

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

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**TWENTY-THIRD DAY'S PROCEEDINGS**

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

Senate Chamber  
State Capitol  
Baton Rouge, Louisiana

Wednesday, April 27, 2022

The Senate was called to order at 3:17 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	Foil	Mizell
Abraham	Harris	Morris
Allain	Henry	Peacock
Bernard	Hensgens	Pope
Boudreaux	Hewitt	Price
Bouie	Jackson	Reese
Carter	Lambert	Smith
Cathey	Luneau	Stine
Cloud	McMath	Talbot
Connick	Milligan	Ward
Fesi	Mills, F.	Womack
Fields	Mills, R.	

Total - 35

ABSENT

Barrow	Tarver	White
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Total - 3

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

**Prayer**

The prayer was offered by Bishop Lionel Smith, 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 Allain, the reading of the Journal was dispensed with and the Journal of April 26, 2022, was adopted.

**Privileged Report of the  
Legislative Bureau**

April 27, 2022

To the President and Members of the Senate:

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

The following instruments are approved as to construction and duplication.

**HOUSE BILL NO. 331—**  
BY REPRESENTATIVE MCFARLAND  
AN ACT

To amend and reenact R.S. 47:633(1) and (2), relative to tax administration; to provide for the timing for scaling and measuring of trees, timber, and pulpwood for severance tax purposes; to provide an effective date; and to provide for related matters.

Reported without amendments.

Respectfully submitted,  
FRED MILLS  
Chairman

**Adoption of Legislative Bureau Report**

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

**Introduction of Senate Resolutions**

**SENATE RESOLUTION NO. 93—**  
BY SENATOR FIELDS  
A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana upon the passing of Tristan Murray Vessel.

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

**SENATE RESOLUTION NO. 94—**  
BY SENATOR FIELDS  
A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana upon the passing of Sallie Gillespie Newman.

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

**SENATE RESOLUTION NO. 95—**  
BY SENATOR ROBERT MILLS  
A RESOLUTION

To recognize Wednesday, May 4, 2022, as Literacy Day at the Louisiana State Capitol.

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

**Introduction of  
Senate Concurrent Resolutions**

**SENATE CONCURRENT RESOLUTION NO. 43—**  
BY SENATOR FIELDS  
A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the passing of Johnnie A. Jones Sr. and to gratefully acknowledge his extraordinary career of public service on behalf of the citizens of Louisiana.

Senator Fields asked for and obtained a suspension of the rules to read Senate Concurrent Resolution No. 43 a first and second time.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Harris	Peacock
Abraham	Henry	Pope

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Allain	Hensgens	Price
Bernard	Hewitt	Reese
Boudreaux	Jackson	Smith
Bouie	Lambert	Stine
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

Barrow  
Total - 1

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

**Explanation of Vote**

Senator Barrow stated she appeared as absent on the vote on Senate Concurrent Resolution No. 43. She intended to vote yea and asked that the Official Journal so state.

**Senate Resolutions on Second Reading**

**SENATE RESOLUTION NO. 90—**  
BY SENATOR FESI

A RESOLUTION

To urge and request the Commissioner of Insurance to study the issue of notice of insurance policy renewals for property, casualty, and liability policies.

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

**SENATE RESOLUTION NO. 91—**  
BY SENATOR BOUDREAUX

A RESOLUTION

To commend Mary Anna Green-Lewis on the occasion of her ninety-ninth birthday.

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

**SENATE RESOLUTION NO. 92—**  
BY SENATOR FIELDS

A RESOLUTION

To express sincere condolences upon the passing of Johnnie A. Jones Sr. and to gratefully acknowledge his extraordinary career of public service on behalf of the citizens of Louisiana.

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

**Senate Concurrent Resolutions on Second Reading**

**SENATE CONCURRENT RESOLUTION NO. 42—**  
BY SENATOR TALBOT

A CONCURRENT RESOLUTION

To suspend until sixty days after final adjournment of the 2023 Regular Session of the Legislature of Louisiana the provisions of R.S. 51:1286(C)(2)(c), which limit 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.

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

**Senate Concurrent Resolutions to be Adopted, Subject to Call**

**Called from the Calendar**

Senator Peacock asked that Senate Concurrent Resolution No. 35 be called from the Calendar.

**SENATE CONCURRENT RESOLUTION NO. 35—**  
BY SENATOR PEACOCK

A CONCURRENT RESOLUTION

To commend the creators of the film, The Five Priests, on being honored as an Official Selection of the 2022 Cannes World Film Festival.

On motion of Senator Peacock, the resolution was read by title and withdrawn from the files of the Senate.

**Message from the House**

**ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS**

April 27, 2022

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. 57   | HB No. 142 | HB No. 187 |
| HB No. 345  | HB No. 360 | HB No. 459 |
| HB No. 585  | HB No. 634 | HB No. 661 |
| HB No. 682  | HB No. 689 | HB No. 701 |
| HB No. 718  | HB No. 770 | HB No. 870 |
| HB No. 1035 | HB No. 791 | HB No. 828 |
| HB No. 890  | HB No. 914 | HB No. 236 |
| HB No. 305  | HB No. 402 | HB No. 636 |
| HB No. 302  | HB No. 979 |            |

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

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

**HOUSE BILL NO. 57—**  
BY REPRESENTATIVE HOLLIS  
AN ACT

To amend and reenact R.S. 9:1145 and 1147, relative to homeowners associations; to provide relative to privileges; to provide for notice to certain owners; to provide for time periods; to provide for procedures for cancellation of certain privileges; to provide for attorney fees; and to provide for related matters.

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

**HOUSE BILL NO. 142—**

BY REPRESENTATIVES SCHLEGEL, ADAMS, AMEDEE, BACALA, BISHOP, BUTLER, CARRIER, CREWS, EDMONDS, EDMONSTON, FIRMONT, FISHER, FONTENOT, FREIBERG, GAROFALO, HARRIS, HODGES, HORTON, MIKE JOHNSON, KERNER, MOORE, CHARLES OWEN, PHELPS, RISER, ROMERO, SCHAMERHORN, SEABAUGH, SELDERS, VILLIO, WHEAT, WRIGHT, AND ZERINGUE AND SENATORS BARROW AND MIZELL

AN ACT

To enact R.S. 9:2800.28, relative to material harmful to minors; to provide for liability for the publishing or distribution of material harmful to minors on the internet; to provide for reasonable age verification; to provide for legislative intent; to provide for individual rights of action; to provide for attorney fees, court costs, and punitive damages; to provide for exceptions; to provide for definitions; and to provide for related matters.

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

**HOUSE BILL NO. 187—**

BY REPRESENTATIVE TURNER

AN ACT

To enact R.S. 3:266(25), relative to the powers of authority of the Louisiana Agricultural Finance Authority; to expand the powers of the Louisiana Agricultural Finance Authority to authorize the acquisition and distribution of fuel through different methods during a natural disaster; to provide 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. 236—**

BY REPRESENTATIVE ADAMS

AN ACT

To amend and reenact R.S. 47:1923(D)(1)(a), relative to the East Feliciana Parish tax assessor; to provide for the payment of certain insurance premiums for retirees; 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. 302—**

BY REPRESENTATIVE FREEMAN

AN ACT

To amend and reenact R.S. 32:1741(I), relative to the booting of motor vehicles parked on private property; to remove the prohibition on a parking facility company, valet company, or general manager from having an ownership interest in a business engaged in booting vehicles on private property or from accepting a rebate or other compensation from a booting company; and to provide for related matters.

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

**HOUSE BILL NO. 305—**

BY REPRESENTATIVE GADBERRY

AN ACT

To enact R.S. 37:701(I), relative to the Louisiana Professional Engineering and Land Surveying Board; to provide for the incidental practice of engineering by architects; to provide for the scope of practice for architects engaging in incidental engineering work; to provide for certain conditions; and to provide for related matters.

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

**HOUSE BILL NO. 345—**

BY REPRESENTATIVE ORGERON

AN ACT

To amend and reenact R.S. 17:426(A), relative to toll exemptions for certain school personnel; to provide an exemption from tolls on the Louisiana Highway 1 Bridge for teachers, school bus drivers, and other school employees; 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. 360—**

BY REPRESENTATIVE HILFERTY

AN ACT

To amend and reenact Children's Code Articles 320(B), (C), and (D), 335(D) and (E), 502(1)(introductory paragraph) and (5), 575, 601, 603(2)(introductory paragraph), (18), (20), (25), (26), and (27), 607(A) and (C), 608(A)(introductory paragraph), (3), and (4), (B), and (C), 612(A)(2) and (4), 615(B)(1), 619(A)(1), (B), and (C), 620(A), (B), and (C), 621(A) and (B), 622(B)(introductory paragraph), (1), (2), and (3), 623(A) and (B), 624(A), (C)(1), (F), and (H), 625(D)(1), 626, 627(C), 635.1, 638, 639, 640(A) and (C), 646.1(B)(2) and (D), 672.1(B), 673, 675(A) and (B)(1), (2), (3), (6)(a), and (8), 677(B) and (C), 681(A)(introductory paragraph) and (1), 682(A) and (B)(introductory paragraph), (4), and (5), 683(A), (B), and (D), 684(B) and (C), 700(A)(introductory paragraph) and (1), 702(C)(1) and (4), (E), (G), and (J), 710(A) and (D), 716, 722(A)(2) and (4) and (B), 724.1(C)(2) and (4), 1003(1)(introductory paragraph) and (10), 1016(A) and (B), 1021, and 1404(13) and to enact Children's Code Articles 335(F) and (G), 603(28) through (32), 1019.1, and 1019.2, relative to the continuous revision of the Children's Code; to provide for the determination of indigency; to provide for the appointment of counsel; to provide for the preparation of the record; to provide for definitions; to provide authorization to the Indigent Parents' Representation Program; to provide for Child in Need of Care proceedings; to provide for the safety of a child; to provide for reasonable efforts of the Department of Children and Family Services; to provide for the welfare of a child; to provide for the removal of a child; to remove outdated language; to provide for a continued safety plan hearing; to provide for notice of court orders; to provide for service made on a child; to authorize service by commercial courier; to provide for the confirmation of electronic delivery; to provide for a child to remain in the custody of a parent; to require written reasons for removal; to provide for return of the child; to provide for modification of judgments; to provide a cross reference; and to provide for related matters.

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

**HOUSE BILL NO. 402—**

BY REPRESENTATIVE HUGHES

AN ACT

To amend and reenact R.S. 9:2800.9(A)(1), relative to prescription; to provide relative to the prescriptive period for certain civil actions against a person for certain acts committed against a minor; to provide for definitions; to provide for implementation; 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. 459—**

BY REPRESENTATIVES CHARLES OWEN, AMEDEE, AND HORTON

AN ACT

To enact R.S. 22:1054.2 and Subpart A-1 of Part I of Subchapter A of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1152.1 through 1152.6,

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relative to medical care and treatment; to enact certain requirements for healthcare providers and institutions relative to life-sustaining procedures; to provide relative to insurance coverage of such procedures; to provide for construction; to provide a limitation of liability; to provide for definitions; and to provide for related matters.

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

**HOUSE BILL NO. 585—**  
BY REPRESENTATIVE FREEMAN  
AN ACT

To enact Code of Criminal Procedure Article 1005, relative to firearm data collection; to provide for required reporting of aggregate firearm transfer data to the Louisiana Commission on Law Enforcement and Administration of Criminal Justice; to provide for the creation of a standardized form used to report aggregate data fields; to provide for submission of forms; to provide for submission dates; to provide for publication of data; to provide for a report; and to provide for related matters.

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

**HOUSE BILL NO. 634—**  
BY REPRESENTATIVE MCMAHEN  
AN ACT

To amend and reenact R.S. 14:43.1(A)(3)(introductory paragraph) and (C)(2), 43.2(C)(2) and (3)(introductory paragraph), 80(A)(1), 80.1(A), 81.1(E)(5)(a) and (b) and (G)(introductory paragraph), 81.2(A)(1) and (2)(introductory paragraph), (B)(1), (2), and (3)(a), 81.3(A)(1), (2), (3), and (5), (B)(1)(a) and (c) and (C)(1), 91.13(A), 92(A)(introductory paragraph), 93(A), 93.2.3(A)(1), and 283(A)(3), relative to offenses against minors; to provide relative to the age of offenders; to raise the age of offenders to eighteen in certain offenses; and to provide for related matters.

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

**HOUSE BILL NO. 636—**  
BY REPRESENTATIVE ORGERON  
A JOINT RESOLUTION

Proposing to amend Article VII, Section 10.2(E)(1) of the Constitution of Louisiana, relative to federal proceeds from alternative energy production on the Outer Continental Shelf; to provide for the disposition of revenues; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

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

**HOUSE BILL NO. 661—**  
BY REPRESENTATIVE HILFERTY  
AN ACT

To enact R.S. 29:736(E), relative to state buildings; to exempt state buildings and facilities from locally declared disasters and emergencies; and to provide for related matters.

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

**HOUSE BILL NO. 682—**  
BY REPRESENTATIVE BROWN  
AN ACT

To enact R.S. 22:1679, relative to a claims adjuster database; to require the Department of Insurance to create and maintain a database of claims adjusters working in this state; to provide requirements for each profile in the database; to provide for accessibility by the public; and to provide for related matters.

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

**HOUSE BILL NO. 689—**  
BY REPRESENTATIVE SCHAMERHORN  
AN ACT

To amend and reenact R.S. 56:306.2(B), 306.3, 306.4(Section heading) and (C)(1), and 306.5(A) and to enact R.S. 56:306.1 and 306.2(A)(2), relative to licenses; to create the retail seafood dealer's license; to provide for license required to buy and sell seafood; and to provide for related matters.

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

**HOUSE BILL NO. 701—**  
BY REPRESENTATIVES HILFERTY AND GAROFALO  
AN ACT

To amend and reenact R.S. 29:727(D) and 737(C), relative to emergency preparedness; to provide relative to declarations of states of emergency declared by local officials; to provide for the duration of states of emergency; to provide for approval of an extension of a declaration of emergency under certain circumstances; and to provide for related matters.

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

**HOUSE BILL NO. 718—**  
BY REPRESENTATIVE CHARLES OWEN  
AN ACT

To amend and reenact R.S. 56:3000(G), 3001, 3002, and 3004(Section heading), (A)(introductory paragraph), (2), and (3), and (B)(introductory paragraph) and to enact R.S. 56:3000(F)(4) and (5), relative to hunting and fishing licenses; to provide additional eligibility for resident recreational license rates; to provide for the cost of a Senior/Retired Military combination license; to provide for conflicts with other law; to provide for effective date and conditions of enactment; and to provide for related matters.

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

**HOUSE BILL NO. 770—**  
BY REPRESENTATIVE ST. BLANC  
AN ACT

To enact Chapter 23 of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:1011 through 1016, and R.S.36:4(S), relative to boards and commissions; to establish the Louisiana Governor's Mansion Commission; to provide for the membership and powers, duties, and functions of the commission; to authorize the commission to establish advisory 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. 791—**  
BY REPRESENTATIVE KERNER  
AN ACT

To enact R.S. 56:302.9(J), relative to penalties for charter fishing without required credentials; to provide for revocation of basic and saltwater fishing privileges; and to provide for related matters.

