nonemployees, and shall have filed all required Forms 1099-NECs with the Internal Revenue Service

with respect to those workers, consistent with the nonemployee treatment.

C. An eligible taxpayer who participates in the Fresh Start Proper Worker Classification Initiative agrees to prospectively treat the class or classes of workers identified in the application as employees for future tax periods and is not liable for any withholding tax, unemployment tax, interest or penalties with respect to any amounts paid to any workers before the date on which the taxpayer is accepted for participation in the Fresh Start Proper Worker Classification Initiative.

D. Eligible taxpayers who wish to participate in the Fresh Start Proper Worker Classification Initiative shall submit an application for participation in the program using the application for Fresh Start Proper Worker Classification Initiative, to the Department of Revenue. The Department of Revenue shall contact the taxpayer or authorized representative to complete the process once it has reviewed the application and verified the taxpayer's eligibility. Taxpayers whose application has been accepted enter into a joint closing agreement with the Department of Revenue and Louisiana Workforce Commission whereby the taxpayer confirms the agreement to treat the class or classes of workers identified in the application as employees beginning on the date on which the taxpayer receives notice from the Department of Revenue that the taxpayer's application has been accepted.

E. The following employers shall not be eligible to participate in the program:

(1) Employers who are currently under audit concerning the classification of the classes of workers by the Internal Revenue Service, the United States Department of Labor, or by a state government entity.

(2) Employers who are contesting in court the classification of the class or classes of workers from a previous audit by the Internal Revenue Service, the United States Department of Labor, the Department of Revenue, or the Louisiana Workforce Commission.

(3) Employers who have withheld Louisiana state income taxes from the amounts paid to any worker, and who have not remitted the tax to the Louisiana Department of Revenue.

(4) For the purposes of Paragraphs (1) and (2) of this Subsection, a taxpayer that is a member of an affiliated group within the meaning of Section 1504(a) of the Internal Revenue Code if any member of the affiliated group is under a employment, withholding, or unemployment tax audit. § 1773. The Louisiana Voluntary Disclosure Program

A. (1) The Louisiana Voluntary Disclosure Program is established as a process of reporting undisclosed liabilities for withholding taxes administered by the Department of Revenue and unemployment taxes administered by the Louisiana Workforce Commission that would have been due for workers who were not classified as employees. The Voluntary Disclosure Program authorizes taxpayers to anonymously enter into agreements and voluntarily pay taxes with no penalty.

(2) In order to be admitted to the program, an employer shall obtain and produce a certificate proving he has obtained workers' compensation coverage for his employees.

B. Definitions. For purposes of this Part, the following terms shall have the following meanings:

(1) "Applicant" means any association, corporation, estate, firm, individual, joint venture, limited liability company, partnership, receiver, syndicate, trust, or any other entity, combination, or group that submits or arranges through a representative for the submission of an application to request a voluntary disclosure agreement for a tax administered by the department. If the application is submitted through a representative, anonymity of the applicant can be maintained until the voluntary disclosure agreement is executed by the taxpayer and the secretary.

(2) "Application" means a completed application to request voluntary disclosure agreement and all supplemental information including, but not limited to, cover letters, schedules, reports, and any other documents that provide evidence of the applicant's qualification for a voluntary disclosure agreement. Supplemental

information requested by the department and timely provided by the applicant shall be considered part of the application.

(3) "Application date" means the date a fully completed application requesting a voluntary disclosure agreement is received by the department. Supplemental information requested by the department and timely provided by the applicant shall not extend or delay the application date.

(4) "Delinquent penalty" means any specific penalty imposed as a result of the failure of the taxpayer to timely make any required return or payment.

(5) "Department" means the Louisiana Workforce Commission or the Department of Revenue.

(6) "Look-back period" means a period for which a qualified applicant agrees to disclose and pay the tax and interest due. The look-back period shall include the current calendar year up to the date of registration with the department and the one immediately preceding calendar year. For discontinued, acquired, or merged entities, the look-back period shall include undisclosed liabilities in the last calendar year in which the qualified applicant had nexus within this state and the one immediately preceding calendar year.

(7) "Non-qualified applicant" includes any taxpayer who has either of the following conditions:

(a) Has been contacted by the department concerning a liability regarding a tax for which a voluntary disclosure agreement is requested, including but not limited to a potential liability or contact for the purpose of performing an audit of the taxpayer's records.

(b) Is affiliated with another entity that has been contacted by the department for the purpose of performing an audit of the affiliated entity's records. A non-qualified applicant under this Subparagraph may become a qualified applicant after the audit of the affiliated entity has been completed, provided the applicant is not disqualified under Subparagraph (a) of this Paragraph.

(8) "Qualified applicant" means any taxpayer, other than a non-qualified applicant, subject to the reporting and payment of unemployment or withholding tax imposed by the state of Louisiana.

(9) "Undisclosed liability" means an unemployment tax or withholding tax liability that became due during the look-back period and which has not been determined, assessed, or otherwise identified by or known to the department at the time of disclosure and which would likely not be discovered through normal administrative activities. The undisclosed liability shall exceed five hundred dollars during the look-back period to qualify for consideration of a voluntary disclosure agreement. For purposes of unemployment tax, an undisclosed liability shall be determined based on the applicant's existing experience rating, or if there is no existing experience rating, then pursuant to R.S. 23:1535. The secretary of the department may conduct an audit of the applicant's records to confirm the amount of the undisclosed liability.

C. The Louisiana Workforce Commission, in consultation with the Department of Revenue shall promulgate rules and regulations necessary for the administration of the Voluntary Disclosure Program.

§ 1774. Voluntary Disclosure Agreements; withholding tax

A. (1) After the secretary of the Department of Revenue has reviewed the application and determined from the information included that the applicant qualifies for a voluntary disclosure agreement, the secretary shall send a copy of the agreement to the applicant or the applicant's representative for signature.

(2) The applicant or applicant's representative, acting under the authority of a power of attorney, shall sign the agreement and return it to the secretary within thirty calendar days of the postmark or e-mail date, or within any extension of time authorized by the secretary beyond thirty calendar days from the postmark or e-mail date.

(3) After the signed agreement is received from the applicant, the secretary or her authorized representative shall sign the agreement and return a copy of the agreement which has been signed by both parties to the applicant.

(4) After all tax and interest due for the look-back period have been paid, the delinquent penalties shall be waived, unless

the tax disclosed was collected but not remitted. Where the tax was collected but not remitted, the secretary may consider waiving payment of the whole or any part of the delinquent penalties on a case-by-case basis.

B. All tax due for the look-back period, which shall exclude any tax that was reported on an individual income tax return filed by any worker in the class or classes of workers identified in the application as verified by the Department of Revenue, shall be paid within sixty calendar days of the secretary's signing date of the voluntary disclosure agreement or within any extension of time authorized by the secretary beyond sixty calendar days of the signing date. All schedules or returns required by the secretary to show the amount of tax due shall be included with this payment.

C. The secretary shall compute the interest due for the tax disclosed by the applicant and send a schedule by mail or email to the applicant or his representative showing the amount of tax, interest, and delinquent penalty due. The applicant shall submit payment of the full amount of the interest not remitted or waived within thirty calendar days from the postmark or e-mail date of the schedule or, if applicable, within any extension of time granted by the secretary. If payment of the full amount due has not been received timely, the secretary may void the agreement.

D. The terms of the voluntary disclosure agreement shall be valid, binding, and enforceable by and against all parties, including their transferees, successors, and assignees.

E. The secretary may void a voluntary disclosure agreement if the applicant fails to comply with any of the conditions outlined in the agreement.

§ 1775. Voluntary Disclosure Agreements; unemployment taxes

A. (1) After the secretary of the Louisiana Workforce Commission has reviewed the application and determined from the information included therein that the applicant qualifies for a voluntary disclosure agreement, the secretary shall send a copy of the agreement to the applicant or the applicant's representative for signature.

(2) The applicant or applicant's representative, acting under the authority of a power of attorney, shall sign the agreement and return it to the secretary within thirty calendar days of the postmark or e-mail date, or within any extension of time authorized by the secretary beyond thirty calendar days from the postmark or e-mail date.

(3) After the signed agreement is received from the applicant, the secretary or his authorized representative shall sign the agreement and return a copy of the agreement which has been signed by both parties to the applicant.

(4) The secretary shall credit the account of all workers identified by the applicant in the application for unemployment benefits with respect to the look-back period.

B. After all unemployment tax and interest due for the look-back period have been paid, the delinquent penalties shall be waived.

C.(1) All unemployment tax due for the look-back period shall be paid within sixty calendar days of the secretary's signing date of the voluntary disclosure agreement or within any extension of time authorized by the secretary beyond sixty calendar days of the signing date. All schedules or returns required by the secretary to show the amount of tax due shall be included with this payment.

(2) The secretary shall compute the interest due for the tax disclosed by the applicant and send a schedule by mail or email to the applicant or his representative showing the amount of tax and interest due. The applicant shall submit payment of the full amount of the interest within thirty calendar days from the postmark or e-mail date of the schedule or, if applicable, within any extension of time granted by the secretary. If payment of the full amount due has not been received at the expiration of such time, the secretary may void the agreement.

D. The terms of the voluntary disclosure agreement shall be valid, binding, and enforceable by and against all parties, including their transferees, successors, and assignees.

E. The secretary may void the voluntary disclosure agreement if the applicant fails to comply with any of the conditions outlined in the agreement.

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§1776. Safe harbor

Any putative employer meeting the following three requirements shall not owe withholding or unemployment taxes for the workers to whom these requirements apply:

A. Reporting consistency. The putative employer timely filed all required federal tax and information returns for independent contractors who were paid six hundred dollars or more, such as Form 1099-MISC/1099-NEC. Relief is not available for any worker for whom the employer did not file the required information return.

B. Substantive consistency. The putative employer and any predecessor always treated the worker as an independent contractor, however if any similar worker was treated as an employee, relief is not available.

C. Reasonable basis. The putative employer had a reasonable basis for not treating the worker as an employee including any of the following:

(1) Reliance on a court case or Internal Revenue Service ruling.

(2) The putative employer was previously audited and the Internal Revenue Service considered employment taxes but did not reclassify the workers.

(3) Independent contractor treatment is common in the putative employer's industry for workers providing similar services.

(4) The putative employer and any predecessor always treated the worker as an independent contractor.

(5) Reliance on legal advice or advice on an accountant.

(6) Notwithstanding any contrary provision of this Paragraph, if any similar worker was treated as an employee, relief is not available.

§ 1777. Reporting to the Department of Revenue by service recipients

A. Any service recipient who files or is required to file a Form 1099-NEC with the Internal Revenue Service for services performed in Louisiana shall file a copy of the return with the Department of Revenue. The return copy shall be filed on or before the 28th day of February of each year for the preceding calendar year beginning February 28, 2022. The secretary may grant extensions up to thirty days, to file the report, and to waive the reporting requirement upon a showing that the requirement creates an undue hardship.

B. The Department of Revenue may utilize data analytic discovery procedures to identify potential cases of misclassification with the return data required to be filed pursuant to this Section.

Section 2. This Act shall become effective on January 1, 2022; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on January 1, 2022, or on the day following such approval by the legislature, whichever is later.

On motion of Senator Allain, the committee substitute bill was adopted and becomes Senate Bill No. 244 by Senator Luneau, substitute for Senate Bill No. 92 by Senator Allain.

SENATE BILL NO. 244— (Substitute of Senate Bill No. 92 by Senator Luneau)

BY SENATOR LUNEAU

AN ACT

To amend and reenact R.S. 23:1711(G)(1) and to enact R.S. 23:1472(15.1) and Part XIII of Chapter 1 to be comprised of R.S. 23:1771 through 1777, relative to employee misclassification; to provide with respect to administrative penalties; to provide relative to the failure to pay contributions; to provide for definitions; to provide factors to be used to identify an independent contractor; to facilitate voluntary resolution of worker classification issues; to enact the Fresh Start Proper Worker Classification Initiative and the Louisiana Voluntary Disclosure Program; to require the Louisiana Workforce Commission to promulgate rules; to provide for the disposition of penalties; to provide a safe harbor; to provide for an effective date; and to provide for related matters.

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

SENATE BILL NO. 113—

BY SENATORS TARVER AND CARTER

AN ACT

To amend and reenact Code of Civil Procedure Art. 192.2(B), relative to interpreters in certain civil proceedings; to provide relative to costs; and to provide for related matters.

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

SENATE BILL NO. 149—

BY SENATOR HARRIS

AN ACT

To provide for a special statewide election on the second Saturday in October of 2021 for the purpose of submitting constitutional amendments to the electors of the state; to provide for the conduct of such election; 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 Engrossed Senate Bill No. 149 by Senator Harris

AMENDMENT NO. 1

On page 1, line 9, after "**any**" delete "**special or**"

AMENDMENT NO. 2

On page 1, line 12 after "**state.**" delete the remainder of the line and delete lines 13 through 16

AMENDMENT NO. 3

On page 2, after line 4, insert the following:

"Section 4. This Act shall be void and of no effect if no proposed constitutional amendment as contained in a joint resolution is concurred in by each house of the legislature during the 2021 Regular Session of the Louisiana Legislature that specifies the special statewide election provided in this Act as the statewide election at which the proposed constitutional amendment shall be submitted to the electors."

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

SENATE BILL NO. 167—

BY SENATOR ALLAIN

AN ACT

To amend and reenact R.S. 30:86(A), (C), and the introductory paragraph of (E), and to enact R.S. 30:86(D)(9) and (E)(7), relative to the Louisiana Oilfield Site Restoration Fund; to provide for the deposit of monies from the state's allocation from the American Rescue Plan Act; to provide for the sources and uses of the Oilfield Site Restoration Fund; 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. 167 by Senator Allain

AMENDMENT NO. 1

On page 1, line 5, after "Act" and before the semicolon ";," insert "of 2021"

AMENDMENT NO. 2

On page 2, line 3, after "Restoration" and before "Fund", change "Trust" to "**Trust**"

AMENDMENT NO. 3

On page 2, at the end of line 7, after "Act" and before the period "." insert "of 2021"

AMENDMENT NO. 4

On page 2, line 24, after "Act" and before pursuant, insert "of 2021"

AMENDMENT NO. 5

On page 3, at the end of line 3, after "Act" and before the period "." insert "of 2021"

AMENDMENT NO. 6

On page 3, at the end of line 8, after "Plan" insert "Act of 2021"

AMENDMENT NO. 7

On page 3, line 13, after "Plan" and before "funds" insert "Act of 2021"

AMENDMENT NO. 8

On page 3, at the end of line 15, after "Plan" and before the period "." insert "Act of 2021"

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

SENATE BILL NO. 170—

BY SENATORS JOHNS, ALLAIN, HARRIS, HEWITT, MILLIGAN, PRICE, TARVER AND WHITE

AN ACT

To amend and reenact R.S. 46:2161(C), 2161.1(A) and (C), 2165(A) and (B)(2) and (6), 2166(D), 2167(D), and Children's Code Art. 725.2(A)(1) and (B), to enact R.S. 36:4(J) and R.S. 46:2166(A)(18) and Part III of Chapter 28-B of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:2169-2169.1, and to repeal R.S. 46:62, relative to human trafficking; to create the governor's office of human trafficking prevention; to provide for powers and duties; to provide for an executive director and other staff; to provide for budget oversight; and to provide for related matters.

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

SENATE BILL NO. 180—

BY SENATOR FRED MILLS

AN ACT

To amend and reenact R.S. 38:2271(A)(1) and (2)(b) and the introductory paragraph of 2271(C) and R.S. 39:1556(42) and (50), 1600(D)(1) and (3), and 1648(C), and to enact R.S. 42:802(B)(12) and R.S. 46:450.7(C), relative to state procurement through the reverse auction process; to provide for the use of reverse auction technology in the procurement of professional services by state and local governments; to provide for the definition of professional service; to provide for the procurement of pharmacy benefit manager services through reverse auction; 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. 180 by Senator Fred Mills

AMENDMENT NO. 1

On page 1, line 3, change "R.S. 39:1556(42)" to "R.S. 39:1556(10)(a)" and after "1600(D)(1) and (3)," insert "1621(B),"

AMENDMENT NO. 2

On page 1, line 4, after "enact" insert "R.S. 39:1600.1," and after "R.S. 42:802(B)(12)" insert a comma ","

AMENDMENT NO. 3

On page 1, line 6, change "professional" to "consulting"

AMENDMENT NO. 4

On page 1, line 7, change "professional" to "consulting"

AMENDMENT NO. 5

On page 1, line 12, change "professional" to "consulting"

AMENDMENT NO. 6

On page 1, line 15, change "professional" to "consulting"

AMENDMENT NO. 7

On page 2, line 7, change "professional" to "consulting"

AMENDMENT NO. 8

On page 2, line 12, change "professional" to "consulting"

AMENDMENT NO. 9

On page 2, line 15, change "R.S. 39:1556(42)" to "R.S. 39:1556(10)(a)" and after "1600(D)(1) and (3)," insert "1621(B),"

AMENDMENT NO. 10

On page 2, line 16, after "reenacted" insert "and R.S. 39:1600.1 is hereby enacted"

AMENDMENT NO. 11

On page 2, delete lines 23 through 29, and on page 3, delete lines 1 through 10 and insert the following:

"(10)(a) "Consulting service" means work, other than professional, personal, or social service, rendered by either individuals or firms who possess specialized knowledge, experience, and expertise to investigate assigned problems or projects and to provide counsel, review, design, development, analysis, or advice in formulating or implementing programs or services, or improvements in programs or services, including but not limited to such areas as management, personnel, finance, accounting, planning, information technology, **pharmacy benefit managers**, and advertising contracts, except for printing associated therewith."