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

**HOUSE BILL NO. 828—**  
BY REPRESENTATIVES HORTON AND GEYMAN  
AN ACT

To amend and reenact R.S. 40:4.9(B), relative to preparation in private homes of foods for sale; to provide relative to an exemption for home-based preparers of low-risk foods for sale from laws and regulations pertaining to food preparation; to provide for the annual sales threshold qualifying home-based food preparers for this exemption; and to provide for related matters.

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

**HOUSE BILL NO. 870—**  
BY REPRESENTATIVE LACOMBE  
AN ACT

To enact R.S. 22:1296.1, relative to automobile insurance; to provide for the application of certain insurance coverages to an insured when operating a vehicle not owned by the insured; to provide certain requirements for such coverages to apply to the insured's conduct; to provide for a determination as to which insurance is primary; to provide legislative intent; and to provide for related matters.

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

**HOUSE BILL NO. 890—**  
BY REPRESENTATIVE ROBBY CARTER  
AN ACT

To authorize and provide for the transfer of certain state property; to authorize the transfer of certain state property in Tangipahoa Parish; to provide for the property description; to provide for the reservation of mineral rights; to provide terms and conditions; to provide for termination of authority; 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. 914—**  
BY REPRESENTATIVE CREWS AND SENATOR FOIL  
AN ACT

To enact R.S. 17:436.4, relative to students with seizure disorders; to provide for the training of school nurses and other school employees; to provide for management and treatment plans for students who have seizure disorders; and to provide for related matters.

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

**HOUSE BILL NO. 979—**  
BY REPRESENTATIVE FREEMAN  
AN ACT

To provide relative to the effectiveness of Act No. 366 of the 2021 Regular Session of the Legislature regarding student information; to provide for the continued effectiveness of provisions that require school governing authorities to share certain student information with the Department of Children and Family Services for the purpose of facilitating the administration of certain federal food assistance programs and that provide exceptions; and to provide for related matters.

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

**HOUSE BILL NO. 1035—**  
BY REPRESENTATIVE COUSSAN  
AN ACT

To amend and reenact R.S. 30:2195(C), (E), and (F)(1), 2195.8(A)(1), and 2195.12(Section heading), to enact R.S. 30:2195.2(A)(6), and to repeal R.S. 30:2195.12(E), relative to

underground storage tanks; to provide for grants for upgrades to single wall underground storage tanks; to provide for use of the Motor Fuels Underground Storage Tank Trust Dedicated Fund Account; to provide for annual reports by the department; to provide for responsibilities of the Motor Fuels Underground Storage Tank Trust Fund Advisory Board; 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, 2022

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. 19

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

**House Concurrent Resolutions  
on First Reading**

**HOUSE CONCURRENT RESOLUTION NO. 19—**  
BY REPRESENTATIVES HODGES AND ROBBY CARTER  
A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to study the practicality and feasibility of expanding Highway 16 to a four-lane highway from Watson to the St. Helena Parish line, designing and utilizing a traffic roundabout in Livingston Parish at the intersection of Highway 447 Walker Road North and Highway 1025 Arnold Road, and to report its findings to the House and Senate Transportation, Highways and Public Works Committees prior to the convening of 2023 Regular Session.

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 REPRESENTATIVE FRIEMAN  
AN ACT

To amend and reenact R.S. 29:724(B)(2) and 768(B), relative to emergency declarations; to provide for legislative termination of all or part of an emergency declaration; to provide procedures for terminations; 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 Senate and Governmental Affairs.

**HOUSE BILL NO. 61—**  
BY REPRESENTATIVES KERNER, BOURRIAQUE, BRYANT, BUTLER,  
CARRIER, FISHER, GREEN, ILLG, NEWELL, ORGERON, SELDERS, ST.  
BLANC, THOMPSON, AND ZERINGUE  
AN ACT

To amend and reenact the heading of Part VIII of Chapter 1 of Title 30 of the Louisiana Revised Statutes of 1950, R.S. 30:101.1, 101.2(A), 101.3(1) and (4), 101.4(Section heading) and (A),

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101.5(A)(1), 101.6(A)(5) and (6), and 101.9(Section heading), (A) and (C)(4), R.S. 36:354(E)(2), and R.S. 56:700.2(A)(4) and 700.6, to enact R.S. 30:101.3(7) and (8), 101.6(A)(8) and (9), 101.9(D)(5), and 101.11 through 101.15, and to repeal Part XIV of Chapter 1 of Title 56 of the Louisiana Revised Statutes of 1950, comprised of R.S 56:700.1 through 700.6, relative to the Fishermen's Gear Compensation Fund, to extend the existence of such fund; to repeal such fund after a certain date; to extend payments into the Underwater Obstruction Removal Fund; to create the Fishermen's Gear Compensation and Underwater Obstruction Removal Program and the Fishermen's Gear Compensation and Underwater Obstruction Removal Dedicated Fund Account; to provide for definitions; to provide for the transfer of funds from the Fishermen's Gear Compensation Fund to the Fishermen's Gear Compensation and Underwater Obstruction Removal Dedicated Fund Account; to provide for effective dates; and to provide for related matters.

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

**HOUSE BILL NO. 83—**

BY REPRESENTATIVES SCHLEGEL, BOYD, BRASS, BRYANT, WILFORD CARTER, DUPLESSIS, EDMONSTON, FISHER, LARVADAIN, MARCELLE, MARINO, STAGNI, VILLIO, AND WILLARD  
AN ACT

To enact R.S. 22:1338, relative to homeowner's insurance policies; to provide certain means by which a policy requirement for loss of use benefits is satisfied; and to provide for related matters.

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

**HOUSE BILL NO. 143—**

BY REPRESENTATIVE BUTLER  
AN ACT

To amend and reenact R.S. 44:4.1(B)(31) and R.S. 46:2592 and to enact R.S. 46:2594 through 2597, relative to executive branch agency compliance with the Americans with Disabilities Act; to provide for mandatory agency policies, training, plans, and reporting related to the Americans with Disabilities Act; 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 Senate and Governmental Affairs.

**HOUSE BILL NO. 291—**

BY REPRESENTATIVES EDMONDS, AMEDEE, BACALA, ECHOLS, EMERSON, GAROFALO, HARRIS, HODGES, HORTON, IVEY, NEWELL, ORGERON, CHARLES OWEN, RISER, SCHAMERHORN, SELDERS, STAGNI, VILLIO, AND WHEAT  
AN ACT

To amend and reenact R.S. 40:2009.25(A), (B), (C)(introductory paragraph), (D), (E), (F)(introductory paragraph), (9), and (12), and (H), relative to regulation of nursing homes; to revise laws pertaining to emergency preparedness among nursing homes; to require that all nursing homes maintain in effect emergency preparedness plans approved by the Louisiana Department of Health; to repeal a geographic limitation pertaining to nursing home emergency preparedness plan requirements; and to provide for related matters.

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

**HOUSE BILL NO. 324—**

BY REPRESENTATIVE ORGERON  
AN ACT

To amend and reenact R.S. 56:421(B)(5), (8), (13), and (14) and 421(C) and to enact R.S. 56:421(B)(15), relative to the composition of the Oyster Task Force; to provide for members appointed by the Louisiana Oyster Dealers and Growers Association; and to provide for related matters.

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

**HOUSE BILL NO. 339—**

BY REPRESENTATIVE COUSSAN  
AN ACT

To amend and reenact R.S. 22:1836(A)(introductory paragraph) and (2)(introductory paragraph) and to enact R.S. 22:1836(A)(3), relative to health insurance; to prohibit a coordination of benefits provision that permits a plan to delay or deny payment for rendered healthcare services solely on the basis of the insured's failure to provide existence of an additional health benefit plan; to provide for effectiveness; to provide for technical changes; and to provide for related matters.

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

**HOUSE BILL NO. 470—**

BY REPRESENTATIVE MCKNIGHT  
AN ACT

To enact R.S. 17:3914(N), relative to personally identifiable information of public school students; to require the disclosure of social security numbers of certain students; to provide for the sharing of information with the Louisiana Workforce Commission; and to provide for related matters.

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

**HOUSE BILL NO. 509—**

BY REPRESENTATIVE MINCEY  
AN ACT

To enact R.S. 17:420, relative to public school teachers; to require the state Department of Education to maintain a database and to report to the legislative education committees on training that professional teachers are required to complete; and to provide for related matters.

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

**HOUSE BILL NO. 510—**

BY REPRESENTATIVE MINCEY  
AN ACT

To enact R.S. 17:420, relative to public school teachers; to provide relative to the effectiveness of requirements for training of professional teachers; and to provide for related matters.

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

**HOUSE BILL NO. 683—**

BY REPRESENTATIVE CREWS  
AN ACT

To amend and reenact R.S. 56:2011(D) and (E), relative to royalties on dredged materials; to provide for exemptions from payment of certain royalties and bond requirements; and to provide for related matters.

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

**House Concurrent Resolutions on  
Second Reading**

**HOUSE CONCURRENT RESOLUTION NO. 34—**

BY REPRESENTATIVE BOURRIQUE  
A CONCURRENT RESOLUTION

To approve the annual state integrated coastal protection plan for Fiscal Year 2023, as adopted by the Coastal Protection and Restoration Authority Board.

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

HOUSE CONCURRENT RESOLUTION NO. 91—

BY REPRESENTATIVE BRASS

A CONCURRENT RESOLUTION

To commend the board of directors of the Louisiana School Boards Association.

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

Table with 3 columns of names: Mr. President, Abraham, Allain, Barrow, Bernard, Boudreaux, Bouie, Carter, Cathey, Cloud, Connick, Fesi, Fields, Foil, Henry, Hensgens, Hewitt, Jackson, Lambert, Luneau, Milligan, Mills, F., Mills, R., Mizell, Morris, Peacock, Pope, Price, Reese, Smith, Stine, Talbot, Tarver, Ward, White, Womack. Total - 36

NAYS

Total - 0

ABSENT

Table with 2 columns: Harris, Total - 2, McMath

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

HOUSE CONCURRENT RESOLUTION NO. 92—

BY REPRESENTATIVE MARCELLE

A CONCURRENT RESOLUTION

To designate April 27, 2022, as Domestic Violence Advocacy Day in Louisiana.

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

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, Fields, Foil, Henry, Hensgens, Hewitt, Jackson, Lambert, Luneau, McMath, Milligan, Mills, F., Mills, R., Mizell, Morris, Peacock, Pope, Price, Reese, Smith, Stine, Talbot, Tarver, Ward, White, Womack. Total - 37

NAYS

Total - 0

ABSENT

Table with 2 columns: Harris, Total - 1

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

COMMERCE, CONSUMER PROTECTION AND INTERNATIONAL AFFAIRS

Senator Rick Ward III, Chairman on behalf of the Committee on Commerce, Consumer Protection and International Affairs, submitted the following report:

April 27, 2022

To the President and Members of the Senate:

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

SENATE BILL NO. 378—

BY SENATOR PEACOCK

AN ACT

To enact Chapter 62 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:3221, relative to advertisements; to provide for requirements and disclosures in an advertisement; to provide for unfair and deceptive acts or practices; to provide for definitions, terms, conditions, and procedures; to provide for penalties; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 455—

BY SENATOR BOUDREAUX

AN ACT

To amend and reenact R.S. 51:1362 through 1364, relative to internet; to provide for broadband connectivity; to provide for development and implementation of a plan to provide access to broadband internet; and to provide for related matters.

Reported with amendments.

Respectfully submitted, RICK WARD III Chairman

REPORT OF COMMITTEE ON

HEALTH AND WELFARE

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

April 27, 2022

To the President and Members of the Senate:

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

SENATE RESOLUTION NO. 58—

BY SENATOR JACKSON

A RESOLUTION

To create a task force to study the implementation of a partnership between law enforcement agencies and behavioral health providers to reduce or eliminate incidents of law enforcement officers responding to nonviolent calls or behavioral or social crises in which no crime has taken place.

Reported favorably.

SENATE RESOLUTION NO. 77—

BY SENATOR FRED MILLS

A RESOLUTION

To urge and request the Louisiana Department of Health to study and make recommendations on best practices for coordinating healthcare services for patients with cancer.

Reported favorably.

SENATE CONCURRENT RESOLUTION NO. 39—

BY SENATOR ALLAIN

A CONCURRENT RESOLUTION

To urge and request the Louisiana Department of Health to study and develop a proposal for a statewide patient movement plan that identifies load-balancing practices for use during declared disasters, and to submit a report to the House and Senate committees on health and welfare and the House and Senate select committees on homeland security.

Reported with amendments.

SENATE BILL NO. 296—

BY SENATOR BARROW

AN ACT

To amend and reenact R.S. 40:1183.3(3), 1185.3(2) and (3), and 2197(D), and to enact R.S. 46:460.37, relative to pharmacists; to provide for definitions; to provide relative to pharmacist clinical services; to provide relative to reimbursement for pharmacist clinical services in the Medicaid program; to provide for an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 439—

BY SENATOR PEACOCK

AN ACT

To amend and reenact R.S. 37:1271(A), 1274, and the introductory paragraph of 1285(A), and to enact R.S. 22:1021.1 and Part I-D of Chapter 15 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:1310.11 through 1310.15, relative to assistant physicians; to provide for the licensure of assistant physicians; to provide for collaborative practice agreements; to provide for the powers and duties of the Louisiana State Board of Medical Examiners; to provide for insurance reimbursement claims by assistant physicians; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
FRED H. MILLS JR.  
Chairman

Senate Bills and Joint Resolutions  
on Second Reading  
Reported by Committees

SENATE BILL NO. 272—

BY SENATOR CORTEZ

AN ACT

To amend and reenact R.S. 4:214(G) and (L), relative to horse racing; to provide for pari-mutuel wagering; to provide regarding offtrack wagering facilities; to provide regarding restrictions and prohibitions; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 272 by Senator Cortez

AMENDMENT NO. 1

On page 1, line 2, after "R.S." delete "4:214(G) and (L)," and insert "4:149, 211, 213, and 214 and R.S. 27:602(13) and to enact R.S. 4:147(7), 215(D), and 228(H) and R.S. 27:602(18.1), 607(H), and 629,"

AMENDMENT NO. 2

On page 1, line 3, after "facilities;" insert "to authorize pari-mutuel wagering in a sports book lounge of certain licensed entities as offtrack wagering facilities; to require certain agreements or plans of operations; to provide for required terms of the agreement or plan and approval; to provide for requirements and exceptions;"

AMENDMENT NO. 3

On page 1, delete line 6, and insert "Section 1. R.S. 4:149, 211, 213, and 214 are hereby amended and reenacted and R.S. 4:147(7), 215(D), and 228(H) are hereby enacted to read as"

AMENDMENT NO. 4

On page 1, between lines 7 and 8 insert: "§147. Specific duties of commission The commission shall carry out the provisions of this Part, including the following specific duties:

**(7) To make rules and regulations for pari-mutuel wagering in a sports book lounge of a host entity licensed by the Louisiana Gaming Control Board to conduct sports wagering pursuant to Chapter 10 of Title 27 of the Louisiana Revised Statutes of 1950.**

§149. Wagering; rules and regulations

**A.** The commission may prescribe rules and regulations under which shall be conducted all horse races upon the results of which there is wagering. The commission shall, as may be necessary, prescribe additional special rules and regulations applicable separately to thoroughbreds and quarter horses. The commission shall make rules governing, permitting, and regulating the wagering on horse races under the form of mutuel wagering by patrons, known as pari-mutuel wagering, whether on live or historical horse races. Only those persons receiving a license from the commission may conduct this type of wagering, and shall restrict this form of wagering to a space within the race meeting grounds or an offtrack wagering facility. All other forms of wagering on the result of horse races are illegal.