AMENDMENT NO. 12

On page 3, line 13, change "professional" to "consulting"

AMENDMENT NO. 13

On page 3, line 23, change "professional" to "consulting"

AMENDMENT NO. 14

On page 3, line 27, change "professional" to "consulting"

AMENDMENT NO. 15

On page 4, between lines 4 and 5, insert the following:

"§1600.1. Procurement of pharmacy benefit manager services by reverse auction

A. This Section shall be known and may be cited as the "Louisiana Competitive Pharmacy Benefit Managers Marketplace Act".

B. The legislature finds and declares that it is the intent of this Section to optimize prescription drug savings by the state through:

(1) Development of a dynamically competitive reverse auction process for state health plan selection of pharmacy benefit managers.

(2) Electronic review and validation of pharmacy benefit manager claims as the foundation for reconciling pharmacy bills.

(3) Technology-driven evaluation of incumbent pharmacy benefit manager prescription drug pricing based on benchmark comparatives derived from pharmacy benefit manager reverse auction processes conducted in the United States over the previous twelve months.

C. For purposes of this Section, the following definitions shall apply:

(1) "AWP" means average wholesale price.

(2) "GNC" means guaranteed net cost.

(3) "NADAC" means national average drug acquisition cost.

(4) "NIST" means national institute of standards and technology.

(5) "Participant bidding agreement" means an online agreement that details common definitions, prescription drug classifications, rules, data access and use rights, and other optimal contract terms benefitting the state that all pharmacy benefit manager bidders must accept as a prerequisite for participation in a pharmacy benefit manager reverse auction.

(6) "Pharmacy benefit manager" or "PBM" means any person or business who administers the prescription drug or device program of one or more health plans on behalf of a third party in accordance with a pharmacy benefit program. This term includes any agent or representative of a pharmacy benefit manager hired or contracted by the pharmacy benefit manager to assist in the administering of the drug program and any wholly or partially owned or controlled subsidiary of a pharmacy benefit manager.

(7) "PBM reverse auction" means an automated, transparent, and dynamically competitive bidding process conducted online that starts with an opening round of bids and allows qualified pharmacy benefit manager bidders to counter-offer a lower price for as many rounds of bidding as determined by the purchaser for a multiple health plan prescription drug purchasing group. Except to the extent clearly provided by this Section, any pharmacy benefit manager reverse auction shall be conducted in accordance with R.S. 39:1600(D) and its corresponding regulations.

(8) "Price" means the projected cost of a pharmacy benefit manager's offer or bid for providing prescription drug benefits pursuant to this Section, to enable direct comparison of the comparably calculated costs of competing pharmacy benefit manager proposals over the duration of the pharmacy benefit manager services contract.

(9) "Real-time" means within no more than one hour.

(10) "Self-funded private sector health plan" means any self-funded private sector employer or multi-employer health plan.

(11) "Self-funded public sector health plan" means any group benefit plan provided pursuant to R.S. 42:801 et seq., any state-funded health plan or self-funded parish, municipal, or other local government employee health plan, and any public school employee health plan, health plan of the Louisiana State University System, any Louisiana public four-year college, or any Louisiana community college system.

(12) "Soc 2" means service organization control 2.

D. Contracts for pharmacy benefit manager services obtained through reverse auction shall comply with the following:

(1) Notwithstanding any provision of law to the contrary, the division of administration may procure the services of a pharmacy benefit manager for the administration of benefits under R.S. 42:801 et seq., in a transparent, online, and dynamically competitive process and in the manner specified in this Section.

(2) The division of administration may procure the following products and services as needed to implement this Section in accordance with this Chapter.

(a) A technology platform with required capabilities for conducting a PBM reverse auction that shall, at a minimum, possess the capacity to:

(i) Conduct an automated, online, reverse auction of PBM services using a software application and high-performance data infrastructure to intake, cleanse, and normalize PBM data with development methods and information security standards that have been validated by receiving Soc 2 and NIST certification.

(ii) Automate repricing of diverse and complex PBM prescription drug pricing proposals to enable direct comparison of the comparably calculated costs to the state of PBM bids using one hundred percent of annual prescription drug claims data available for state-funded health plans or a multiple health plan prescription drug purchasing group and using code-based classification of drugs from nationally accepted drug sources.

(iii) Simultaneously evaluate, in real-time, diverse and complex multiple proposals from full service PBMs, including AWP, GNC, and NADAC pricing models, as well as proposals

from pharmacy benefit administrators and specialty drug and rebate carve out service providers.

(iv) Produce an automated report and analysis of PBM bids, including the ranking of PBM bids based on the comparative costs and qualitative aspects of the bids within a one-hour period following the close of each round of reverse auction bidding.

(v) Perform real-time, electronic, line-by-line, claim-by-claim review of one hundred percent of invoiced PBM prescription drug claims, and identify all deviations from the specific terms of the PBM services contract resulting from the reserve auction process.

(b) Related services from the provider of the technology platform identified in Paragraph (2)(a) of this Subsection, which shall include, at a minimum, the following capabilities:

(i) Evaluation of the qualifications of PBM bidders.

(ii) Online automated reverse auction services to support the division of administration in comparing the pricing for the PBM procurement.

(iii) Related professional services as necessary.

(3) If the division of administration exercises the authority provided for in this Section, it shall procure the technology platform and related technology provider no later than four months in advance of the date scheduled for completion of the PBM reverse auction.

(4) The division of administration shall not award a contract for procurement of the technology platform and technology provider services to a vendor that is a PBM or a vendor that is managed by or a subsidiary or affiliate of a PBM.

(5) The vendor awarded the contract by the division of administration shall not outsource any part of the PBM reverse auction or the automated, real-time, electronic, line-by-line, claim-by-claim review of invoiced PBM prescription drug claims.

(6) With technical assistance and support provided by the technology platform provider, the division of administration shall specify the terms of the participant bidding agreement which shall not be modified except by specific consent of the division of administration.

(7)(a) The technology platform used to conduct the reverse auction shall be repurposed over the duration of the PBM services contract as an automated pharmacy claims adjudication engine to perform real-time, electronic, line-by-line, claim-by-claim review of one hundred percent of invoiced PBM prescription drug claims, and identify all deviations from the specific terms of the PBM services contract.

(b) The division of administration shall reconcile the electronically adjudicated pharmacy claims, as described in Paragraph (7)(a) of this Subsection, with PBM invoices on a monthly or quarterly basis to ensure that state payments shall not exceed the terms specified in any PBM services contract.

(c) If, following state payment to the PBM on the basis of such reconciliation, the PBM asserts that the division of administration has underpaid on the amount owed, the PBM may seek resolution through a mutually acceptable dispute resolution process, which the parties shall have agreed to previously in the terms of their contract.

(8) Each PBM reverse auction shall be scheduled to be completed and the PBM services contract shall be scheduled to be awarded to the winning PBM no later than six months prior to termination or expiration of the existing PBM services contract. The Joint Legislative Committee on the Budget shall be given notice of the dates of the PBM reverse auction and the termination of the existing PBM services contract. This Paragraph shall not be construed to alter the effect of Part 6 of this Chapter.

(9) The division of administration may perform a market check for providing PBM services during the term of the existing PBM services contract, which shall be a technology-driven evaluation of the incumbent PBM's prescription drug pricing based on benchmark comparators derived from PBM reverse auction processes conducted in the United States over the previous twelve months in order to ensure continuing competitiveness of incumbent prescription drug pricing over the life of a PBM services contract.