**B. Notwithstanding the space restriction provided in Subsection A of this Section, pari-mutuel wagering on the result of horse races may also be conducted in the sports book lounge of a host entity licensed for sports wagering by the Louisiana Gaming Control Board pursuant to Chapter 10 of Title 27 of the Louisiana Revised Statutes of 1950, provided the requirements of this Chapter are met.**

§211. Definitions



Unless the context indicates otherwise, the following terms shall have the meaning ascribed to them below:

(1) "Audited net profits" means the total commissions retained by an association on pari-mutuel wagers placed at a specific offtrack wagering facility, less direct costs, breakage, settlements, and taxes applicable to such wagers.

(2) "Eligible applicants" means the primary licensee fulfilling the licensure criteria described in this Part.

(3) "Exotic wagers" or "exotic wagering pools" include all pari-mutuel pools except the win, place, or show pools conducted at each race meeting in the state. Examples of exotic wagering pools in common usage are daily double pools, exacta pools, trifecta pools, twin trifecta pools, pick-six pools, and quinella pools.

(4) "Host entity" means an entity licensed by the Louisiana Gaming Control Board to conduct sport wagering in its sports book lounge in accordance with Chapter 10 of Title 27 of the Louisiana Revised Statutes of 1950; however, it shall not include an entity that is also the holder of a license as defined in R.S. 27:353 and provided for in Chapter 7 of Title 27 of the Louisiana Revised Statutes of 1950.

(5) "Host track" means the Louisiana track at which the race is run.

(6) "Net commission" means the commission retained by a licensee on pari-mutuel wagers on historical horse races, less breakage, settlements, and taxes applicable to such wagers.

(7) "Offtrack wagering facility" means the licensed and authorized location where offtrack wagers may be accepted.

(8) "Pari-mutuel facility" means any pari-mutuel race track conducting race meetings during the 1986-87 racing season and licensed prior to the effective date of this Part June 30, 1987.

(9) "Parish seat" means the facility, courthouse, meeting hall, etc., at which the parish governing authority meets on a regular basis in an official capacity.

(10) "Primary licensee" means the licensed association conducting the majority of race days at a pari-mutuel facility.

§213. Offtrack wagering facilities; establishment; sports book lounge

A. In addition to the rights granted in R.S. 4:149.2, any association licensed by the commission may conduct pari-mutuel wagering and engage in all necessary activities to establish appropriate offtrack wagering facilities to accomplish this purpose. Such activities shall include, but not be limited to:

- (1) Live simulcast of races from the host track.
- (2) Historical horse racing on the premises of offtrack wagering facilities via dedicated machines or personal mobile devices.
- (3) Construction or leasing of offtrack wagering facilities.
- (4) Sale of goods and beverages.
- (5) Advertising and promotion.
- (6) All other related activities.

B.(1) In addition to Subsection A of this Section, any association licensed by the commission may also conduct pari-mutuel wagering and engage in necessary activities to establish appropriate offtrack wagering in a sports book lounge of a host entity, provided that the sports book lounge of the host entity is geographically located in a parish that has approved, by public referendum, the conduct of pari-mutuel wagering in that parish.

(2) The conduct of offtrack wagering in a sports book lounge shall be pursuant to an agreement between the licensed association and the host entity and the agreement shall be subject to approval by the commission and by the Louisiana Gaming Control Board.

(3) The commission shall promulgate rules establishing the regulations and conditions for the conduct of offtrack pari-mutuel wagering in a sports book lounge of a host entity. The rules shall require an agreement between the association licensed by the commission and the host entity licensed for sports wagering by the Louisiana Gaming Control Board and its retail sports wagering operator, if applicable. The agreement shall include but not be limited to the following terms:

(a) Pari-mutuel wagering shall be restricted to the host entity's retail sports book lounge.

(b) Pari-mutuel wagering shall be conducted in accordance with the provisions of this Chapter.

(c) All pari-mutuel wagers shall be maintained and accounted separate and distinct from all other sports wagers placed in the sports book lounge.

(d) The gaming division of the office of state police shall have access to all files, records, documents, film, tape, including surveillance tape, and any other information and personnel necessary to determine compliance with all gaming laws, rules, and regulations on gaming activities and operations under the commission's jurisdiction or the Louisiana Gaming Control Board's jurisdiction.

(e) In consideration for hosting, the association shall make compensation payments to the host entity of thirty percent of the audited net profits on the total amount wagered at its facility. The agreement shall specify the calculation and periodic payments.

(f) Unless otherwise provided by law, all commissions and fees and their distribution shall be as provided by this Chapter.

C.(1) A primary licensee that is also the holder of a license as defined in R.S. 27:353 and provided for in Chapter 7 of Title 27 of the Louisiana Revised Statutes of 1950, may conduct pari-mutuel wagering and engage in necessary activities to establish appropriate offtrack wagering in its retail sports book lounge.

(2) The conduct of offtrack wagering in a sports book lounge shall be pursuant to a plan of operation and the plan shall be subject to approval by the commission and by the Louisiana Gaming Control Board.

(3) The commission shall promulgate rules establishing the regulations and conditions for the conduct of offtrack pari-mutuel wagering in a sports book lounge of a holder of a license as defined in R.S. 27:353. The rules shall require the plan of operation to include but not be limited to the following provisions:

(a) Pari-mutuel wagering shall be conducted in accordance with the provisions of this Chapter.

(b) All pari-mutuel wagers placed in the sports book lounge shall be maintained and accounted separate and distinct from all other sports wagers placed in the sports book lounge.

(c) The gaming division of the office of state police shall have access to all files, records, documents, film, tape, including surveillance tape, and any other information and personnel necessary to determine compliance with all gaming laws, rules, and regulations on gaming activities and operations under the commission's jurisdiction or the Louisiana Gaming Control Board's jurisdiction."

AMENDMENT NO. 5

On page 1, delete lines 11 through 17, and on page 2, delete lines 1 through 7, and insert the following:

"A. License Except for offtrack wagering conducted in a sports book lounge, license approval shall be subject to the criteria established by R.S. 4:159.

B. Licensure for all offtrack wagering facilities shall be subject to the following conditions:

(1)(a) Only the primary licensee operating at a pari-mutuel facility may apply for a license to operate offtrack wagering facilities in this state and only such primary licensees shall be licensed to operate offtrack wagering facilities under this Part.

(b) A primary licensee applying for a license to operate an offtrack wagering facility to be located in a sports book lounge of a host entity shall provide its agreement with the host entity as part of its application.

(2)(a)(i) Before a license is granted for an offtrack wagering facility in any parish, the voters of that parish must have approved the establishment of such a facility within the parish in a referendum election held for that purpose. The commission shall request a referendum by the governing body of a parish only after receipt of an application for licensure of an offtrack wagering facility in that parish by the eligible applicant as provided in R.S. 4:215.

(ii) If the referendum fails to gain voter approval, or if the commission's request to the parish governing authority for a

referendum is not granted within six months of such request, then the request therefor is rendered void.

(iii) Any request for an offtrack referendum that is pending on the effective date of this Subparagraph before the governing authority of a parish wherein such a referendum has failed to gain voter approval in a prior election shall be rendered void upon that date.

(iv) Any request for an offtrack referendum that has been pending before a parish governing authority for six months or more upon the effective date of this Subparagraph shall be rendered void upon that date.

(b)(i) After a request by the commission to a parish governing authority for an offtrack referendum is voided for any reason, the original applicant may either:

(aa) Resubmit the application for licensure, and the commission shall submit a new request for an offtrack referendum election to the parish governing authority; or

(bb) Submit a new application to the commission for licensure of an offtrack wagering facility in any city, town, or municipality within the parish, and the commission shall request the governing authority of such city, town, or municipality to hold an offtrack referendum election.

(ii) If the referendum fails to gain voter approval or if the commission's request for a referendum is not granted within six months of such request, the request therefor is rendered void.

(iii) If the offtrack referendum gains voter approval, the commission may license one offtrack wagering facility within the corporation limits of the city, town, or municipality in which the referendum was held. Such license must conform to all applicable licensing criteria as provided in this Part.

(c)(i) Except as provided in R.S. 4:214(A)(2)(c)(ii) **Item (ii) of this Subparagraph**, the collection and distribution of license fees as provided in R.S. 4:218 shall not be affected by this Paragraph.

(ii) Notwithstanding any provision of R.S. 4:218 to the contrary **and except for offtrack wagering conducted in a sports book lounge of a host entity**, if an off-track wagering facility is located within the corporate limits of a municipality as a result of a municipal off-track wagering referendum as provided in this Paragraph, called by the municipal governing authority without the assistance of the parish governing authority, the municipal governing authority may impose a license fee not to exceed two percent of the total amount wagered at that facility, and no license fee shall be imposed by the parish, and the municipality shall retain the total license fees collected; otherwise, distribution of the fees shall be in accordance with R.S. 4:218(B).

(3)(a) A license shall not be granted to an offtrack wagering facility to be located within a fifty-five mile radius of a pari-mutuel facility without the prior written permission of the primary licensee of that facility.

**(b) Subparagraph (a) of this Paragraph shall not apply to an offtrack wagering facility located in a sports book lounge of a host entity.**

(4)(a) Not more than two offtrack wagering facilities may be licensed in any parish, except for Orleans and Jefferson.

(b) For the purposes of this Paragraph, a pari-mutuel facility as that term is defined in R.S. 4:211 shall not be included in the count of licensed offtrack wagering facilities for the parish in which it is located.

**(c) For the purposes of this Paragraph, an offtrack wagering facility located in the sports book lounge of a host entity shall not be included in the count of licensed offtrack wagering facilities for the parish in which it is located.**

(5) **Final Except for an offtrack wagering facility located in the sports book lounge of a host entity, final** license approval is subject to local governing authority facility citing requirements.

(6) **Each Except for an offtrack wagering facility located in the sports book lounge of a host entity, each** offtrack wagering facility shall be specifically designed as an entertainment complex. Maximum allowable attendance at each facility shall be one hundred twenty-five percent of the seating capacity at that facility. At least one area for patrons at each offtrack wagering facility shall be designated as a nonsmoking area.

**(7) No Except for an offtrack wagering facility located in the sports book lounge of a host entity, no** person licensed by the commission pursuant to the provisions of this Chapter who shows proof of licensure upon entering an offtrack wagering facility shall be assessed any fees for admission into the facility.

~~B.C.~~(1) Licenses granted by the commission shall be valid for a ten-year period. In the event of the sale of the pari-mutuel facility, such license may be transferred and remain valid for the balance of the term of the license. If the conditions of the sale do not include the transfer of the offtrack wagering facility license, such license shall be automatically voided upon the completion of the sale.

(2) In the event a primary licensee is granted approval by the Louisiana State Racing Commission to transfer its live racing dates to another pari-mutuel facility, such primary licensee shall retain all the rights, privileges, and obligations relative to offtrack wagering facilities as provided in this Part as though it remained a primary licensee, as defined in R.S. 4:211(7), in its original location.

~~C.D.~~ License applications shall be accompanied by a good faith deposit of one thousand dollars.

~~D.E.~~ All primary licensees are eligible for licensure at their existing horse racing facilities as offtrack wagering facilities. Such primary licensees shall not be subject to the licensing requirements in ~~R.S. 4:214(A)(2)~~ **Paragraph (B)(2) of this Section.**

~~E.F.~~ There shall be no penalty for closing a licensed offtrack wagering facility provided the licensee submits written notice to the commission at least thirty days prior to closure. The commission shall notify all eligible applicants of the notice of closure. Ownership of an offtrack wagering facility may be transferred to other eligible applicants subject to all licensing requirements except as provided in ~~R.S. 4:214(A)(2)~~ **Paragraph (B)(2) of this Section.**

~~F.G.~~ Nothing in this Part shall be construed as preventing licensees from jointly owning or contracting for the management of any or all licensed offtrack wagering facilities.

~~G. In no case may H. An~~ offtrack wagering ~~facilities facility~~ **shall not** accept wagers on races run at any track without a contract with the licensee operating the host track. This contract shall include all terms and conditions for use of races run at the host track by the offtrack wagering facility, including compensation of the host track for such use. This contract shall be filed with the commission. No host track may deny the use of its races by any other offtrack wagering facility in Louisiana under the same terms and conditions.

~~H. In no case shall an I.(1) An~~ offtrack wagering facility **shall not** allow the admission of any person less than eighteen years old. However, the provisions of this Paragraph shall not apply to any offtrack wagering facility located on the premises of a pari-mutuel facility as defined in R.S. 4:211(5).

**(2) An offtrack wagering facility located in a sports book lounge shall not allow the admission of any person less than twenty-one years old.**

~~F. In J. Except for an offtrack wagering facility located in the sports book lounge of a host entity, in~~ addition to license fees, each licensee shall pay the fees provided for in this Subsection. Each licensee shall begin paying the fees on the first day of the second year in which the licensee operates the facility. The licensee shall pay to the collector twenty-five cents for each person attending the offtrack wagering facility other than licensed personnel, employees, officials, and working press. These payments shall be made at the conclusion of each calendar week and shall be accompanied by a report under oath showing the total contributions and admissions, and any other information which the commission may require.

~~J.K.~~(1) Should the commission suspend or revoke the license of a primary licensee, the licensee may, within ten days of the notification of the commission's decision take a suspensive appeal to the district court having jurisdiction over the licensee's offtrack wagering facility. The appeal shall be filed in the district court in the same manner as an original suit is instituted thereon. Each appeal shall be tried de novo. Either party may amend and supplement his pleadings and additional witnesses may be called and heard.

(2) Within ten calendar days of the signing of the judgment by the district court in any such appeal case, the commission or the applicant for a license or licensee, as the case may be, may suspensively appeal the judgment to the appellate court of proper

jurisdiction. The appeal shall be perfected in the manner provided for in civil cases and shall be suspensive or devolutive in the discretion of the court.

(3) All proceedings in the district and appellate courts arising under this Part are civil in nature and shall be heard summarily by the court, without a jury, shall take precedence over other civil cases, and shall be tried in chambers or in open court, and in or out of term.

~~K-L.~~ (1) No primary licensee may operate more than five offtrack wagering facilities in which historical horse racing is permitted.

(2) Notwithstanding Paragraph (1) of this Subsection, any primary licensee that operates more than five offtrack wagering facilities as of July 1, 2021, may conduct historical horse racing at all of its licensed facilities. However, historical horse racing shall not be authorized at any future offtrack wagering facility for that primary licensee if the primary licensee is operating more than five offtrack wagering facilities. If any of the primary licensee's existing licensed offtrack wagering facilities on July 1, 2021, cease to be a licensed offtrack wagering facility for reasons other than force majeure, the number of offtrack wagering facilities allowed to conduct historical horse racing for that primary licensee shall be reduced by the number of its offtrack wagering facilities that cease to be licensed until such time as the primary licensee is reduced to no more than five licensed offtrack wagering facilities allowed to conduct historical horse racing.

(3) Each primary licensee or licensed offtrack wagering facility shall not place more than fifty historical horse racing machines into service at any given time.

(4) In addition to the requirements of Paragraph (3) of this Subsection, an application from an eligible facility to conduct historical horse racing in Orleans Parish may be approved by the commission only after the Amended and Renegotiated Casino Operating Contract entered into pursuant to R.S. 27:201 et seq., on October 30, 1998, as amended, is amended to provide that the conducting of historical horse racing at the eligible facility in Orleans Parish shall not constitute an exclusivity violation or prohibited land-based gaming as defined in such contract and such amendment to the contract is approved by the Joint Legislative Committee on the Budget as required by the provisions of Section 3.B of Act No. 1 of the 2001 First Extraordinary Session of the Legislature.

~~L. No historical~~ **M.(1) Historical horse racing may shall not be** conducted via a machine or website or mobile application beyond the property of the pari-mutuel facility or offtrack wagering facility.

**(2) No historical horse racing shall be conducted at an offtrack wagering facility located in the sports book lounge of a host entity.**

**(3) The commission shall promulgate rules relative to the enforcement of this restriction the restrictions provided for in this Subsection.**

\* \* \*

§215. Offtrack wagering facilities, ownership

\* \* \*

**D. The provisions of this Section shall not apply to an offtrack wagering facility located in the sports book lounge of a host entity.**

\* \* \*

§228. Offtrack wagering facility locations; prohibited distances; prohibited structures

\* \* \*

**H. The provisions of this Section shall not apply to an offtrack wagering facility located in the sports book lounge of a host entity.**

Section 2. R.S. 27:602(13) is hereby amended and reenacted and R.S. 27:602(18.1), 607(H), and 629 are hereby enacted to read as follows:

§602. Definitions

For purposes of this Chapter, the following terms shall have the following meanings ascribed to them unless the context clearly indicates otherwise:

\* \* \*

(13) "Net gaming proceeds" means the amount equal to the total gross revenue of all wagers placed by patrons less the total amount of all winnings paid out to patrons and the amount of eligible

promotional play determined pursuant to R.S. 27:627. **"Net gaming proceeds" shall not include wagers placed by patrons on racehorse wagering, or winnings paid out to patrons on racehorse wagering.**

\* \* \*

**(18.1) "Racehorse wagering" means wagers placed on horse racing conducted under the pari-mutuel form of wagering at licensed racing facilities that are accepted in accordance with the provisions of Chapter 4 of Title 4 of the Louisiana Revised Statutes of 1950, and an approved agreement between the licensee and the association licensed by the Louisiana State Racing Commission to conduct pari-mutuel wagering in a sports book lounge.**

\* \* \*

§607. Operators; sports lounge required; responsibilities; pooling

\* \* \*

**H.(1) A licensee and its retail sports wagering operator may contract with a primary licensee of the Louisiana State Racing Association as defined in R.S. 4:211 to conduct racehorse wagering in its sports book lounge provided the licensee and its retail sports wagering operator have an approved agreement with a primary licensee as provided in R.S. 4:213(B).**

**(2) A licensee who is a primary licensee and also the holder of a license as defined in R.S. 27:353 and provided for in Chapter 7 of Title 27 of the Louisiana Revised Statutes of 1950, may conduct pari-mutuel wagering in its retail sports book lounge provide it has an approved plan of operation as provided in R.S. 4:213(C).**

\* \* \*

**§629. Pari-mutuel wagering; commissions, fees, and other deductions**

**Any commissions, fees, and other deductions on racehorse wagering shall be in accordance with Chapter 4 of Title 4 of the Louisiana Revised Statutes of 1950."**

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

SENATE BILL NO. 273—

BY SENATORS FOIL AND BARROW  
AN ACT

To enact R.S. 15:574.4(K), relative to parole; to provide eligibility for parole consideration for offenders serving a life sentence for offenses committed on or before July 2, 1973, to which the offender pled guilty; and to provide for related matters.

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

SENATE BILL NO. 290—

BY SENATOR CORTEZ  
AN ACT

To amend and reenact the introductory paragraph of R.S. 27:27.1(C) and (1), (3), and (8), (D)(1), (3), and (4), (E), (F), (J), the introductory paragraph of (L), and (M), 627, and 628(B) and to enact R.S. 27:603.1, relative to sports wagering; to specifically include operators and electronic wagering in compulsive and problem gambling programs; to add certain parties to the exception from liability for certain disclosure of information; to provide for general powers and duties of state police; to allow the division of a licensee's promotional play credit between platforms; to provide a method of proportionate distribution of revenue dedicated to local government; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 290 by Senator Cortez

April 27, 2022

AMENDMENT NO. 1

On page 1, line 2, after "and" and before "(1)" insert "27.1(C)"

AMENDMENT NO. 2

On page 1, line 4, delete "and to enact R.S. 27:603.1"

AMENDMENT NO. 3

On page 1, delete line 7 and insert: "information; to allow the"

AMENDMENT NO. 4

On page 1, line 12, after "and" and before "(1)" insert "27.1(C)"

AMENDMENT NO. 5

On page 1, line 14, delete "and R.S. 27:603.1 is hereby enacted"

AMENDMENT NO. 6

On page 4, delete lines 27 through 29 and delete pages 5 and 6 and on page 7 delete lines 1 and 2

AMENDMENT NO. 7

On page 7, line 8, after "year." delete the remainder of line and delete line 9

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

SENATE BILL NO. 314—

BY SENATOR CORTEZ

AN ACT

To amend and reenact R.S. 4:213(2), 214(A)(4), (K)(1), (2) and (3), and (L), 216(E)(1), 217(E), and 228(A), (C) and (G), relative to historic horse racing; to provide for offtrack wagering facilities; to provide for commissions on wagers; to provide for purse supplements; to provide for prohibitions; to provide for definitions; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 314 by Senator Cortez

AMENDMENT NO. 1

On page 3, line 26, after "supplements shall" insert "not"

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

SENATE BILL NO. 323—

BY SENATORS CLOUD, WHITE AND HENRY

AN ACT

To enact R.S. 15:903.1, relative to juveniles; to provide for the placement of juveniles in the custody of the office of juvenile justice; to provide for juvenile facilities; to provide for a tiered system of secured juvenile facilities; to provide for rulemaking; to provide for terms, conditions, procedures, and requirements; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 323 by Senator Cloud

AMENDMENT NO. 1

On page 1, line 2, after "of" change "juveniles" to "children"

AMENDMENT NO. 2

On page 1, line 13, change "juveniles" to "children"

AMENDMENT NO. 3

On page 1, line 14, change "moderate," to "medium,"

AMENDMENT NO. 4

On page 1, line 15, change "juveniles" to "children"

AMENDMENT NO. 5

On page 1, between lines 16 and 17, insert the following:

**"B. The rules, at a minimum, shall include all of the following:**

**(1) An assessment of each child to be performed upon placement in the custody of the office of juvenile justice and at other times determined necessary by the deputy secretary. The assessment shall be used to classify each child as high risk, medium risk, or low risk by evaluating risk factors, including but not limited to age, sex, criminogenic, and aggressive tendencies. The results of an assessment shall determine facility placement.**

**(2) A medical, educational, and psychological evaluation of each child to be performed upon placement in the custody of the office of juvenile justice.**

**(3) A continuum of care plan for each child in the custody of the office of juvenile justice, which, at a minimum, shall include treatment, service, academic, and vocational opportunities."**

AMENDMENT NO. 6

On page 1, line 17, change "B." to "C."

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

SENATE BILL NO. 342—

BY SENATORS JACKSON, CLOUD, ROBERT MILLS, PEACOCK AND STINE

AN ACT

To enact R.S. 1:15.1, relative to abortion; to provide for the interpretation of multiple abortion statutes; to provide for the independent construction of each separate enactment of law related to abortion; to provide for the severability; to restrict certain ordinances enacted by local governing authorities; to provide for definitions; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 342 by Senator Jackson

AMENDMENT NO. 1

On page 1, line 2, after "To" insert "amend and reenact R.S. 14:87 and to"

AMENDMENT NO. 2

On page 1, line 5, after "governing authorities;" insert "to provide with respect to the crime of abortion; to provide for penalties;" and after "to provide for definitions;" insert "to provide for effective dates;"

AMENDMENT NO. 3

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

"Section 2. R.S. 14:87 is hereby amended and reenacted to read as follows:

§87. Abortion; **late term abortion**

A. **Abortion.**

(1) Abortion is the performance **by any person** of any of the following acts, with the specific intent of terminating a **clinically diagnosable pregnancy of a woman, with the knowledge that**

**terminating the pregnancy in such a manner will, with reasonable likelihood, cause the death of the unborn child:**

(a) Administering or prescribing any drug, potion, medicine or any other substance to a **pregnant woman female**; or

(b) Using any instrument or external force whatsoever on a **female woman**.

(2) This Section shall not apply to the **female who has an abortion woman**.

B. It shall not be unlawful for a physician to perform any of the acts described in Subsection A of this Section if performed under the following circumstances:

(1) The physician terminates the pregnancy in order to preserve the life or health of the unborn child or to remove a stillborn child.

(2) The physician terminates a pregnancy for the express purpose of saving the life, preventing the permanent impairment of a life sustaining organ or organs, or to prevent a substantial risk of death of the mother.

(3) The physician terminates a pregnancy by performing a medical procedure necessary in reasonable medical judgment to prevent the death or substantial risk of death due to a physical condition, or to prevent the serious, permanent impairment of a life-sustaining organ of a pregnant woman.

C. As used in this Section, the following words and phrases are defined as follows:

(1) "Physician" means any person licensed to practice medicine in this state.

(2) "Unborn child" means the unborn offspring of human beings from the moment of fertilization until birth.

D. **Late-term abortion.** (1) As used in this Subsection:

(a) "~~Late-term abortion~~ **Abortion**" means the specific intent to kill an unborn child **whose gestational age is fifteen weeks or more, and such intent is** consistent with the provisions and exceptions of ~~R.S. 40:1061~~ **Subsection A.**

(b) "Gestational age" means the age of an unborn child as calculated from the first day of the last menstrual period of the pregnant woman, as determined by the use of standard medical practices and techniques.

(2) It shall be unlawful for a physician to perform ~~any of the acts described in Subsection A of this Section after fifteen weeks gestational age~~ **a late-term abortion.**

E. **Exceptions to late-term abortion.**

**(1) In accordance with R.S. 40:1061(E), nothing in this Section may be construed to prohibit the sale, use, prescription, or administration of a contraceptive measure, drug, or chemical, if it is administered in accordance with manufacturer instructions.**

**(2) Nothing in this Section may be construed to subject a licensed physician who provides treatment to a pregnant woman which results in the accidental or unintentional injury or death of the unborn child, to any criminal conviction or penalty.**

**(3) Nothing in this Section may be construed to subject the pregnant woman upon whom an abortion is performed or attempted, to any criminal conviction or penalty.**

F. **Penalties.**

(1) Whoever commits the crime of abortion **or late-term abortion** shall be imprisoned at hard labor for not less than one nor more than ten years and shall be fined not less than ten thousand dollars nor more than one hundred thousand dollars.

(2) This penalty shall not apply to the woman who has an abortion.

F. The provisions of Subsection D of this Section shall become effective upon final decision of the United States Court of Appeals for the Fifth Circuit upholding the Act that originated as House Bill 1510 of the 2018 Regular Session of the Mississippi Legislature, which decision would thereby provide the authority for a state within the jurisdiction of that court of appeals to restrict abortion past fifteen weeks gestational age.

G. **Effective date.** The provisions of ~~Subsection D~~ of this Section **are shall become effective hereby repealed, in favor of the provisions of R.S. 40:1061,** immediately upon and to the extent that the United States Supreme Court upholds the authority of the states to prohibit ~~elective abortions on demand~~ or by the adoption of an amendment to the Constitution of the United States of America that

would restore to the state of Louisiana the authority to prohibit ~~elective~~ abortions."

**AMENDMENT NO. 4**

On page 2, line 23, change "Section 2." to "Section 3."

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

**SENATE BILL NO. 344—**

BY SENATOR HENSGENS

AN ACT

To amend and reenact R.S. 27:601(B), relative to sports wagering; to provide regarding definitions, enforcement, licenses and permits, and wagering; to provide regarding requirements and regulations; to provide regarding revenue allocation; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 344 by Senator Hensgens

**AMENDMENT NO. 1**

On page 1, line 2, after "27:601(B)" and before the comma ",", insert "and 625(G)(6) and to enact R.S. 27:625(G)(7)"

**AMENDMENT NO. 2**

On page 1, line 7, after "27:601(B)" delete "is" and insert "and 625(G)(6) are" and after "reenacted" insert "and R.S. 27:625(G)(7) is hereby enacted"

**AMENDMENT NO. 3**

On page 1, after line 15, insert the following:

§625. State tax; levy

**	*	*
*	*	*

G. After complying with the provisions of Subsection D of this Section, each fiscal year the state treasurer shall credit the following amounts to the following funds:

**(6) Two and one-half percent of the monies collected pursuant to this Section shall be credited to the Louisiana Equine Promotion and Research Program pursuant to Chapter 15-A of Title 3 of the Louisiana Revised Statutes of 1950.**

**(7) Any remaining funds shall be available as state general funds."**

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

**SENATE BILL NO. 417—**

BY SENATOR CATHEY

AN ACT

To amend and reenact R.S. 26:83 and 308(E) and to enact R.S. 26:308(D)(6) and (7), relative to alcoholic beverages; to provide for interposed persons; to provide for alcoholic beverage delivery agreements, requirements, and limitations; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 417 by Senator Cathey

April 27, 2022

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 26:83" delete the remainder of the line and insert: " the introductory paragraph of R.S. 26:308(C), and 308(C)(12)(b) and (E) and to enact R.S. 26:308(C)(13) and (14) and (D)(6) and (7),"

AMENDMENT NO. 2

On page 1, delete lines 7 and 8 and insert: "Section 1. R.S. 26:83, the introductory paragraph of R.S. 26:803(C), and 308(C)(12)(b) and (E) are hereby amended and reenacted and R.S. 26:308(C)(13) and (14) and (D)(6) and (7) are hereby enacted to read as follows:"

AMENDMENT NO. 3

On page 2, between lines 6 and 7 and insert: "C. ~~A~~ **A sample contract of the** alcoholic beverage delivery agreement between a retail dealer and a third party shall **be filed with the commissioner prior to execution. Any updates or amendments to the sample contract shall also be submitted to the commissioner. The sample contract shall** require all of the following:

(12) The retail dealer shall manage and control the sale of alcoholic beverages including but not limited to all of the following:

(b) Determining the price at which alcoholic beverages are offered for sale or sold through a third party's internet or mobile application platform or similar technology, **which shall be the same price as the alcoholic beverages are offered for sale at the retailer's licensed premises.**

(13) **The amount of any fee paid by the retailer to the third party for its services authorized by Subsection E of this Section. However, the fee shall not be based on the percentage of the total receipts for those deliveries made by the third party from the retailer's licensed premises.**

(14) **Any delivery fee charged by a third party pursuant to Subsection E of this Section shall be displayed prominently on the third party's internet or mobile application platform or similar technology and shall be itemized separately on the purchase receipt."**

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

SENATE BILL NO. 418— BY SENATOR CATHEY

AN ACT

To amend and reenact Children's Code Art. 804(1), relative to juvenile court jurisdiction; to amend the definition of "child" for purposes of delinquency proceedings; and to provide for related matters.