(10) The division of administration may implement a no-pay option that obligates the winning PBM, rather than the state, to pay the cost of the technology platform and related technology platform provider services by assessing the PBM a per-prescription fee in an amount agreed to by the division of administration and the technology provider and requiring the PBM to pay these fees to the technology provider over the duration of the PBM services contract. The obligation of the winning PBM to pay the per-prescription fees would then be incorporated as a term of the participant bidding agreement and the PBM services contract awarded to the PBM reverse auction winner.

(11) (a) The processes and procedures set forth in this part apply to group benefit plans provided pursuant to R.S. 42:801 et seq., if the division of administration elects to exercise its authority to conduct a PBM reverse auction in accordance with this Section. This Section shall not apply in the case of a nonprofit, nongovernmental health maintenance organization with respect to managed care plans that provide a majority of covered professional services through a single contracted medical group.

(b) Any other self-funded public sector health plan may use the processes and procedures set forth in this Section individually, collectively, or as a joint purchasing group with the group benefit plans provided pursuant to R.S. 42:801 et seq.

(c) (i) After completion of the first PBM reverse auction, self-funded private sector health plans with substantial participation by Louisiana employees and their dependents shall have the option, upon approval by the division of administration, to participate in a joint purchasing pool with state employees for subsequent PBM reverse auctions in accordance with rules promulgated by the division of administration.

(ii) The group benefit plans provided pursuant to R.S. 42:801 et seq., and any self-funded public sector health plans or self-funded private sector health plans that opt to participate with the state employees group benefits plan in a joint PBM reverse auction purchasing pool shall retain full autonomy over determination of their respective prescription drug formularies and pharmacy benefit designs and shall not be required to adopt a common prescription drug formulary or common prescription pharmacy benefit design. Any such entity or purchasing group shall agree, before participating in the PBM reverse auction, to accept the prescription drug pricing plan that is selected through the PBM reverse auction process.

(iii) Any PBM providing services to the division of administration, to self-funded public sector health plans, or to self-funded private sector health plans as described in this section shall provide the division of administration and the plan access to complete pharmacy claims data necessary to conduct the reverse auction and carry out their administrative and management duties.

* * *
* * *

§1621. Consulting service contracts

* * *

B. Contracts for consulting services which have a total maximum amount of compensation of seventy-five thousand dollars or more for a twelve-month period shall be awarded through a request for proposal or reverse auction process under rules and regulations issued by the office of state procurement. Service requirements shall not be artificially divided so as to exempt contracts from the request for proposal process.

* * *

AMENDMENT NO. 16

On page 4, line 13, after "R.S. 39:1600(D)" delete "in compliance with" and insert ", R.S. 39:1600.1, and"

AMENDMENT NO. 17

On page 4, line 22, after "R.S. 39:1600(D)" insert "and R.S. 39:1600.1 when it has been determined by the division of administration to be in the best interest of the state"

AMENDMENT NO. 18

On page 4, line 29, after "R.S. 39:1600(D)" delete "in compliance with" and insert ", R.S. 39:1600.1, and"

On motion of Senator White, 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 JOHNS

AN ACT

To amend and reenact R.S. 47:293(4)(e), relative to the definition of federal income tax liability for individual income taxpayers impacted by the 2021 hurricanes; to provide relief for taxpayers using the federal standard deduction; to include taxpayers affected by Hurricane Zeta; to clarify the applicability of the relief provided; to provide for effectiveness; 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 Concurrent Resolutions on Second Reading Reported by Committees

SENATE CONCURRENT RESOLUTION NO. 3—

BY SENATOR REESE

A CONCURRENT RESOLUTION

To suspend until sixty days after final adjournment of the 2022 Regular Session of the Legislature the provisions of R.S. 23:1474(C), (G)(3), and (H) providing for the determination of the unemployment insurance taxable wage base, maximum weekly benefit amount, and formula for the calculation of benefits for the 2022 calendar year.

Reported favorably by the Committee on Labor and Industrial Relations. The concurrent resolution was read by title, ordered engrossed and passed to a third reading.

SENATE CONCURRENT RESOLUTION NO. 4—

BY SENATOR TALBOT

A CONCURRENT RESOLUTION

To suspend until sixty days after final adjournment of the 2022 Regular Session of the Legislature of Louisiana the provisions of R.S. 51:1286(C)(2)(c), which limits the Department of Culture, Recreation and Tourism's purchase of in-state media advertisements to an amount not exceeding ten percent of all funds used for the purchase of media advertisements.

Reported with amendments by the Committee on Finance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Original Senate Concurrent Resolution No. 4 by Senator Talbot

AMENDMENT NO. 1

On page 1, line 3, change "51:1286(C)(1)(c)" to "51:1286(C)(2)(c)"

AMENDMENT NO. 2

On page 1, line 15, change "51:1286(C)(1)(c)" to "51:1286(C)(2)(c)"

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

SENATE CONCURRENT RESOLUTION NO. 5—

BY SENATOR REESE

A CONCURRENT RESOLUTION

To suspend until sixty days after final adjournment of the 2022 Regular Session of the Legislature of Louisiana the provisions of R.S. 23:1536(E)(1), relative to the unemployment insurance solvency tax on employers.

April 27, 2021

Reported favorably by the Committee on Labor and Industrial Relations. The concurrent resolution was read by title, ordered engrossed and passed to a third reading.

Senate Bills and Joint Resolutions on Third Reading and Final Passage

SENATE BILL NO. 1— BY SENATOR PEACOCK

AN ACT

To amend and reenact R.S. 47:321.1(G), relative to state sales and use tax; to phase-in a dedication of the temporary state sales and use tax levy to the Transportation Trust Fund; to provide for the use of the dedicated funds; and to provide for related matters.

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

SENATE BILL NO. 22— BY SENATOR PEACOCK

AN ACT

To amend and reenact R.S. 11:441(A)(2)(c), 461(B)(3)(c), 726(B)(2), 761(A)(4) and (5), 765(A)(2), 780(A), 786(A)(4), 802(B), 1141(A), 1142(C), and 1147(C)(4)(b), to enact R.S. 11:131, 441(A)(2)(d), 461(B)(3)(d), 726(B)(3), 761(A)(6), 765(A)(3), 786(A)(5), 802(C), 1142(D), and 1147(C)(4)(c), and to repeal R.S. 11:132, relative to retirement eligibility for certain new members of the Louisiana State Employees' Retirement System, the Teachers' Retirement System of Louisiana, and the Louisiana School Employees' Retirement System; to establish new retirement eligibility for certain members employed on or after July 1, 2021; to provide relative to disability retirements; to provide for an effective date; and to provide for related matters.

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

SENATE BILL NO. 81— BY SENATOR LUNEAU

AN ACT

To amend and reenact R.S. 46:236.14(D)(2) and R.S. 47:1508(B)(23) and to enact R.S. 47:114.1, relative to reporting requirements to the Department of Revenue; to require businesses and governmental entities that pay certain service providers to file annual reports; to authorize the secretary of the Department of Revenue to promulgate rules; to provide for extensions and waivers; to provide for an exception to the confidentiality of the records of the secretary of the Department of Revenue; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Abraham, Allain, Barrow, Bernard, Boudreaux, Bouie, Carter, Cathey, Cloud, Connick, Fesi, Total - 35; Fields, Foil, Harris, Hensgens, Hewitt, Jackson, Lambert, Luneau, McMath, Milligan, Mills, F., Mills, R.; Mizell, Morris, Peterson, Pope, Price, Reese, Smith, Tarver, Ward, White, Womack

NAYS

Henry Peacock Talbot Total - 3

ABSENT

Johns Total - 1

The Chair declared the bill was passed and ordered it sent to the House. Senator Luneau moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 111— BY SENATOR WOMACK

AN ACT

To amend and reenact R.S. 38:2191(A), 2212(B)(2), 2215(A), 2222, and 2241.1(C) and to enact R.S. 38:2212(E)(8) and 2241.1(D), relative to public contracts; to provide for timely execution and approval of change orders; to provide for filing injunctions or mandamus suits involving bids; to provide awarding bids after judicial determinations of the lowest responsive and responsible bidder; to provide for payments under a contract; and to provide for related matters.

Floor Amendments

Senator Fred Mills sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Fred Mills on behalf of the Legislative Bureau to Engrossed Senate Bill No. 111 by Senator Womack

AMENDMENT NO. 1

On page 3, line 2, following "for" insert "an"

AMENDMENT NO. 2

On page 3, line 3, following "or" and before "mandamus" insert "writ of"

AMENDMENT NO. 3

On page 3, line 4, following "judgment" and before "by" insert "rendered"

AMENDMENT NO. 4

On page 3, line 5, following "contract" and before "in" insert "to."