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

SENATE BILL NO. 426— BY SENATOR MCMATH

AN ACT

To enact Subpart K of Part VIII of Chapter 1 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:470.1 through 470.6, relative to a property right of identity; to provide for definitions; to provide for prohibitions; to provide for termination of the right of identity; to provide for protection from misappropriation; to provide for a cause of action; to provide for a prescriptive period; to provide for remedies; to provide for penalties; to provide for exceptions; to provide for applicability; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 426 by Senator McMath

AMENDMENT NO. 1

On page 2, line 20, after "**reproduction of**" delete the remainder of the line and insert the following: "**a professional performer's likeness or voice that is so realistic as to be indistinguishable from the actual likeness or voice of the professional performer. "Digital replica" does not include the making or duplication of another recording that consists entirely of an independent fixation of other sounds, even though the sounds imitate or simulate the voice of the professional performer.**"

AMENDMENT NO. 2

On page 2, delete line 21

AMENDMENT NO. 3

On page 2, line 24, after "**work of art,**" insert "**or a dramatic, literary, or musical work, if it is fictional or nonfictional entertainment, a**"

AMENDMENT NO. 4

On page 2, line 25, after "**of these works**" change the comma "," to a period "." and delete the remainder of the line

AMENDMENT NO. 5

On page 2, delete line 26

AMENDMENT NO. 6

On page 2, line 29, between "**means a**" and "**natural person**" insert "**living**" and after "**natural person**" change "**living or deceased**" to "**domiciled in Louisiana or a deceased natural person who was domiciled in Louisiana at the time of the individual's death**"

AMENDMENT NO. 7

On page 3, line 12, after "**by a professional**" delete the remainder of the line and insert the following: "**performer in a work in which the professional performer did not actually appear.**"

(12) "**Professional performer**" means an individual who, for gain or livelihood, is or was regularly engaged in acting, singing, dancing, playing a musical instrument, or appearing on a news broadcast as an anchor or reporter."

AMENDMENT NO. 8

On page 3, delete lines 13 and 14

AMENDMENT NO. 9

On page 3, line 25, change "**heirs, or legatees**" to "**heirs, legatees, assignees, or licensees**"

AMENDMENT NO. 10

On page 3, line 26, between "**Any transfer or**" and "**license**" insert "**exclusive**"

AMENDMENT NO. 11

On page 3, line 29, after "**representatives holding**" change "**such rights. A lawful**" to "**the rights specified in the transfer or license. An exclusive**"

AMENDMENT NO. 12

On page 4, line 1, between "**within the scope of**" and "**the license,**" insert "**, and to the extent permitted by**"

AMENDMENT NO. 13

On page 4, at the end of line 21, delete "**for commercial purposes**"

AMENDMENT NO. 14

On page 4, line 22, after "**It shall be**" change "**unlawful**" to "**a violation of this Subpart**"

AMENDMENT NO. 15

On page 4, at the end of line 23, delete "previous"

AMENDMENT NO. 16

On page 4, at the beginning of line 24, delete "written"

AMENDMENT NO. 17

On page 4, after line 29, insert the following:

**"C. It shall be a violation of this Subpart to use a digital replica in a public performance of a scripted audiovisual work, or in a live performance of a dramatic work, only if the use is intended to create, and that does create, the clear impression that the professional performer is actually performing in the role of a fictional character."**

AMENDMENT NO. 18

On page 5, line 1, change "C." to "D."

AMENDMENT NO. 19

On page 5, line 13, change "D." to "E."

AMENDMENT NO. 20

On page 5, at the beginning of line 18, change "including" to "and to the extent not duplicative of the plaintiff's compensatory damages, the disgorgement of"

AMENDMENT NO. 21

On page 5, line 19, between "of calculating" and "profits." insert "such"

AMENDMENT NO. 22

On page 5, line 22, change "(3) Reasonable" to "F. A court may award reasonable" and after "expenses" change "relating to" to "to the prevailing party in"

AMENDMENT NO. 23

On page 5, at the beginning of line 24, change "E." to "G."

AMENDMENT NO. 24

On page 6, at the beginning of line 8, change "B. This Subpart does not apply to the use of" to "B. It shall not constitute a violation of this Subpart to use"

AMENDMENT NO. 25

On page 6, line 10, after "affairs, sports" change "broadcast" to "transmission"

AMENDMENT NO. 26

On page 6, at the beginning of line 12, change "A work" to "In a work" and after "public interest," insert "educational,"

AMENDMENT NO. 27

On page 6, at the beginning of line 13, delete "a" and after "or parody," change "and" to "or similar works, such as documentaries, docudramas, or historical or biographical works, or a representation of an individual as himself or herself,"

AMENDMENT NO. 28

On page 6, line 14, delete "in the work"

AMENDMENT NO. 29

On page 6, line 15, change "(3) A" to "(3) In a"

AMENDMENT NO. 30

On page 6, line 17, change "(4) A" to "(4) In a" and after "audiovisual work," insert "motion picture,"

AMENDMENT NO. 31

On page 6, line 18, after "unless the" change "identity is used to create" to "use creates"

AMENDMENT NO. 32

On page 6, line 21, change "(6) An" to "(6) In an"

AMENDMENT NO. 33

On page 6, line 23, change "truthfully" to "accurately"

AMENDMENT NO. 34

On page 6, line 24, after "of a given" and before "performance," insert "work or"

AMENDMENT NO. 35

On page 6, delete lines 26 and 27

AMENDMENT NO. 36

On page 6, at the beginning of line 28, change "(9)" to "(8)"

AMENDMENT NO. 37

On page 7, at the beginning of line 2, change "(10)" to "(9)"

AMENDMENT NO. 38

On page 7, at the beginning of line 4, change "(11)" to "(10)"

AMENDMENT NO. 39

On page 7, at the beginning of line 5, change "(12)" to "(11)"

AMENDMENT NO. 40

On page 7, between lines 6 and 7, insert the following:  
"(12) If the use is merely incidental."

AMENDMENT NO. 41

On page 7, at the beginning of line 8, change "Subparagraph" to "Subsection"

AMENDMENT NO. 42

On page 7, line 13, after "Communications Commission" insert the following: ", cable or satellite television company, or other video service provider, streaming video provider, newspaper company, periodical company, billboard company, media platform, voice, data, or other communications, information services, or internet access provider" and after "of any content" and before "which" insert "created by a third party"

AMENDMENT NO. 43

On page 7, line 15, after "Subpart by" change "the radio or television broadcast station" to "any such entity"

AMENDMENT NO. 44

On page 7, line 26, after "A." delete the remainder of the line and insert the following: "The rights granted by this Subpart are cumulative and shall be in addition to any others provided by law."

AMENDMENT NO. 45

On page 7, delete line 27

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

**SENATE BILL NO. 437—**

BY SENATOR ROBERT MILLS AND REPRESENTATIVES MCFARLAND AND SEABAUGH

## AN ACT

To enact Part IV-B of Chapter 28 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:4341.1 through 3:4341.16, relative to forestry and agriculture; to authorize the creation of timber and agriculture transportation group self-insurance funds; to provide with respect to group self-insurance funds; to provide for requirements; to provide for definitions; to provide with respect to the qualifications for membership; to provide for regulatory authority; to provide for excess or reinsurance insurance; to provide for the management of assets

and investments; to provide for liabilities and the payment of claims; to provide for audits, examinations, and investigations; to provide for licensed insurance agents and brokers; to provide for insolvencies; to provide for civil actions for enforcement; to provide for reporting; to provide penalties for noncompliance; to provide for due process rights; to provide for dissolution; and to provide for related matters.

Reported with amendments by the Committee on Agriculture, Forestry, Aquaculture, and Rural Development.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Agriculture, Forestry, Aquaculture, and Rural Development to Original Senate Bill No. 437 by Senator Robert Mills

AMENDMENT NO. 1

On page 1, line 2, after "Part" change "IV-B" to "IV-A"

AMENDMENT NO. 2

On page 1, line 3, after "R.S." and before "relative" delete "3:4341.1 through 3:4341.16," and insert "3:4345.1 through 3:4345.16,"

AMENDMENT NO. 3

On page 1, line 4, after "creation of" insert "the"

AMENDMENT NO. 4

On page 1, at the beginning of line 5, change "funds" to "fund"

AMENDMENT NO. 5

On page 1, line 10, change "agents and brokers" to "producers"

AMENDMENT NO. 6

On page 1, line 15, after "Part" change "IV-B" to "IV-A"

AMENDMENT NO. 7

On page 1, line 16, after "R.S." and before "is" delete "3:4341.1 through 3:4341.16," and insert "3:4345.1 through 3:4345.16,"

AMENDMENT NO. 8

On page 1, at the beginning of line 17, change "**PART III B.**" to "**PART IV-A.**"

AMENDMENT NO. 9

On page 2, at the beginning of line 2, change "**§4341.1.**" to "**§4345.1.**"

AMENDMENT NO. 10

On page 2, delete lines 6 through 10, and insert the following:

**"(1) "Bona fide trade or professional association" means an active trade or professional association that is chartered and domiciled in Louisiana, or a successor organization thereof, that meets all of the following requirements:**

**(a) Promotes Louisiana timber or agriculture production.**

**(b) Provides industry support and services to its membership.**

**(c) The primary function of the trade or professional association is for purposes other than the sponsorship, operation, or management of a fund or primarily for purposes other than to provide a related employee safety program or other activity necessary to the operation of the fund.**

**(c) Has been in existence and conducted regular meetings for a period of not less than five years."**

AMENDMENT NO. 11

On page 2, line 11, change "(3)" to "(2)"

AMENDMENT NO. 12

On page 2, line 12, change "(4)" to "(3)" and after "means" change "a" to "the"

AMENDMENT NO. 13

On page 2, line 13, delete "insurance"

AMENDMENT NO. 14

On page 2, line 15, change "(5)" to "(4)"

AMENDMENT NO. 15

On page 2, line 16, change "a fund" to "the fund"

AMENDMENT NO. 16

On page 2, line 21, change "(6)" to "(5)"

AMENDMENT NO. 17

On page 2, line 26, change "(7)" to "(6)"

AMENDMENT NO. 18

On page 2, line 29, change "(8)" to "(7)" and after "means" delete the rest of the line and insert "**a person or persons who own**"

AMENDMENT NO. 19

On page 3, line 1, after "**majority interest or the**" insert "**majority of the**"

AMENDMENT NO. 20

On page 3, line 4, change "(9)" to "(8)"

AMENDMENT NO. 21

On page 3, line 7, change "(10)" to "(9)"

AMENDMENT NO. 22

On page 3, line 8, delete "insurance"

AMENDMENT NO. 23

On page 3, line 13, after "**vehicle**" insert a period "." and delete the rest of the line and delete line 14

AMENDMENT NO. 24

On page 3, delete lines 16 and 17, insert the following: "**timber or agriculture transportation vehicle if it is damaged by some means other than a collision.**"

AMENDMENT NO. 25

On page 3, at the beginning of line 19, change "**§4341.2.**" to "**§4345.2.**"

AMENDMENT NO. 26

On page 3, line 25, delete "**automobile insurance**" and insert "**timber or agriculture transportation vehicle**"

AMENDMENT NO. 27

On page 3, line 28, after "**Code**" and before the period "." insert "**unless specifically referenced in this Part**" and delete "**member employers**" and insert "**members**"

AMENDMENT NO. 28

On page 4, line 2, delete "**employers**" and insert "**members**"

AMENDMENT NO. 29

On page 4, line 12, change "**a group**" to "**the group**"

AMENDMENT NO. 30

On page 4, line 17, change "**commissioner**" to "**department**"

AMENDMENT NO. 31

On page 5, line 6, change "**commissioner**" to "**department**"

AMENDMENT NO. 32

On page 5, line 8, change "**commissioner**" to "**department**"



AMENDMENT NO. 33

On page 5, line 14, change "commissioner" to "department"

AMENDMENT NO. 34

On page 5, line 22, change "commissioner" to "department"

AMENDMENT NO. 35

On page 5, between lines 23 and 24, insert the following:

**"(7)(a) In order to further maintain the financial stability of the fund, the fund shall assess each member an amount which is equal to a certain percentage of the premium dollars owed by the member and the percentage paid shall be known as a reserve payment. The percentage amount to be paid by all members shall be approved by the department.**

**(b) All reserve payments shall be deposited into a separate account known as the reserve account fund and shall be maintained at all times that the fund is in operation. No payments may be paid out of the reserve account unless approved by the department."**

AMENDMENT NO. 36

On page 5, line 24, change "Each" to "The"

AMENDMENT NO. 37

On page 5, line 27, after "coverage" delete "including" and insert "The application shall include"

AMENDMENT NO. 38

On page 7, line 6, after "Part." delete the remainder of the line and insert "If the fund employs its own administrator, the fund shall be required to purchase"

AMENDMENT NO. 39

On page 8, at the beginning of line 17, change "§4341.3." to "§4345.3."

AMENDMENT NO. 40

On page 8, line 19, change "Each" to "The" and change "3:4341.2" to "3:4345.2"

AMENDMENT NO. 41

On page 8, line 20, change "3:4341.7" to "3:4345.7"

AMENDMENT NO. 42

On page 9, line 15, delete "insurance" and insert "timber and agriculture transportation vehicle coverage"

AMENDMENT NO. 43

On page 9, line 22, change "each" to "the"

AMENDMENT NO. 44

On page 10, line 8, change "a fund" to "the fund"

AMENDMENT NO. 45

On page 10, line 22, change "a fund" to "the fund"

AMENDMENT NO. 46

On page 11, line 5, change "Any funds under" to "The fund in"

AMENDMENT NO. 47

On page 11, delete lines 7 through 9

AMENDMENT NO. 48

On page 11, line 10, change "F. A fund member" to "E. Fund members"

AMENDMENT NO. 49

On page 11, line 11, change "employer" to "operator"

AMENDMENT NO. 50

On page 11, line 12, after "fund" insert ", to the extent required by this Part"

AMENDMENT NO. 51

On page 11, line 13, change "G." to "F."

AMENDMENT NO. 52

On page 11, line 21, change "after" to "before"

AMENDMENT NO. 53

On page 11, line 23, change "H." to "G."

AMENDMENT NO. 54

On page 11, at the beginning of line 26, change "§4341.4." to "§4345.4."

AMENDMENT NO. 55

On page 11, line 28, change "a fund" to "the fund"

AMENDMENT NO. 56

On page 12, line 22, change "a fund's" to "the fund's"

AMENDMENT NO. 57

On page 13, line 2, change "a fund's" to "the fund's"

AMENDMENT NO. 58

On page 13, line 23, change "a fund's" to "the fund's"

AMENDMENT NO. 59

On page 13, line 26, change "a fund's" to "the fund's"

AMENDMENT NO. 60

On page 14, line 1, change "a fund's" to "the fund's"

AMENDMENT NO. 61

On page 14, line 7, change "a fund" to "the fund"

AMENDMENT NO. 62

On page 14, line 8, change "a fund" to "the fund"

AMENDMENT NO. 63

On page 14, line 9, change "a fund's" to "the fund's"

AMENDMENT NO. 64

On page 15, line 10, change "A fund may" to "The fund shall"

AMENDMENT NO. 65

On page 16, at the beginning of line 6, change "§4341.5." to "§4345.5."