On motion of Senator Fred Mills, the amendments were adopted.

Floor Amendments

Senator Womack proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Womack to Engrossed Senate Bill No. 111 by Senator Womack

AMENDMENT NO. 1

On page 3, line 4, delete "Louisiana"

AMENDMENT NO. 2

On page 3, line 6, delete "Louisiana"

On motion of Senator Womack, the amendments were adopted.

Floor Amendments

Senator Womack proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Womack to Engrossed Senate Bill No. 111 by Senator Womack

AMENDMENT NO. 1

On page 3, line 2, after "bids." delete the remainder of the line and delete lines 3 through 7

AMENDMENT NO. 2

On page 3, line 8, delete "suspensive appeal."

On motion of Senator Womack, the amendments were adopted.

Floor Amendments

Senator Womack proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Womack to Engrossed Senate Bill No. 111 by Senator Womack

AMENDMENT NO. 1

On page 1, line 14, change "plan changes" to "change orders"

AMENDMENT NO. 2

On page 2, line 19, delete "form"

AMENDMENT NO. 3

On page 2, line 20, between "by the" and "person" insert "bidder or the"

AMENDMENT NO. 4

On page 3, line 2, after "bids." delete the remainder of the line and delete lines 3 through 7 in their entirety.

AMENDMENT NO. 5

On page 3, line 8, delete "suspensive appeal."

AMENDMENT NO. 6

On page 3, line 25 change "executed and approved" to "processed and issued"

AMENDMENT NO. 7

On page 3, line 26, change "the date of the proposed" to "final execution of the" and after "order." delete the remainder of the line and delete lines 27 through 29 in their entirety.

AMENDMENT NO. 8

On page 4, line 14, after "Section" change the period "." to a comma "," and add the following: "unless an approved agreement of partial occupancy is executed between the public entity, the design professional of record, and the contractor."

On motion of Senator Womack, the amendments were adopted.

Floor Amendments

Senator Connick proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Connick to Engrossed Senate Bill No. 111 by Senator Womack

AMENDMENT NO. 1

On page 3, line 26, change "thirty" to "forty"

On motion of Senator Connick, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table listing names of senators and their votes (Yeas) for the roll call.

Total - 38

NAYS

Total - 0

ABSENT

Johns
Total - 1

The Chair declared the amended bill was passed, ordered reengrossed and sent to the House. Senator Womack moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 118—
BY SENATOR MORRIS

AN ACT

To amend and reenact R.S. 40:1379.3(B) and (I)(1) and (2), and to enact R.S. 14:95(M), relative to the illegal carrying of weapons; to exempt certain persons from the crime of illegal carrying of weapons under certain circumstances; to provide for concealed weapon permits; to provide for exceptions; and to provide for related matters.

Rules Suspended

Senator Morris asked for a suspension of the rules.

Senator Carter objected.

ROLL CALL

The roll was called with the following result:

YEAS

Table listing names of senators and their votes (Yeas) for the roll call.

Total - 26

NAYS

Table listing names of senators and their votes (Nays) for the roll call.

Total - 11

April 27, 2021

ABSENT

Johns Ward
Total - 2

The Chair declared the rules were suspended.

Floor Amendments

Senator Morris proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Morris to Engrossed Senate Bill No. 118 by Senator Morris

AMENDMENT NO. 1

On page 1, at the beginning of line 11, delete "a resident of Louisiana" and insert "any person"

Senator Morris moved the adoption of the amendments.

Senator Barrow objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Abraham Allain Bernard Cathey Cloud Connick Fesi Foil
Henry Hensgens Hewitt Lambert McMath Milligan Mills, F. Mills, R. Mizell
Morris Peacock Pope Reese Talbot Ward White Womack
Total - 26

NAYS

Barrow Boudreaux Bouie Carter
Fields Harris Jackson Peterson
Price Smith Tarver
Total - 11

ABSENT

Johns Luneau
Total - 2

The Chair declared the amendments were adopted.

Floor Amendments

Senator Jackson proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Jackson to Engrossed Senate Bill No. 118 by Senator Morris

AMENDMENT NO. 1

On page 1, line 2, after "40:1379.3(B)" insert ", (D)(2),"

AMENDMENT NO. 2

On page 1, line 5, after "permits;" insert "to provide relative to firearms training;"

AMENDMENT NO. 3

On page 1, line 11, change "both" to "all"

AMENDMENT NO. 4

On page 1, between lines 15 and 16, insert the following:

"(3) The person has completed at least one of the firearms safety or training courses, or meets one of the criteria required to be met in lieu of a firearms safety or training course, provided for by R.S. 40:1379.3(D)(1) and carries on his person the card showing proof of completion of a firearms safety or training course provided for by R.S. 40:1379.3(D)(2)(b), or proof of the criteria met in lieu of a firearms safety or training course, while carrying a concealed weapon."

AMENDMENT NO. 5

On page 1, line 16, after "40:1379.3(B)" insert ", (D)(2),"

AMENDMENT NO. 6

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

"D.(1) * * * (2)(a) Instructors for any class, training, or course of instruction authorized by this Subsection, except for small arms training in military service as provided in Subparagraph (1)(g) of this Subsection, shall be certified by the Council on Peace Officer Standards and Training as a firearms instructor or by the National Rifle Association as an instructor for Basic Pistol Shooting, Personal Protection in the Home, or Personal Protection Outside the Home. Any safety or training course or class as described in this Subsection, except for basic handgun training in military service provided in Subparagraph (1)(g) of this Subsection, shall include instruction in child access prevention.

(b) Instructors for any class, training, or course of instruction authorized by this Subsection shall provide to a person who completes the class, training, or course of instruction, in addition to any certificate of completion or other documentation provided for by Paragraph (E)(1) of this Section, a laminated card that displays, at a minimum, the person's name, the name or description of the class, training, or course of instruction, the name of the instructor or the instructor's employing entity, and the date on which the person completed the course.

(c) Completion of any class, training, or course of instruction authorized by this Subsection not provided in conjunction with an application for a concealed handgun permit pursuant to the provisions of this Section shall not be reportable or reported to the state or to any state agency. * * *

Senator Jackson moved the adoption of the amendments.

Senator Morris objected.

ROLL CALL

The roll was called with the following result:

YEAS

Barrow Boudreaux Bouie Carter
Fields Harris Jackson Luneau
Peterson Price Smith Tarver
Total - 12

NAYS

Mr. President Abraham Allain Bernard Cathey Cloud Connick Fesi Foil
Henry Hensgens Hewitt Lambert McMath Milligan Mills, F. Mills, R. Mizell
Morris Peacock Pope Reese Talbot Ward White Womack
Total - 26

ABSENT

Johns
Total - 1

The Chair declared the amendments were rejected.

Floor Amendments

Senator Peterson proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Peterson to Engrossed Senate Bill No. 118 by Senator Morris

AMENDMENT NO. 1

On page 3, after line 10, insert:

"Section 3. This Act shall be known and may be cited as the "Thoughts and Prayers Act"."

Senator Peterson moved the adoption of the amendments.

Senator Morris objected.

ROLL CALL

The roll was called with the following result:

YEAS

Barrow	Fields	Peterson
Boudreaux	Harris	Price
Bouie	Jackson	Tarver
Carter	Luneau	
Total - 11		

NAYS

Mr. President	Henry	Morris
Abraham	Hensgens	Peacock
Allain	Hewitt	Pope
Bernard	Lambert	Reese
Cathey	McMath	Smith
Cloud	Milligan	Talbot
Connick	Mills, F.	Ward
Fesi	Mills, R.	White
Foil	Mizell	Womack
Total - 27		

ABSENT

Johns
Total - 1

The Chair declared the amendments were rejected.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Henry	Morris
Abraham	Hensgens	Peacock
Allain	Hewitt	Pope
Bernard	Lambert	Reese
Cathey	McMath	Smith
Cloud	Milligan	Talbot
Connick	Mills, F.	Ward
Fesi	Mills, R.	White
Foil	Mizell	Womack
Total - 27		

NAYS

Barrow	Fields	Peterson
Boudreaux	Harris	Price
Bouie	Jackson	Tarver
Carter	Luneau	
Total - 11		

ABSENT

Johns
Total - 1

The Chair declared the amended bill was passed, ordered reengrossed and sent to the House. Senator Morris moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 154—

BY SENATOR SMITH

A JOINT RESOLUTION

Proposing to amend Article VII, Section 23(C) of the Constitution of Louisiana, relative to ad valorem property tax millage rate adjustments; to provide for maximum authorized millage rates; and to specify an election for submission of the proposition to electors and to provide a ballot proposition.

Floor Amendments

Senator Smith proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Smith to Engrossed Senate Bill No. 154 by Senator Smith

AMENDMENT NO. 1

On page 2, line 1, delete "**combined**"

On motion of Senator Smith, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Foil	Peacock
Abraham	Harris	Peterson
Allain	Henry	Pope
Barrow	Hensgens	Price
Bernard	Hewitt	Reese
Boudreaux	Jackson	Smith
Bouie	Luneau	Talbot
Carter	McMath	Tarver
Cathey	Milligan	Ward
Cloud	Mills, F.	White
Connick	Mills, R.	Womack
Fesi	Mizell	
Fields	Morris	
Total - 37		

NAYS

Total - 0

ABSENT

Johns
Total - 2

April 27, 2021

The Chair declared the amended bill was passed, ordered reengrossed and sent to the House. Senator Smith moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 163—

BY SENATORS MCMATH AND HARRIS

A JOINT RESOLUTION

Proposing to amend Article V, Sections 3 and 4 of the Constitution of Louisiana, relative to composition of the Louisiana Supreme Court; to provide for reapportionment in accordance with most recent decennial federal census; to require districts be as equal as practicable in population; to provide for the redistricting of supreme court districts; to provide for two additional supreme court justices; to specify an election for submission of the proposition to electors; and provide a ballot proposition.

Floor Amendments

Senator Fred Mills sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Fred Mills on behalf of the Legislative Bureau to Engrossed Senate Bill No. 163 by Senator McMath

AMENDMENT NO. 1

On page 1, line 3, following "for" and before "in" change "reapportionment" to "redistricting"

On motion of Senator Fred Mills, the amendments were adopted.

Floor Amendments

Senator McMath proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator McMath to Engrossed Senate Bill No. 163 by Senator McMath

AMENDMENT NO. 1

On page 3, line 2, change "3" to "4(C)"

On motion of Senator McMath, the amendments were adopted.

Floor Amendments

Senator McMath proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator McMath to Engrossed Senate Bill No. 163 by Senator McMath

AMENDMENT NO. 1

On page 1, line 3, change "reapportionment" to "redistricting"

AMENDMENT NO. 2

On page 1, lines 4 and 5, change "be as equal as practicable" to "to be substantially equal"

AMENDMENT NO. 3

On page 2, lines 22 and 23, change "as equal as practicable" to "substantially equal"

On motion of Senator McMath, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Harris	Morris
Abraham	Henry	Peacock
Allain	Hensgens	Peterson
Barrow	Hewitt	Pope
Bernard	Jackson	Price
Boudreaux	Lambert	Reese
Bouie	Luneau	Smith
Carter	McMath	Talbot
Cloud	Milligan	Tarver
Connick	Mills, F.	Ward
Fesi	Mills, R.	White
Fields	Mizell	Womack
Total - 36		

NAYS

Cathey	Foil
Total - 2	

ABSENT

Johns
Total - 1

The Chair declared the amended bill was passed, ordered reengrossed and sent to the House. Senator McMath moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 165—

BY SENATOR SMITH

AN ACT

To amend and reenact R.S. 47:1705(B)(1)(a) and (b)(i), relative to adjustments of ad valorem millages; to provide for the retention of maximum authorized millage rates; and to provide for related matters.

Floor Amendments

Senator Fred Mills sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Fred Mills on behalf of the Legislative Bureau to Engrossed Senate Bill No. 165 by Senator Smith

AMENDMENT NO. 1

On page 2, line 6, change "Louisiana Legislative Auditor" to "legislative auditor"

AMENDMENT NO. 2

On page 2, line 21, change "Louisiana Legislative Auditor" to "legislative auditor"

On motion of Senator Fred Mills, the amendments were adopted.

Floor Amendments

Senator Smith proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Smith to Engrossed Senate Bill No. 165 by Senator Smith

AMENDMENT NO. 1

On page 1, line 11, after "B.(1)(a)" insert "(i)"

AMENDMENT NO. 2

On page 1, line 15, delete "combined"

AMENDMENT NO. 3

On page 2, line 5, after "established" delete "by the"

AMENDMENT NO. 4

On page 2, line 6, delete "Louisiana Legislative Auditor"

AMENDMENT NO. 5

On page 2, between lines 7 and 8, insert the following:

"(ii) If an immediate subsequent reassessment has an increased taxable value, the adjusted maximum millage rate shall be decreased to the original authorized maximum millage rate provided by the constitution and approved by the taxing authority."

AMENDMENT NO. 6

On page 2, line 8, after "(b)(i)" insert "(aa)"

AMENDMENT NO. 7

On page 2, line 12, delete "combined"

AMENDMENT NO. 8

On page 2, line 20, after "established" delete "by"

AMENDMENT NO. 9

On page 2, line 21, delete "the Louisiana Legislative Auditor"

AMENDMENT NO. 10

On page 2, between lines 22 and 23, insert the following:

"(bb) If an immediate subsequent reassessment has an increased taxable value, the adjusted maximum millage rate shall be decreased to the original authorized maximum millage rate provided by the constitution and approved by the taxing authority."

On motion of Senator Smith, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Foil	Peacock
Abraham	Henry	Peterson
Allain	Hensgens	Pope
Barrow	Hewitt	Price
Bernard	Jackson	Reese
Boudreaux	Lambert	Smith
Bouie	Luneau	Talbot
Carter	McMath	Tarver
Cathey	Milligan	Ward
Cloud	Mills, F.	White
Connick	Mills, R.	Womack
Fesi	Mizell	
Fields	Morris	
Total - 37		

NAYS

Total - 0

ABSENT

Harris	Johns
Total - 2	

The Chair declared the amended bill was passed, ordered reengrossed and sent to the House. Senator Smith moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 173—

BY SENATOR HEWITT

AN ACT

To amend and reenact R.S. 47:6007(C)(1)(a)(i)(aa) and (4)(h)(ii) and (iii)(bb), (D)(2)(d)(i), (I), (J)(1), and (3)(a), relative to the motion picture production tax credit; to provide for the out-of-zone base tax credit enhancement; to provide for the uses of the Louisiana Entertainment Development Fund; to provide for the allocation of tax credits; to provide for rollover of any excess tax credit cap; to increase the per project cap; to extend the program termination date; and to provide for related matters.

Floor Amendments

Senator Fred Mills sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Fred Mills on behalf of the Legislative Bureau to Engrossed Senate Bill No. 173 by Senator Hewitt

AMENDMENT NO. 1

On page 2, between lines 14 and 15, insert
 " * * *

On motion of Senator Fred Mills, the amendments were adopted.

Floor Amendments

Senator Hewitt proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Hewitt to Engrossed Senate Bill No. 173 by Senator Hewitt

AMENDMENT NO. 1

On page 3, line 29, after "(b)" insert "(i)"

AMENDMENT NO. 2

On page 4, delete lines 3 through 6, and insert: "shall not exceed one hundred fifty million dollars.

Twenty (ii) For applications submitted before July 1, 2021, twenty percent of the annual program cap shall be reserved as follows: five percent for qualified entertainment companies, five percent for Louisiana screenplay productions, and ten percent for independent film productions. For applications submitted on or after July 1, 2021, four percent of the annual program cap shall be reserved as follows: two percent for qualified entertainment companies and two percent for Louisiana screenplay productions. If the total amount of credits granted in any fiscal year to qualified entertainment companies or Louisiana screenplay productions is less than their respective reservation, any residual amount may be available for issuance by the department during that fiscal year as established by rule.