AMENDMENT NO. 66

On page 16, line 7, change "No fund shall" to "The fund shall not"

AMENDMENT NO. 67

On page 16, delete line 8, and insert the following: "by the department. Except for the certificate of authority, the department shall keep confidential all documents and"

AMENDMENT NO. 68

On page 16, line 14, change "a fund" to "the fund"

AMENDMENT NO. 69

On page 16, line 16, change "commissioner" to "department"

AMENDMENT NO. 70

On page 16, line 17, change "a fund" to "the fund"

AMENDMENT NO. 71

On page 16, line 18, change "any" to "the"

AMENDMENT NO. 72

On page 16, line 23, after "fund" delete "being examined"

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AMENDMENT NO. 73

On page 16, line 24, change "commissioner, each" to "department, the"

AMENDMENT NO. 74

On page 16, line 26 and line 29, change "commissioner" to "department"

AMENDMENT NO. 75

On page 17, line 2, change "commissioner" to "department"

AMENDMENT NO. 76

On page 17, line 3, change "commissioner" to "department"

AMENDMENT NO. 77

On page 17, at the end of line 6, change "3:4341.10(C)" to "3:4345.10(C)" and on line 7, after "R.S." change "3:4341.11(I)" to "3:4345.11(I)"

AMENDMENT NO. 78

On page 17, line 11, change "any" to "the"

AMENDMENT NO. 79

On page 17, line 14, change "commissioner" to "department"

AMENDMENT NO. 80

On page 17, line 18, change "commissioner" to "department" and change "a fund" to "the fund"

AMENDMENT NO. 81

On page 17, line 19, change "a fund" to "the fund"

AMENDMENT NO. 82

On page 17, line 22, change "commissioner" to "department"

AMENDMENT NO. 83

On page 17, line 27, delete "department" and insert "division of administrative law" and after "in accordance with" insert "the Administrative Procedure Act and shall have the authority to do"

AMENDMENT NO. 84

On page 17, line 28, delete "provisions"

AMENDMENT NO. 85

On page 18, line 1, change "a fund" to "the fund"

AMENDMENT NO. 86

On page 18, line 2, change "a fund" to "the fund"

AMENDMENT NO. 87

On page 18, line 7, change "commissioner" to "department" and change "a group" to "the group"

AMENDMENT NO. 88

On page 18, line 8, change "commissioner" to "department"

AMENDMENT NO. 89

On page 18, line 10, change "commissioner" to "department"

AMENDMENT NO. 90

On page 18, line 12, change "commissioner" to "department"

AMENDMENT NO. 91

On page 18, line 13, change "commissioner" to "department"

AMENDMENT NO. 92

On page 18, line 14, change "commissioner" to "department" and change "a fund" to "the fund"

AMENDMENT NO. 93

On page 18, line 15, change "commissioner" to "department"

AMENDMENT NO. 94

On page 18, line 16, change "commissioner" to "department"

AMENDMENT NO. 95

On page 18, line 28, change "commissioner" to "department"

AMENDMENT NO. 96

On page 19, line 3, after "fund into" delete the rest of the line and insert "administrative supervision, pursuant to R.S. 22:731, et seq."

AMENDMENT NO. 97

On page 19, line 3, after "fund into" delete the rest of the line and insert "receivership, pursuant to R.S. 22:2001, et seq."

AMENDMENT NO. 98

On page 19, delete line 4

AMENDMENT NO. 99

On page 19, at the beginning of line 5, change "§4341.6." to "§4345.6."

AMENDMENT NO. 100

On page 19, line 6, change "a fund" to "the fund"

AMENDMENT NO. 101

On page 19, delete line 7, and insert: "department as a property and casualty producer, pursuant to R.S. 22:1571, et seq. No employee of a bona fide trade"

AMENDMENT NO. 102

On page 19, line 8, after "established" delete the remainder of the line and insert "the fund or employee of the fund"

AMENDMENT NO. 103

On page 19, delete line 11, and insert the following:  
"B. No action shall lie against an insurance producer or"

AMENDMENT NO. 104

On page 19, line 13, change "a fund" to "the fund"

AMENDMENT NO. 105

On page 19, line 14, change "any" to "the" and change "a fund" to "the fund"

AMENDMENT NO. 106

On page 19, at the beginning of 17, change "§4341.7." to "§4345.7."

AMENDMENT NO. 107

On page 19, line 18, change "Each" to "The" and delete "class code"

AMENDMENT NO. 108

On page 19, line 21, change "Each" to "The"

AMENDMENT NO. 109

On page 19, delete lines 27 through 29, and insert the following:  
"period, appeal to the division of administrative law for a hearing in accordance with the provisions of the Administrative Procedure Act. After the hearing, the administrative law judge may affirm, modify, or reverse the action"

AMENDMENT NO. 110

On page 20, at the beginning of line 2, change "§4341.8." to "§4345.8."

AMENDMENT NO. 111

On page 20, line 3, change "A fund with" to "If the fund has"

AMENDMENT NO. 112

On page 20, line 7, after "**greater**," insert "**the fund**"

AMENDMENT NO. 113

On page 20, at the beginning of line 18, change "**§4341.9.**" to "**§4345.9.**"

AMENDMENT NO. 114

On page 20, line 19, change "**a fund**" to "**the fund**"

AMENDMENT NO. 115

On page 20, line 20, change "**file**" to "**files**"

AMENDMENT NO. 116

On page 21, line 3, change "**a fund**" to "**the fund**"

AMENDMENT NO. 117

On page 21, line 6, change "**a fund**" to "**the fund**"

AMENDMENT NO. 118

On page 21, line 7, change "**a fund**" to "**the fund**"

AMENDMENT NO. 119

On page 21, line 16, change "**commissioner**" to "**department**"

AMENDMENT NO. 120

On page 21, line 17, change "**a group**" to "**the group**"

AMENDMENT NO. 121

On page 21, line 19 and line 24, change "**commissioner**" to "**department**"

AMENDMENT NO. 122

On page 21, delete lines 21 and 22, and insert the following: "**or placing the fund into administrative supervision, pursuant to R.S. 22:731, et seq. or into receivership, pursuant to R.S. 22:2001, et seq.**"

AMENDMENT NO. 123

On page 21, line 25, change "**a fund**" to "**the fund**"

AMENDMENT NO. 124

On page 22, line 1, change "**commissioner**" to "**department**"

AMENDMENT NO. 125

On page 22, line 3, change "**commissioner**" to "**department**"

AMENDMENT NO. 126

On page 22, line 4, change "**commissioner**" to "**department**"

AMENDMENT NO. 127

On page 22, line 7, change "**a fund**" to "**the fund**"

AMENDMENT NO. 128

On page 22, line 9, change "**commissioner's**" to "**department's**"

AMENDMENT NO. 129

On page 22, line 10, change "**by**" to "**to**"

AMENDMENT NO. 130

On page 22, line 15, change "**(4)(a)**" to "**(4)**" and at the end of the line delete the comma ",."

AMENDMENT NO. 131

On page 22, delete lines 16 through 22, and insert the following: "**shall be paid in accordance with the applicable provisions of administrative supervision, pursuant to R.S. 22:731, et seq. or receivership, pursuant to R.S. 22:2001, et seq.**"

AMENDMENT NO. 132

On page 22, at the beginning of line 27, change "**§4341.10.**" to "**§4345.10.**"

AMENDMENT NO. 133

On page 22, line 28, change "**commissioner**" to "**department**"

AMENDMENT NO. 134

On page 22, line 29, change "**each**" to "**the**"

AMENDMENT NO. 135

On page 23, line 2, change "**commissioner**" to "**department**"

AMENDMENT NO. 136

On page 23, line 4, change "**commissioner**" to "**department**"

AMENDMENT NO. 137

On page 23, line 7, change "**commissioner**" to "**department**"

AMENDMENT NO. 138

On page 23, line 9, change "**commissioner's**" to "**department's**"

AMENDMENT NO. 139

On page 23, line 12, change "**commissioner**" to "**department**"

AMENDMENT NO. 140

On page 23, line 15, change "**commissioner**" to "**department**"

AMENDMENT NO. 141

On page 23, line 20, change "**commissioner**" to "**department**"

AMENDMENT NO. 142

On page 23, line 21, change "**each**" to "**the**"

AMENDMENT NO. 143

On page 23, line 23, change "**commissioner**" to "**department**"

AMENDMENT NO. 144

On page 23, line 29, change "**a group**" to "**the group**"

AMENDMENT NO. 145

On page 24, line 1, change "**Every**" to "**The**"

AMENDMENT NO. 146

On page 24, line 3, change "**commissioner**" to "**department**"

AMENDMENT NO. 147

On page 24, line 6, change "**commissioner**" to "**department**"

AMENDMENT NO. 148

On page 24, line 8, change "**any group**" to "**the group**"

AMENDMENT NO. 149

On page 24, line 11, change "**commissioner**" to "**department**"

AMENDMENT NO. 150

On page 24, line 12, change "**commissioner**" to "**department**"

AMENDMENT NO. 151

On page 24, line 15, change "**commissioner**" to "**department**"

AMENDMENT NO. 152

On page 24, line 17, change "**commissioner**" to "**department**"

AMENDMENT NO. 153

On page 24, line 19, change "**any group**" to "**the group**" and after "**fund**" delete "**not**" and insert a period "."

AMENDMENT NO. 154

On page 24, delete line 20 in its entirety

AMENDMENT NO. 155

On page 24, line 21, change "**commissioner**" to "**department**"

AMENDMENT NO. 156

On page 24, line 28, change "**any group**" to "**the group**"

AMENDMENT NO. 157

On page 24, line 29, change "**commissioner**" to "**department**"

AMENDMENT NO. 158

On page 25, line 4, change "**commissioner.**" to "**department.**" and delete the rest of the line and delete lines 5 through 10

AMENDMENT NO. 159

On page 25, line 14, change "**commissioner**" to "**department**"

AMENDMENT NO. 160

On page 25, line 16, change "**commissioner**" to "**department**"

AMENDMENT NO. 161

On page 25, line 19, change "**any group**" to "**the group**"

AMENDMENT NO. 162

On page 25, line 20, change "**commissioner**" to "**department**"

AMENDMENT NO. 163

On page 25, line 22, change "**commissioner**" to "**department**"

AMENDMENT NO. 164

On page 25, at the beginning of line 25, change "**§4341.11.**" to "**§4345.11.**"

AMENDMENT NO. 165

On page 26, line 1, change "**commissioner**" to "**department**"

AMENDMENT NO. 166

On page 26, line 12, change "**commissioner**" to "**department**"

AMENDMENT NO. 167

On page 26, delete lines 19 and 20, and insert the following: "**of the department, the department may order the fund to take any action the department determines is necessary and appropriate to cure the violation.**"

AMENDMENT NO. 168

On page 26, line 24, change "**commissioner**" to "**department**"

AMENDMENT NO. 169

On page 26, line 26, change "**commissioner**" to "**department**"

AMENDMENT NO. 170

On page 27, line 5, change "**commissioner**" to "**department**"

AMENDMENT NO. 171

On page 27, delete lines 11 and 12, and insert the following: "**order or directive of the department, the department may order the fund to take any action the department considers necessary and appropriate to**"

AMENDMENT NO. 172

On page 27, line 14, delete "**order a hearing**" and insert "**refer the matter for hearing before an administrative law judge within the division of administrative law**"

AMENDMENT NO. 173

On page 27, line 15, delete "**this Part**" and insert "**the Administrative Procedure Act**"

AMENDMENT NO. 174

On page 27, line 19, change "**commissioner**" to "**department**"

AMENDMENT NO. 175

On page 27, line 23, after "**report,**" delete the remainder of the line and insert "**the trustees of the group self-insurance fund shall state, under oath,**"

AMENDMENT NO. 176

On page 27, line 25, after "**G.**" delete the remainder of the line and delete line 26 in its entirety and insert the following: "**Within thirty days of receiving notification of the department's order pursuant to Subsection F**"

AMENDMENT NO. 177

On page 27, line 27, change "**a hearing**" to "**an administrative law hearing**"

AMENDMENT NO. 178

On page 27, line 28, change "**this Part**" to "**the Administrative Procedure Act**"

AMENDMENT NO. 179

On page 27, line 29, delete "**Paragraph (E)(2) or**"

AMENDMENT NO. 180

On page 28, delete lines 1 through 10, and insert the following: "**of this Section shall be conducted as required by the Administrative Procedure Act. At the conclusion of the hearing, the administrative law judge shall enter an order adopting the examination report as filed, or subsequently filed again with modifications or corrections, and may order the fund to take any action that the department considers necessary and appropriate to cure any violation of any law, regulation, or prior order or directive of the department.**"

**(2) The division of administrative law shall issue the order within thirty days after the conclusion of the hearing and shall give a copy of the order to each person to whom notice of the hearing was given or required to be given.**"

AMENDMENT NO. 181

On page 28, line 12, change "**commissioner**" to "**department**"

AMENDMENT NO. 182

On page 28, line 15, change "**3:4341.10(C)**" to "**3:4345.10(C)**"

AMENDMENT NO. 183

On page 28, line 16, change "**commissioner**" to "**department**"

AMENDMENT NO. 184

On page 28, line 19, change "**commissioner**" to "**department**"

AMENDMENT NO. 185

On page 28, line 26, change "**commissioner**" to "**department**"

AMENDMENT NO. 186

On page 29, line 1, change "**commissioner**" to "**department**"

AMENDMENT NO. 187

On page 29, line 5, change "**commissioner**" to "**department**"

AMENDMENT NO. 188

On page 29, at the beginning of line 6, change "**3:4341.10(C)**" to "**3:4345.10(C)**"

AMENDMENT NO. 189

On page 29, line 10, change "**commissioner**" to "**department**"

AMENDMENT NO. 190

On page 29, line 14, change "**commissioner**" to "**department**"

AMENDMENT NO. 191

On page 29, delete lines 21 and 22, and insert the following: "**against the department, the authorized representative of the department, or any examiner appointed by the department for any statement made or**"

AMENDMENT NO. 192

On page 29, delete line 26, and insert the following: "**data to the department, or the authorized representative of the department,**"

AMENDMENT NO. 193

On page 30, line 1 and line 2, change "**commissioner**" to "**department**"

AMENDMENT NO. 194

On page 30, line 2, after "**R.S.**" change "**3:4341.10,**" to "**3:4345.10,**"

AMENDMENT NO. 195

On page 30, delete line 3 and insert "**the group self-insurance fund. The**"

AMENDMENT NO. 196

On page 30, line 8, change "**commissioner**" to "**department**"

AMENDMENT NO. 197

On page 30, line 9, change "**a group**" to "**the group**"

AMENDMENT NO. 198

On page 30, line 14, change "**commissioner**" to "**department**"

AMENDMENT NO. 199

On page 30, line 17, change "**commissioner**" to "**department**"

AMENDMENT NO. 200

On page 30, line 24, change "**commissioner**" to "**department**"

AMENDMENT NO. 201

On page 30, line 27, change "**commissioner's**" to "**department's**"

AMENDMENT NO. 202

On page 31, line 1, change "**commissioner**" to "**department**"

AMENDMENT NO. 203

On page 31, delete line 2, and insert "**the department's sole determination.**"

AMENDMENT NO. 204

On page 31, line 3, change "**Any group**" to "**The group**"

AMENDMENT NO. 205

On page 31, delete lines 5 and 6, and insert the following: "**aggrieved party may apply for and shall be entitled to an administrative hearing pursuant to The Administrative Procedure Act.**"

AMENDMENT NO. 206

On page 31, at the beginning of line 9, change "**§4341.12. Commissioner of insurance**" to "**§4345.12. Department of Insurance**"

AMENDMENT NO. 207

On page 31, line 10, change "**commissioner**" to "**department**"