(iii) If the total amount of credits granted in any fiscal"

On motion of Senator Hewitt, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Foil	Peterson
Abraham	Henry	Pope
Barrow	Hensgens	Price
Bernard	Hewitt	Reese

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Boudreaux	Jackson	Smith
Bouie	Lambert	Talbot
Carter	Luneau	Tarver
Cathey	McMath	Ward
Cloud	Milligan	White
Connick	Mills, F.	Womack
Fesi	Mills, R.	
Fields	Mizell	
Total - 34		

NAYS

Allain	Morris	Peacock
Total - 3		

ABSENT

Harris	Johns
Total - 2	

The Chair declared the amended bill was passed, ordered reengrossed and sent to the House. Senator Hewitt moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 14—
BY SENATOR FESI

AN ACT

To enact R.S. 44:4(59) and (60), relative to the Public Records Law; to exempt certain information related to unclaimed property; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Foil	Morris
Abraham	Henry	Peacock
Allain	Hensgens	Peterson
Bernard	Hewitt	Pope
Boudreaux	Jackson	Price
Bouie	Lambert	Reese
Carter	Luneau	Smith
Cathey	McMath	Talbot
Cloud	Milligan	Tarver
Connick	Mills, F.	Ward
Fesi	Mills, R.	White
Fields	Mizell	Womack
Total - 36		

NAYS

Total - 0

ABSENT

Barrow	Harris	Johns
Total - 3		

The Chair declared the bill was passed and ordered it sent to the House. Senator Fesi moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 41—
BY SENATOR BERNARD

AN ACT

To amend and reenact R.S. 22:801 and 802 and to repeal R.S. 22:145, 171, 254(A), (B), (D), (E), and (F), 257(A)(9), 332(A)(13), 333(B) and (C), 341(C), 804, 807, and 808, relative to deposits by insurers; to provide for authority to receive and hold insurer deposits; to provide for release of funds deposited under certain conditions; to provide for the terms and conditions of making and maintaining deposits; to provide for an effective date; and to provide for related matters.

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

Rules Suspended

Senator Pope asked for and obtained a suspension of the rules to revert to the Morning Hour.

Introduction of Senate Resolutions

SENATE RESOLUTION NO. 27—
BY SENATOR HEWITT

A RESOLUTION

To commend the Pope John Paul II High School boys soccer team upon winning the 2021 Louisiana High School Athletic Association Division IV state championship.

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

SENATE RESOLUTION NO. 28—
BY SENATOR HEWITT

A RESOLUTION

To commend Coach Jesse "Jay" Carlin III on achieving the highest honor in his profession, by being inducted into the Louisiana High School Basketball Coaches Association Hall of Fame.

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**

April 27, 2021

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. 23	HB No. 27	HB No. 32
HB No. 42	HB No. 54	HB No. 65
HB No. 119	HB No. 137	HB No. 139
HB No. 141	HB No. 179	HB No. 182
HB No. 214	HB No. 227	HB No. 234

Respectfully submitted,
MICHELLE D. FONTENOT
Clerk of the House of Representatives

**House Bills and Joint Resolutions
on First Reading**

HOUSE BILL NO. 23—
BY REPRESENTATIVE CHARLES OWEN
AN ACT

To repeal Subpart E of Part II of Chapter 1 of Title 14 of the Louisiana Revised Statutes of 1950, comprised of R.S. 14:47 through 50, and R.S. 15:443, relative to offenses against a person; to repeal provisions relative to defamation, presumption of malice, qualified privilege, and absolute privilege.

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

HOUSE BILL NO. 27—
BY REPRESENTATIVE GREGORY MILLER
AN ACT

To amend and reenact R.S. 49:992(D)(5) and to repeal R.S. 37:21.1 and 23.2 and R.S. 49:992.2, relative to licensing boards and commissions; to remove from the statutes certain expiring provisions and references thereto relative to adjudications applicable to certain licensing boards and commissions; to remove the reporting and notice requirements regarding complaints about actions and procedures applicable to certain licensing boards and commissions; and to provide for related matters.

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

HOUSE BILL NO. 32—
BY REPRESENTATIVES SELDERS AND JAMES
AN ACT

To enact R.S. 15:828(E) and (F), relative to diminution of sentence; to provide relative to diminution of sentence for the earning of a bachelor's degree or master's degree; to increase the total number of credits upon earning a bachelor's degree or master's degree; and to provide for related matters.

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

HOUSE BILL NO. 42—
BY REPRESENTATIVE DAVIS
AN ACT

To enact R.S. 17:3351(N), relative to public postsecondary education institutions; to require institutions to provide students with education loan information; to require annual updates of loan information to be given to students; and to provide for related matters.

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

HOUSE BILL NO. 54—
BY REPRESENTATIVES EDMONDS AND VILLIO
AN ACT

To enact R.S. 14:67.5, relative to misappropriation without violence; to create the crime of adoption deception; to provide for elements of the offense; to provide for criminal penalties; to provide for restitution; and to provide for related matters.

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

HOUSE BILL NO. 65—
BY REPRESENTATIVE ECHOLS
AN ACT

To amend and reenact R.S. 22:526, relative to mandatory audits of title insurance producers by title insurers; to provide for periodic audits; to provide for audit requirements; to make technical changes; and to provide for related matters.

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

HOUSE BILL NO. 119—
BY REPRESENTATIVE HUGHES
AN ACT

To amend and reenact R.S. 17:3138.7(B)(introductory paragraph) and to enact R.S. 17:3138.7(B)(24) and (25) and (G)(4), relative to the Advisory Council on Historically Black Colleges and Universities; to provide for membership of the council; to provide for an annual report to the legislature's education committees; and to provide for related matters.

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

HOUSE BILL NO. 137—
BY REPRESENTATIVE DUPLESSIS
AN ACT

To amend and reenact R.S. 27:248(C)(2)(introductory paragraph), (3), (4), and (5), relative to non-gaming economic development by the casino gaming operator; to provide relative to the operating force or personnel level; to provide relative to the employment positions toward the total operating force or personnel level; to provide relative to the amount credited to the casino gaming operator; and to provide for related matters.

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

HOUSE BILL NO. 139—
BY REPRESENTATIVE GADBERRY
AN ACT

To amend and reenact R.S. 18:423(B), relative to parish boards of election supervisors; to provide for training of members of parish boards of election supervisors; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 141—
BY REPRESENTATIVE STAGNI
AN ACT

To enact R.S. 18:1462.1, relative to electioneering around polling places; to provide relative to registration of persons conducting exit polling in or near polling places; to provide for criminal penalties; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 179—
BY REPRESENTATIVE FIRMENT
AN ACT

To enact R.S. 22:41.3, relative to officers and directors of domestic regulated entities; to provide definitions for certain terms; to provide for the requirements for officers and directors; and to provide for related matters.

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

HOUSE BILL NO. 182—
BY REPRESENTATIVE VILLIO
AN ACT

To amend and reenact R.S. 22:91 and 119, relative to annual meetings of domestic insurance companies; to provide for annual meetings by remote means; to provide for minimum requirements for policyholder voting rights; to provide for reasonable classification of policyholders; to provide for additional votes based on a reasonable classification of policyholders; and to provide for related matters.

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

HOUSE BILL NO. 214—
BY REPRESENTATIVE CORMIER
AN ACT

To amend and reenact R.S. 18:54, relative to registrars of voters; to provide for training of new registrars of voters; to provide for an effective date; and to provide for related matters.

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

April 27, 2021

HOUSE BILL NO. 227—
BY REPRESENTATIVE WHEAT
AN ACT

To enact Code of Criminal Procedure Article 732.2, relative to subpoenas; to authorize the use of administrative subpoenas for the production of information in investigations of human trafficking offenses; to provide for the types of information which may be disclosed pursuant to an administrative subpoena; to provide for information which may not be disclosed pursuant to an administrative subpoena; and to provide for related matters.

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

HOUSE BILL NO. 234—
BY REPRESENTATIVES CARPENTER, MOORE, AND WHITE AND SENATORS BARROW, JACKSON, MIZELL, AND PETERSON
AN ACT

To amend and reenact R.S. 15:555(D), to enact R.S. 15:555(A)(17) and 556(A)(3), and to repeal R.S. 15:556(B), relative to the Louisiana Sexual Assault Oversight Commission; to provide relative to the membership of the commission; to provide relative to the duties of the commission; to provide for an effective date; and to provide for related matters.

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

Message from the House

ASKING CONCURRENCE IN HOUSE CONCURRENT RESOLUTIONS

April 27, 2021

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:

HCR No. 11 HCR No. 15 HCR No. 50

Respectfully submitted,
MICHELLE D. FONTENOT
Clerk of the House of Representatives

House Concurrent Resolutions on First Reading

HOUSE CONCURRENT RESOLUTION NO. 11—
BY REPRESENTATIVE HUGHES
A CONCURRENT RESOLUTION

To urge and request the State Board of Elementary and Secondary Education (BESE) to develop a plan to provide school literacy coaches in all elementary schools identified as needing improvement no later than the start of the 2022-2023 school year.

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

HOUSE CONCURRENT RESOLUTION NO. 15—
BY REPRESENTATIVE HUGHES
A CONCURRENT RESOLUTION

To urge and request the Juvenile Justice Reform Act Implementation Commission to use its authority to oversee a study of local education agency budgets to analyze and make available to the public information about how school districts are spending local, state, and federal education funds, in particular, how these funds are spent on measures that support students and their learning compared to measures that punish and criminalize students.

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

HOUSE CONCURRENT RESOLUTION NO. 50—
BY REPRESENTATIVE DUSTIN MILLER
A CONCURRENT RESOLUTION

To designate May 2-9, 2021, as Tardive Dyskinesia Awareness Week.

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON ENVIRONMENTAL QUALITY

Senator Eddie J. Lambert, Chairman on behalf of the Committee on Environmental Quality, submitted the following report:

April 27, 2021

To the President and Members of the Senate:

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

SENATE CONCURRENT RESOLUTION NO. 24—
BY SENATOR FOIL
A CONCURRENT RESOLUTION

To urge and request the Department of Environmental Quality, in consultation with other entities, to study the feasibility of providing funding for remediation of storm water quality impairments, including but not limited to sediment and aquatic trash, through the implementation of devices to capture such impairments and the maintenance of devices to remove such impairments from storm water systems.

Reported favorably.

SENATE BILL NO. 44—
BY SENATOR PETERSON AND REPRESENTATIVE LANDRY
AN ACT

To amend and reenact R.S. 30:2363(10) and 2373(B)(2) and to enact R.S. 30:2363(21) and 2365(A)(8), relative to the "Right-to-Know" law; to provide for the reporting of certain releases of hazardous materials; to provide for definitions; to provide for reporting of emergency conditions; to provide for public notification of emergency conditions; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 97—
BY SENATOR LAMBERT
AN ACT

To amend and reenact R.S. 30:2153(2) through (5) and to enact R.S. 30:2153(1)(b)(v), (8) through (15), and 2154(B)(1)(b)(iii), relative to solid waste; to provide for advanced recycling processes, facilities, and products; to provide for definitions; to provide for exceptions; to provide for the power and duties of the secretary of the Department of Environmental Quality; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
EDDIE J. LAMBERT
Chairman

REPORT OF COMMITTEE ON

AGRICULTURE, FORESTRY, AQUACULTURE, AND RURAL DEVELOPMENT

Senator Stewart Cathey Jr., Chairman on behalf of the Committee on Agriculture, Forestry, Aquaculture, and Rural Development, submitted the following report:

April 27, 2021

To the President and Members of the Senate:

I am directed by your Committee on Agriculture, Forestry, Aquaculture, and Rural Development to submit the following report:

SENATE BILL NO. 103—
BY SENATOR HENSGENS

AN ACT

To enact Chapter 15-A of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:2071 through 2077, and R.S. 36:629(T), relative to the creation of the Louisiana Equine Promotion and Research Program; to create the Louisiana Equine Promotion and Research Advisory Board; to provide for the composition, powers, duties, and functions of the board; to authorize the commissioner of agriculture and forestry to adopt rules and accept certain funds; to provide for the use of funds; to provide for definitions; to provide for transfer of the board to the Department of Agriculture and Forestry; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
STEWART CATHEY JR.
Chairman

Rules Suspended

Senator Allain asked for a suspension of the rules to recall Senate Bill No. 122 from the Committee on Finance.

Senator Connick objected.

SENATE BILL NO. 122—
BY SENATORS ALLAIN, HENSGENS, HEWITT AND FRED MILLS AND REPRESENTATIVE BISHOP

AN ACT

To amend and reenact R.S. 49:214.36(E), (J), and (O)(2), relative to the Coastal Zone Management Program; to provide for enforcement actions; to provide for the imposition of civil liability, the assessment of damages, and court orders; to provide for distribution of monies collected; to provide for the use of funds; and to provide for related matters.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Henry	Peacock
Abraham	Hensgens	Peterson
Allain	Hewitt	Pope
Barrow	Jackson	Reese
Bernard	Lambert	Smith
Boudreaux	Milligan	Talbot
Carter	Mills, F.	Ward
Cathey	Mills, R.	White
Fesi	Mizell	Womack
Foil	Morris	
Total - 29		

NAYS

Connick
Total - 3

Harris

Luneau

ABSENT

Bouie
Cloud
Fields
Total - 7

Johns
McMath
Price

Tarver

The Chair declared the Senate had advanced Senate Bill No. 122 to third reading and final passage.

Privileged Report of the Committee on Senate and Governmental Affairs

ENROLLMENTS

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

April 27, 2021

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. 26—
BY SENATORS CORTEZ AND BOUDREAUX
A CONCURRENT RESOLUTION

To commend Major Luraine Richard of the Lafayette Police Department upon her retirement, and to congratulate her for a distinguished public service career of thirty-six years in law enforcement.

SENATE CONCURRENT RESOLUTION NO. 28—
BY SENATORS CATHEY, MORRIS AND JACKSON
A CONCURRENT RESOLUTION

To commend and congratulate the West Monroe-West Ouachita Chamber of Commerce on the occasion of its sixty-fifth anniversary.

Respectfully submitted,
SHARON W. HEWITT
Chairwoman

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

Message from the House

SIGNED HOUSE CONCURRENT RESOLUTIONS

April 27, 2021

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. 24—
BY REPRESENTATIVES IVEY, ADAMS, AMEDEE, BACALA, BAGLEY, BEAULLIEU, BISHOP, BOURRIAQUE, BRASS, BROWN, BRYANT, BUTLER, CARPENTER, CARRIER, GARY CARTER, ROBBY CARTER, WILFORD CARTER, CORMIER, COUSSAN, COX, CREWS, DAVIS, DEVILLIER, DESHOTEL, DUBUISSON, DUPLESSIS, ECHOLS, EDMONDS, EDMONSTON, EMERSON, FARNUM, FIRMENT, FONTENOT, FREEMAN, FREIBERG, FRIEMAN, GADBERRY, GAINES, GAROFALO, GEYMAN, GLOVER, GOUDEAU, GREEN, HARRIS, HILFERTY, HODGES, HOLLIS, HORTON, HUGHES, HUVAL, ILLG,

April 27, 2021

JAMES, JEFFERSON, JENKINS, MIKE JOHNSON, TRAVIS JOHNSON, JONES, JORDAN, KERNER, LACOMBE, LANDRY, LARVADAIN, LYONS, MACK, MAGEE, MARCELLE, MARINO, MCCORMICK, MCFARLAND, MCKNIGHT, MCMAHEN, MIGUEZ, DUSTIN MILLER, GREGORY MILLER, MINCEY, MOORE, MUSCARELLO, NELSON, NEWELL, ORGERON, CHARLES OWEN, ROBERT OWEN, PHELPS, PIERRE, PRESSLY, RISER, ROMERO, SCHAMERHORN, SCHEXNAYDER, SEABAUGH, SELDERS, ST. BLANC, STAGNI, STEFANSKI, TARVER, THOMAS, THOMPSON, TURNER, VILLIO, WHEAT, WHITE, WILLARD, WRIGHT, AND ZERINGUE AND SENATOR PEACOCK

A CONCURRENT RESOLUTION

To commend Daryl Purpera on the occasion of his retirement from service as the Louisiana legislative auditor.

and asked that the President of the Senate affix his signature to the same.

Respectfully submitted,
MICHELLE D. FONTENOT
Clerk of the House of Representatives

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

ATTENDANCE ROLL CALL

PRESENT

Table with 3 columns listing names of present members: Mr. President, Abraham, Allain, Barrow, Bernard, Boudreaux, Bouie, Carter, Cathey, Cloud, Connick, Fesi, Fields, Total - 38, and others.

ABSENT

Johns
Total - 1

Leaves of Absence

The following leaves of absence were asked for and granted:

Johns 1 Day

Announcements

The following committee meetings for April 28, 2021, were announced:

Table with 3 columns: Committee Name, Time, Room. Includes Commerce, Health and Welfare, Insurance, Senate and Gov't Affairs.

Adjournment

On motion of Senator Talbot, at 6:05 o'clock P.M. the Senate adjourned until Wednesday, April 28, 2021, at 3:00 o'clock P.M.

The President of the Senate declared the Senate adjourned.

YOLANDA J. DIXON
Secretary of the Senate

DIANE O' QUIN
Journal Clerk