AMENDMENT NO. 208

On page 31, line 11, change "**any group**" to "**the group**"

AMENDMENT NO. 209

On page 31, at the beginning of line 14, change "**§4341.13.**" to "**§4345.13.**"

AMENDMENT NO. 210

On page 31, line 16, change "**a group**" to "**the group**"

AMENDMENT NO. 211

On page 31, line 18, change "**a group**" to "**the group**"

AMENDMENT NO. 212

On page 31, line 20, change "**a group**" to "**the group**"

AMENDMENT NO. 213

On page 31, line 21, delete "**hearing.**"

AMENDMENT NO. 214

On page 31, line 26, change "**a group**" to "**the group**"

AMENDMENT NO. 215

On page 32, line 7, after "**liability of**" change "**a**" to "**the**"

AMENDMENT NO. 216

On page 32, line 19, after "**fined**" insert "**by the court**"

AMENDMENT NO. 217

On page 32, at the beginning of line 21, change "**§4341.14.**" to "**§4345.14.**"

AMENDMENT NO. 218

On page 32, line 23, change "**commissioner**" to "**department**"

AMENDMENT NO. 219

On page 32, line 28, change "**a hearing**" to "**an administrative hearing**"

AMENDMENT NO. 220

On page 32, line 29, delete "**this Part**" and insert "**the Administrative Procedure Act**"

AMENDMENT NO. 221

On page 33, at the beginning of line 1, change "**§4341.15.**" to "**§4345.15.**"

AMENDMENT NO. 222

On page 33, delete line 2 and insert "**A. If the fund chooses to dissolve, it shall apply to the department for the**"

AMENDMENT NO. 223

On page 33, delete line 4, and insert the following: "**by the department and shall be approved or disapproved by the department**"

AMENDMENT NO. 224

On page 33, line 6, change "**a fund**" to "**the fund**"

AMENDMENT NO. 225

On page 33, line 7, change "**a fund**" to "**the fund**"

AMENDMENT NO. 226

On page 33, line 19, change "**any fund**" to "**the fund**"

AMENDMENT NO. 227

On page 33, line 22, and page 35, lines 10 and 13, change "**commissioner**" to "**department**"

AMENDMENT NO. 228

On page 33, at the beginning of line 23, change "**§4341.16.**" to "**§4345.16.**"

AMENDMENT NO. 229

On page 33, line 28, change "**a group**" to "**the group**"

AMENDMENT NO. 230

On page 33, line 29, change "**a group**" to "**the group**"

AMENDMENT NO. 231

On page 34, line 1, after "**broker.**" delete the remainder of the line and insert "**The group self-insurance fund shall not use expirations.**"

AMENDMENT NO. 232

On page 34, line 8, change "a group" to "the group"

AMENDMENT NO. 233

On page 34, line 10, change "agent or insurance broker" to "producer"

AMENDMENT NO. 234

On page 34, line 15, delete "another agent" and insert "an insurance producer"

AMENDMENT NO. 235

On page 34, line 22, delete "agent or insurance broker" and insert "producer"

AMENDMENT NO. 236

On page 35, line 6, delete "agent or insurance broker" and insert "producer"

AMENDMENT NO. 237

On page 35, at the end of line 13, change "3:4341.5." to "3:4345.5."

AMENDMENT NO. 238

On page 35, line 14, delete "agent or insurance broker" and insert "producer"

AMENDMENT NO. 239

On page 35, line 21, delete "agent or broker" and insert "insurance producer"

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

SENATE BILL NO. 450—

BY SENATOR STINE

AN ACT

To amend and reenact R.S. 26:271.1(A), relative to microbreweries; to provide for retail sales on or off premises; to provide for transfers; to provide for conditions; and to provide for related matters.

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

House Bills and Joint Resolutions on Second Reading Reported by Committees

HOUSE BILL NO. 397—

BY REPRESENTATIVE BISHOP

AN ACT

To amend and reenact R.S. 30:2531(C)(4) and 2532(Section heading) and (A)(5), R.S. 32:412(A)(1), (2), (5), and (6), and (B)(1), (2), and (7)(e)(i)(cc) and (ee) and (ii)(cc) and (ee), R.S. 47:463.43(Section heading), (A), and (D), and R.S. 56:10(B)(15), to enact R.S. 56:10(B)(17), and to repeal R.S. 30:2532(B), relative to funding for environmental education and litter abatement; to separate the litter abatement and education account into an account for litter abatement and an account for environmental education; to redirect existing fines, fees, and donations dedicated for these purposes into the separate accounts; and to provide for related matters.

Reported favorably by the Committee on Environmental Quality. The bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 632—

BY REPRESENTATIVE MCFARLAND AN ACT

To enact R.S. 30:2004(19) and R.S. 47:301(31) and 818.2(74), relative to small refineries; to provide definitions applicable to the La. Environmental Quality Act; and to provide for related matters.

Reported favorably by the Committee on Environmental Quality. The bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 749—

BY REPRESENTATIVE BISHOP AN ACT

To amend and reenact the heading of Subpart B-1 of Part III of Chapter I of Title 17 of the Louisiana Revised Statutes of 1950, R.S. 17:200, 203(7) and 205(Section heading) and (A) and to enact R.S. 17:215(E) and Chapter 17-A of Title 49 of the Revised Statutes of 1950, to be comprised of R.S. 49:1131 through 1143 and to repeal R.S. 17:203(3) through (6), 204, 205(C), and 206 through 214, relative to litter abatement responsibilities and programs; to remove litter reduction and litter awareness functions from the Department of Education and place them within the Department of Culture, Recreation and Tourism; to provide for the litter abatement grant program; and to provide for related matters.

Reported favorably by the Committee on Environmental Quality. The bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 750—

BY REPRESENTATIVE BISHOP AN ACT

To amend and reenact R.S. 30:2531(C), 2531.3(G), 2531.5(B) and (D), and 2532(A) and R.S. 56:32.1(A) and (B), relative to fines and court costs for littering violations; to provide for the prosecution of civil littering violations cited by the Department of Wildlife and Fisheries; to specify civil procedure for simple and commercial littering violations; to provide for special court costs for littering violations; to provide for the distribution of littering fines and special court costs; to authorize civil actions and adjudicatory hearings for littering violations prosecuted by the Department of Wildlife and Fisheries; and to provide for related matters.

Reported favorably by the Committee on Environmental Quality. The bill was read by title and referred to the Legislative Bureau.

Senate Resolutions on Second Reading Reported by Committees

SENATE RESOLUTION NO. 57—

BY SENATOR JACKSON

A RESOLUTION

To urge and request local governing authorities and animal shelters of the state to adopt policies and programs prior to December 31, 2025, which provide alternatives to euthanizing healthy dogs and cats.

Reported with amendments by the Committee on Agriculture, Forestry, Aquaculture, and Rural Development.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Agriculture, Forestry, Aquaculture, and Rural Development to Original Senate Resolution No. 57 by Senator Jackson

AMENDMENT NO. 1

On page 1, line 2, after "request" delete the remainder of the line and insert "parishes, municipalities, local governing authorities, and animal shelters in the state to adopt"

AMENDMENT NO. 2

On page 1, line 3, change "which" to "that"

AMENDMENT NO. 3

On page 2, line 6, after "networks" change "," to ";

AMENDMENT NO. 4

On page 2, line 13, after "request" delete the remainder of the line and insert "parishes, municipalities, local governing authorities, and animal shelters in the state"

AMENDMENT NO. 5

On page 2, line 14, change "which" to "that"

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

The resolution was read by title. On motion of Senator Jackson, the amended Senate Resolution was adopted.

Senate Bills and Joint Resolutions on Third Reading and Final Passage

SENATE BILL NO. 234—

BY SENATOR JACKSON

A JOINT RESOLUTION

Proposing to amend Article V, Section 19 of the Constitution of Louisiana, relative to special juvenile proceedings; to provide relative to offenses committed by juveniles; to allow adult prosecution and enhanced penalties for certain assault and battery offenses; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

The bill was read by title and returned to the Calendar, subject to call.

SENATE BILL NO. 304—

BY SENATOR CATHEY

AN ACT

To amend and reenact R.S. 15:571.3(B)(1)(a), the introductory paragraph of (C), (D), and (F) and to enact R.S. 15:571.3(G), relative to diminution of a sentence for good behavior; to provide for reduction of good time credit for offenders convicted of murder of first responders and peace officers; to provide that good time credit does not include incarceration prior to conviction for certain offenses; and to provide for related matters.

The bill was read by title and returned to the Calendar, subject to call.

SENATE BILL NO. 359—

BY SENATOR JACKSON

AN ACT

To amend and reenact R.S. 40:2601(5), 2603, 2604, the introductory paragraph of 2605, 2608, 2610(A), 2611, 2612, and 2613, to enact R.S. 40:2606(E) and 2610.1, and to repeal R.S. 40:2608.1, relative to forfeiture; to provide relative to proceedings for the seizure and forfeiture of property for certain drug offenses; to provide that a conviction is required before property can be subject to forfeiture; to provide relative to definitions; to provide for damages; 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. 359 by Senator Jackson

AMENDMENT NO. 1

On page 16, line 25, change "must" to "shall"

On motion of Senator Fred Mills, 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. 359 by Senator Jackson

AMENDMENT NO. 1

On page 1, delete lines 2 through 7 and insert the following: "To amend and reenact R.S. 40:2608(A)(1), (2), and (4) and 2610(A), relative to forfeiture; to provide relative to receipt of notice of forfeiture; to provide relative to extension of time for filing of claims to seized property; to provide relative to time limits; and to provide for relative matters."

AMENDMENT NO. 2

On page 1, delete lines 9 through 17 and insert the following: "Section 1. R.S. 40:2608(A)(1), (2), and (4) and 2610(A) are hereby amended and reenacted to read as follows:"

AMENDMENT NO. 3

Delete pages 2 through 5

AMENDMENT NO. 4

On page 6, delete lines 1 and 2

AMENDMENT NO. 5

On page 6, delete lines 5 through 29 and insert asterisks "\*" \* \*

AMENDMENT NO. 6

On page 7, delete lines 1 through 24

AMENDMENT NO. 7

On page 7, at the beginning of line 25, change "G." to "A."

AMENDMENT NO. 8

On page 8, delete lines 20 through 29 and insert asterisks

"\* \* \*

AMENDMENT NO. 9

On page 9, delete lines 1 through 6

AMENDMENT NO. 10

On page 9, delete lines 12 through 29

AMENDMENT NO. 11

Delete pages 10 and 11

AMENDMENT NO. 12

On page 12, delete lines 1 through 4

AMENDMENT NO. 13

On page 12, delete lines 15 through 29

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AMENDMENT NO. 14  
Delete pages 13 through 27

On motion of Senator Jackson, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 38

NAYS

Total - 0

ABSENT

Total - 0

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

SENATE BILL NO. 104—  
BY SENATOR MIZELL

AN ACT

To enact R.S. 40:2175.8, relative to outpatient abortion facilities; to require outpatient abortion facilities to permit certain communications by patients; to provide for conditions for licensure; to provide for definitions; to provide for penalties; 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. 104 by Senator Mizell

AMENDMENT NO. 1

On page 1, line 4, following "licensure;" delete "to provide for definitions;"

AMENDMENT NO. 2

On page 2, delete line 2

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

Floor Amendments

Senator Mizell proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Mizell to Engrossed Senate Bill No. 104 by Senator Mizell

AMENDMENT NO. 1

On page 1, line 12, change "**If an**" to "**No**" and change "**requires**" to "**shall require**"

AMENDMENT NO. 2

On page 1, line 14, after "**facility**" insert a period "." and delete the remainder of the line and delete line 15

Senator Mizell moved the adoption of the amendments.

Senator Luneau objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Henry	Peacock
Abraham	Hensgens	Reese
Allain	Hewitt	Stine
Barrow	Jackson	Talbot
Bernard	Lambert	Tarver
Cathey	McMath	Ward
Cloud	Milligan	White
Connick	Mills, R.	Womack
Fesi	Mizell	
Foil	Morris	

Total - 28

NAYS

Boudreaux	Harris	Price
Bouie	Luneau	Smith
Carter	Mills, F.	
Fields	Pope	

Total - 10

ABSENT

Total - 0

The Chair declared the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Hensgens	Pope
Abraham	Hewitt	Price
Allain	Jackson	Reese
Barrow	Lambert	Smith
Bernard	Luneau	Stine
Cathey	McMath	Talbot
Cloud	Milligan	Tarver
Connick	Mills, F.	Ward
Fesi	Mills, R.	White
Foil	Mizell	Womack
Harris	Morris	



Henry  
Total - 34

Peacock  
NAYS

Bouie  
Total - 3

Carter Fields  
ABSENT

Boudreaux  
Total - 1

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

**SENATE BILL NO. 199—**  
BY SENATOR SMITH

A JOINT RESOLUTION

Proposing to add Article I, Section 10.2 of the Constitution of Louisiana, relative to elections; to provide for free and equal elections; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

NAYS

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

ABSENT

Total - 0

The Chair declared the bill failed to pass for lack of receiving the required two-thirds vote.

**Notice of Reconsideration**

Senator Smith moved to reconsider on the next Legislative Day the vote by which the bill failed to pass.

**SENATE BILL NO. 213—**  
BY SENATOR LUNEAU

AN ACT

To amend and reenact R.S. 40:2162(A)(3) and (7), (C)(3), (D)(1), (2)(c), (3)(b), and (H)(1) and to repeal R.S. 40:2162(C)(2)(c), relative to behavioral health rehabilitation services in the medical assistance program; to provide for community psychiatric support and treatment services; to provide for psychosocial rehabilitation services; to provide for licensure requirements of individuals providing services; to provide for

technical updates of outdated provisions; to provide for an effective date; 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

Mr. President	Foil	Morris
Abraham	Harris	Peacock
Allain	Henry	Pope
Barrow	Hensgens	Price
Bernard	Hewitt	Reese
Boudreaux	Jackson	Smith
Bouie	Lambert	Stine
Carter	Luneau	Talbot
Cathy	McMath	Tarver
Cloud	Milligan	Ward
Connick	Mills, F.	White
Fesi	Mills, R.	Womack
Fields	Mizell	
Total - 38		

NAYS

Total - 0

ABSENT

Total - 0

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. 352—**  
BY SENATOR FIELDS

AN ACT

To enact Part V-C of Chapter 9 of Title 45 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 45:1240.1 through 1240.3, relative to public utilities; to provide relative to consumer credits; to provide rules, regulations, and procedures; and to provide for related matters.

**Floor Amendments**

Senator Fields proposed the following amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Fields to Engrossed Senate Bill No. 352 by Senator Fields

AMENDMENT NO. 1

On page 1, delete lines 14 through 17 in their entirety and insert the following:

**"(2) "Cable service provider" shall have the same meaning as provided in R.S. 45:1363."**

AMENDMENT NO. 2

On page 2, delete lines 1 through 3 in their entirety and insert the following:

**"(3) "Cable service" shall have the same meaning as provided in R.S. 45:1363, and for purposes of this Part shall also include any telecommunications, cable, or wireline internet services offered by a cable service provider."**

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AMENDMENT NO. 3

On page 2, at the beginning of line 4, change "(3)" to "(4)"

AMENDMENT NO. 4

On page 2, line 6, after "regulations;" delete the remainder of the line and insert: "credit to cable service bill"

AMENDMENT NO. 5

On page 2, line 8, change "a utility" to "a cable" and at the end of the line change "utility" to "cable"

AMENDMENT NO. 6

On page 2, line 11, change "utility" to "cable"

On motion of Senator Fields, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Barrow	Fields	Mills, F.
Boudreaux	Harris	Pope
Bouie	Hensgens	Price
Carter	Jackson	Smith
Connick	Luneau	Tarver
Total - 15		

NAYS

Mr. President	Henry	Peacock
Abraham	Hewitt	Reese
Allain	Lambert	Stine
Bernard	McMath	Talbot
Cathey	Milligan	Ward
Cloud	Mills, R.	White
Fesi	Mizell	Womack
Foil	Morris	
Total - 23		

ABSENT

Total - 0

The Chair declared the amended bill failed to pass. Senator Womack moved to reconsider the vote by which the bill failed to pass and laid the motion on the table.

SENATE BILL NO. 353— BY SENATOR FIELDS

AN ACT

To amend and reenact R.S. 13:312(1)(b) and 312.1(A), relative to the Court of Appeal for the First Circuit; to provide for the organization of districts within the First Circuit; to provide election sections for the second district of the First Circuit; to provide for the assignment of judgeships for election purposes; to provide for the election of judges; and to provide for related matters.

Floor Amendments

Senator Fields proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Fields to Engrossed Senate Bill No. 353 by Senator Fields

AMENDMENT NO. 1

On page 3, line 22, change "(B)" to "(B)(1)"

AMENDMENT NO. 2

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

"(2) Notwithstanding any provision of law to the contrary, there shall be no requirement that a judge be a resident of the election section for which he holds office; however, the judge shall be a resident of the second district of the Court of Appeal for the First Circuit, in accordance with law."

On motion of Senator Fields, the amendments were adopted.

Floor Amendments

Senator White proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator White to Engrossed Senate Bill No. 353 by Senator Fields

AMENDMENT NO. 1

On page 3, line 13, change "C" to "B"

AMENDMENT NO. 2

On page 3, line 15, change "B" to "C"

AMENDMENT NO. 3

On page 3, line 27, change "two" to "one"

AMENDMENT NO. 4

On page 4, line 3, change "one" to "two"

Senator White moved the adoption of the amendments.

Senator Fields objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Henry	Morris
Abraham	Hensgens	Peacock
Allain	Hewitt	Pope
Bernard	Lambert	Reese
Cloud	McMath	Stine
Connick	Milligan	Talbot
Fesi	Mills, R.	White
Foil	Mizell	Womack
Total - 24		

NAYS

Barrow	Harris	Smith
Boudreaux	Jackson	Tarver
Bouie	Luneau	Ward
Carter	Mills, F.	
Fields	Price	
Total - 13		

ABSENT

Cathey  
Total - 1

The Chair declared the amendments were adopted.

On motion of Senator Fields, the amended 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 advance to:

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

Called from the Calendar

Senator Pope asked that Senate Bill No. 151 be called from the Calendar.

SENATE BILL NO. 151— BY SENATOR POPE

A JOINT RESOLUTION

Proposing to amend Article VII, Section 21(F) of the Constitution of Louisiana, relative to ad valorem tax exemptions for manufacturing establishments approved by the State Board of Commerce and Industry; to provide requirements for certain exemptions involving input from local governmental entities; and to specify an election for submission of the proposition to electors; and to provide a ballot proposition.

Floor Amendments

Senator Pope proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Pope to Engrossed Senate Bill No. 151 by Senator Pope

AMENDMENT NO. 1

On page 2, line 12, change "shall only be effective" to "shall be effective only"

AMENDMENT NO. 2

On page 2, line 22, change "direct permanent jobs" to "permanent direct jobs"

On motion of Senator Pope, the amendments were adopted.

Floor Amendments

Senator Morris proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Morris to Engrossed Senate Bill No. 151 by Senator Pope

AMENDMENT NO. 1

On page 1, line 4, after "Industry;" insert "to provide for different exemption percentages based on the amount of total capital expenditure;"

AMENDMENT NO. 2

On page 1, line 5, after "entities;" insert "to provide for confidentiality;"

AMENDMENT NO. 3

On page 2, line 6, change "five" to "ten"

AMENDMENT NO. 4

On page 2, delete lines 9 through 16 and insert:

"(2)(a) The approval process for an exemption or renewal shall be as provided in rules promulgated by the Board of Commerce and Industry or in an executive order issued by the governor."

(b) Except as provided in Subsubparagraph (c) of this Subparagraph:

(i) No exemption shall exceed eighty percent of the ad valorem taxes that would otherwise be owed when the total capital expenditure for the establishment is four hundred million dollars or less.

(ii) No exemption shall exceed eighty-five percent of the ad valorem taxes that would otherwise be owed when the total capital expenditure for the establishment is greater than four hundred million dollars but no more than one billion dollars.

(iii) No exemption shall exceed ninety-three percent of the ad valorem taxes that would otherwise be owed when the total capital expenditure for the establishment is greater than one billion dollars.

(vi) The capital expenditure amounts in this Subsubparagraph shall be increased each July first, beginning in 2025, by an amount equal to the average annual increase in the Consumer Price Index for all urban consumers, as published by the United States Department of Labor, for the previous calendar year, as calculated and adopted by the Revenue Estimating Conference.

(c) The parish governing authority, school board, sheriff, and if applicable, the municipal government wherein the exemption or renewal is sought may authorize an exemption of up to one hundred percent of the ad valorem taxes that would otherwise be owed. The approval or denial by a tax recipient body of this exemption or renewal shall be effective only against the portion of the millage attributable to that body."

AMENDMENT NO. 5

On page 2, line 17, change "(c)" to "(d)"

AMENDMENT NO. 6

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

AMENDMENT NO. 7

On page 2, line 21, change "jobs or" to "jobs."

AMENDMENT NO. 8

On page 2, line 22, after "jobs" insert ", or is necessary to retain an establishment that would otherwise permanently shut down or locate in another state"

AMENDMENT NO. 9

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

AMENDMENT NO. 10

On page 2, line 26, delete "five" and insert "ten"

AMENDMENT NO. 11

On page 3, between lines 8 and 9, insert:

"(5) Information that is provided in an application for an exemption pursuant to this Paragraph that describes the specific processes or business activities to be conducted or the equipment or other property to be located on the establishment for which the exemption is sought is confidential and not subject to disclosure by the Board of Commerce and Industry or any local tax recipient body."

AMENDMENT NO. 12

On page 3, delete lines 16 through 20, and insert: "Do you support an amendment to prohibit exempting industrial manufacturers from local property taxes unless the exemption results in job creation or retention or is required to retain the manufacturing facility in this state; to limit the maximum industrial property tax exemption the Board of Commerce and Industry can grant based on the total capital expended on the project; and to authorize affected local governing authorities to grant an additional industrial property tax exemption of up to one hundred percent?"

Senator Morris moved the adoption of the amendments.

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Senator Pope objected.

ROLL CALL

The roll was called with the following result:

YEAS

Hensgens Morris Peacock
Total - 3

NAYS

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

Total - 35

ABSENT

Total - 0

The Chair declared the amendments were rejected.

Floor Amendments

Senator Fred Mills proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Fred Mills to Engrossed Senate Bill No. 151 by Senator Pope

AMENDMENT NO. 1

On page 1, delete lines 16 and 17, delete page 2, and on page 3, delete lines 1 through 8 and insert:

(F) Notwithstanding any contrary provision of this Section, the State Board of Commerce and Industry or its successor, with the approval of the governor and the parish governing authority, school board, sheriff, and, if applicable, municipal government where the establishment is or will be located, may enter into contracts for the exemption from ad valorem taxes of a new manufacturing establishment or an addition to an existing manufacturing establishment, on such terms and conditions as the board, with the approval of the governor and the applicable tax recipient bodies, deems in the best interest of the state.

The exemption shall be for an initial term of no more than five calendar years, and may be renewed for an additional five years. All property exempted shall be listed on the assessment rolls and submitted to the Louisiana Tax Commission or its successor, but no taxes shall be collected thereon during the period of exemption. The approval or denial by a tax recipient body of an initial exemption or renewal shall apply only to that portion of the millage attributable to that body.

The terms "manufacturing establishment" and "addition" as used herein mean a new plant or establishment or an addition or additions to any existing plant or establishment which engages in the business of working raw materials into wares suitable for use or which gives new shapes, qualities or combinations to matter which already has gone through some artificial process."

AMENDMENT NO. 2

On page 3, delete lines 16 through 20, and insert:

"Do you support an amendment to prohibit exempting industrial manufacturers from local property taxes unless the exemption is

approved by the local sheriff and any school board, parish, or municipal government that would be affected by the exemption?"

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

On motion of Senator Pope, the amended 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.

Message from the House

CONCURRING IN SENATE CONCURRENT RESOLUTIONS

April 27, 2022

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. 37—

BY SENATOR PEACOCK

A CONCURRENT RESOLUTION

To commend the officers and members of the Bossier Chamber of Commerce on the occasion of its seventy-fifth anniversary.

Reported without amendments.

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

Introduction of Senate Resolutions

SENATE RESOLUTION NO. 96—

BY SENATOR BOUDREAU

A RESOLUTION

To recognize Thursday, May 5, 2022, as the thirty-eighth annual Red and White Day at the Louisiana State Capitol.

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

SENATE RESOLUTION NO. 97—

BY SENATOR BOUDREAU

A RESOLUTION

To commend the Louisiana Endowment for the Humanities for its outstanding contributions to the state of Louisiana and to express sincere gratitude to the Prime Time Head Start programs for its lasting contributions to early childhood education in Lafayette Parish and in Louisiana.

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

SENATE RESOLUTION NO. 98—

BY SENATOR CORTEZ

A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana upon the passing of James Pitman Hesterly Jr.

Senator Cathey asked for and obtained a suspension of the rules to read Senate Resolution No. 98 a first and second time.

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

Message from the House
ASKING CONCURRENCE IN
HOUSE BILLS AND JOINT RESOLUTIONS

April 27, 2022

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. 733 HB No. 938 HB No. 956
HB No. 957 HB No. 973 HB No. 135

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

House Bills and Joint Resolutions
on First Reading

HOUSE BILL NO. 135—
BY REPRESENTATIVE MARINO
AN ACT

To enact R.S. 40:1046.1, relative to dispensing of medical marijuana; to provide relative to pharmacies licensed by the Louisiana Board of Pharmacy to dispense medical marijuana, known commonly as marijuana pharmacies; to authorize dispensing of medical marijuana to certain persons who are not Louisiana residents or are short-term residents of this state; to establish qualifications necessary for such persons to receive medical marijuana in this state; to establish duties of marijuana pharmacies with respect to such dispensing; to prohibit the dispensing of medical marijuana in certain instances; and to provide for related matters.

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

HOUSE BILL NO. 733—
BY REPRESENTATIVE HORTON
AN ACT

To enact R.S. 32:191.1(F), relative to penalties for vehicle violations; to provide for the application of certain penalties to violations of any driver or operator of a vehicle; and to provide for related matters.

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

HOUSE BILL NO. 938—
BY REPRESENTATIVE DUSTIN MILLER
AN ACT

To amend and reenact R.S. 4:150(A) and 169(A)(3), relative to horse racing; to extend the term of certain licenses; to provide for renewal; to provide an expiration date; to make technical changes; 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. 956—
BY REPRESENTATIVE SCHEXNAYDER
AN ACT

To amend and reenact R.S. 27:86, relative to racehorse wagering; to provide for pari-mutuel racehorse wagering; to provide for the percentage of the pari-mutuel handle that must be used for purse supplements; to provide for the payment of such portion of the pari-mutuel handle to the Louisiana Horsemen's Benevolent and Protective Association; and to provide for related matters.

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

HOUSE BILL NO. 957—
BY REPRESENTATIVE SCHEXNAYDER
AN ACT

To amend and reenact R.S. 27:249.1, relative to racehorse wagering; to provide for fixed-odds racehorse wagering; to provide for the percentage of audited net profits from fixed-odds racehorse wagering to be used as purse supplements; to provide for the definition of "audited net profits"; and to provide for related matters.

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

HOUSE BILL NO. 973—
BY REPRESENTATIVE DAVIS
AN ACT

To amend and reenact R.S. 9:2713.2(B)(introductory paragraph), R.S. 12:1-1106(A)(1), 204(A), and 1307(D), R.S. 22:243(D)(3) and (E)(1) and (3), and R.S. 51:214(A)(introductory paragraph) and 3143(B) and (C) and to enact R.S. 12:1-402(D), 204(G)(4), and 1307(E), R.S. 49:222(B)(15), and R.S. 51:212(8), relative to corporations; to provide for an authorized representative; to allow for termination of a name reservation; to provide for merger; to prohibit certain phrases in a reserved name; to provide for preemption; and to provide for related matters.

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

Privileged Report of the Committee on
Senate and Governmental Affairs

ENROLLMENTS

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

April 27, 2022

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. 34—
BY SENATOR PEACOCK
A CONCURRENT RESOLUTION

To commend Mikaylah Williams, a junior at Parkway High School, on being selected the 2021-2022 Gatorade Louisiana Girls Basketball Player of the Year.

April 27, 2022

SENATE CONCURRENT RESOLUTION NO. 36—

BY SENATOR CORTEZ

A CONCURRENT RESOLUTION

To commend Herb Schilling on being honored at the University of Louisiana-Lafayette Alumni Association's twenty-fifth annual Spring Gala.

SENATE CONCURRENT RESOLUTION NO. 38—

BY SENATORS PEACOCK, MILLIGAN AND TARVER AND REPRESENTATIVES BAGLEY, GLOVER, HORTON, MCCORMICK, MCMAHEN, PHELPS, PRESSLY AND SEABAUGH

A CONCURRENT RESOLUTION

To commend Robert J. Wright on his retirement from fifty years of exceptional radio broadcasting.

Respectfully submitted, SHARON W. HEWITT Chairman

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

Message from the House

SIGNED HOUSE CONCURRENT RESOLUTIONS

April 27, 2022

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. 82—

BY REPRESENTATIVE WHEAT

A CONCURRENT RESOLUTION

To commend the members of the United States Armed Forces for their service and to proclaim May 2022 as Military Appreciation Month.

HOUSE CONCURRENT RESOLUTION NO. 86—

BY REPRESENTATIVE DEVILLIER AND SENATOR CLOUD

A CONCURRENT RESOLUTION

To commend the Basile High School Bearcats on winning the Louisiana High School Athletic Association 2022 Division III state wrestling championship.

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

Mr. President Abraham Allain Barrow Bernard Boudreaux Bouie Carter Cathey Cloud Connick Foil Harris Henry Hensgens Hewitt Jackson Lambert Luneau McMath Milligan Mills, F. Morris Peacock Pope Price Reese Smith Stine Talbot Tarver Ward White

Fesi Fields Total - 38

Mills, R. Mizell ABSENT

Womack

Total - 0

Announcements

The following committee meetings for April 28, 2022, were announced:

Education At Adj Hainkel Room Natural Resources At Adj Room A Transportation At Adj Room E

Adjournment

On motion of Senator Talbot, at 6:03 o'clock P.M. the Senate adjourned until Thursday, April 28, 2022, at 9:30 o'clock A.M.

The President of the Senate declared the Senate adjourned.

YOLANDA J. DIXON Secretary of the Senate

FRAN OGNIBENE Journal Clerk