

**THE OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA**
FIFTH DAY'S PROCEEDINGS

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

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Thursday, June 11, 2020

The Senate was called to order at 10:25 o'clock A.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	Morris
Allain	Harris	Peacock
Barrow	Hensgens	Pope
Bernard	Johns	Price
Bouie	Lambert	Reese
Cathey	Luneau	Smith
Cloud	McMath	Talbot
Connick	Milligan	Ward
Fesi	Mills, R.	White
Fields	Mizell	Womack
Total - 30		

ABSENT

Abraham	Henry	Mills, F.
Boudreaux	Hewitt	Peterson
Carter	Jackson	Tarver
Total - 9		

The President of the Senate announced there were 30 Senators present and a quorum.

Prayer

The prayer was offered by Senator Beth Mizell, 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 Peacock, the reading of the Journal was dispensed with and the Journal of June 10, 2020, was adopted.

**Introduction of Senate Bills
and Joint Resolutions**

SENATE BILL NO. 24—
BY SENATOR HARRIS

AN ACT

To amend and reenact R.S. 47:6020(D)(2)(a) and (G) and to enact R.S. 47:6020(H), relative to the Angel Investor Tax Credit; to authorize an enhanced tax credit for certain eligible investments; to provide for certain limitations and eligibility requirements; to extend the termination date of the program; 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.

Introduction of Senate Resolutions

SENATE RESOLUTION NO. 12—

BY SENATOR WOMACK

A RESOLUTION

To express sincere condolences of the Senate of the Legislature of Louisiana upon the death of Police Chief Wesley Ezell of Gilbert, Louisiana.

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

**Senate Bills and Joint Resolutions on
Second Reading to be Referred**

SENATE BILL NO. 21—

BY SENATOR MCMATH

AN ACT

To amend and reenact R.S. 47:306(A)(3)(a), relative to the compensation of persons required to collect state sales and use tax; to provide for the amount of compensation persons required to collect state sales and use tax may deduct for the purpose of remitting sales and use taxes; to provide for certain requirements and limitations; and to provide for related matters.

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

SENATE BILL NO. 22—

BY SENATOR MCMATH

AN ACT

To amend and reenact R.S. 47:246(E) and (G), 287.86(A), (B), and (C), 1621(B)(7), and 1623(C) and to enact R.S. 47:287.86(F), relative to the net operating loss deduction; to authorize the carry-back of certain corporate income tax deductions for purposes of calculating corporate income tax; to provide for the administration of the deduction; to provide for certain adjustments; to authorize the refund of certain amounts; to authorize the payment of interest on certain amounts; to provide for time limitations for the payment of certain claims; to provide for effectiveness; and to provide for related matters.

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

SENATE BILL NO. 23—

BY SENATOR WARD

AN ACT

To enact R.S. 47:1602.2, relative to the Department of Revenue; to require the secretary of the Department of Revenue to waive certain penalties and interest; to provide for limitations; to provide for an effective date; and to provide for related matters.

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

**Senate Resolutions on
Second Reading**

SENATE RESOLUTION NO. 10—

BY SENATORS PEACOCK AND MILLIGAN

A RESOLUTION

To commend the 2020 Louisiana High School Athletic Association powerlifting teams that were at the top of their divisions at the end of the season.

Floor Amendments

Senator Peacock proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Peacock to Original Senate Resolution No. 10 by Senator Peacock

June 11, 2020

AMENDMENT NO. 1

On page 1, line 4, after "the" and before "cancellation" insert "unfortunate"

AMENDMENT NO. 2

On page 1, line 7, after "commendation" insert "for their hard work and dedication"

AMENDMENT NO. 3

On page 1, between lines 17 and 18, insert: "WHEREAS, although their season was untimely cut short due to unprecedented circumstances, their commitment to competition and the pursuit of excellence exemplify the ideals necessary to persevere through the challenges of life; and"

On motion of Senator Peacock, the amendments were adopted.

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

SENATE RESOLUTION NO. 11—

BY SENATOR CARTER

A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana upon the passing of Don "Coach Watt" Nicholas Wattigny.

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

Senate Concurrent Resolutions on Second Reading

SENATE CONCURRENT RESOLUTION NO. 13—

BY SENATOR CARTER

A CONCURRENT RESOLUTION

To urge and request the Louisiana Workforce Commission to provide literature to the public regarding the requirement of certain employers to provide paid sick time to employees who are unable to work due to the effects of COVID-19.

The resolution was read by title and referred by the President to the Committee on Labor and Industrial Relations.

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

June 10, 2020

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:

Table with 3 columns: HB No. 12, HB No. 7, HB No. 8; HB No. 1, HB No. 9, HB No. 29

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

House Bills and Joint Resolutions

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

HOUSE BILL NO. 1—

BY REPRESENTATIVES ZERINGUE AND THOMPSON AN ACT

Making annual appropriations for Fiscal Year 2020-2021 for the ordinary expenses of the executive branch of state government, pensions, public schools, public roads, public charities, and state institutions and providing with respect to the expenditure of said appropriations.

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

HOUSE BILL NO. 7—

BY REPRESENTATIVES ZERINGUE AND SCHEXNAYDER AND SENATORS CORTEZ AND WHITE AN ACT

To appropriate funds to defray the expenses of the Louisiana Judiciary, including the Supreme Court, Courts of Appeal, District Courts, Criminal District Court of Orleans Parish, and other courts; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 8—

BY REPRESENTATIVE SCHEXNAYDER AN ACT

To appropriate funds for Fiscal Year 2020-2021 to defray the expenses of the Louisiana Legislature, including the expenses of the House of Representatives and the Senate, of legislative service agencies, and of the Louisiana State Law Institute; to provide for the salary, expenses, and allowances of members, officers, staff, and agencies of the legislature; to provide with respect to the appropriations and allocations herein made; and to provide for related matters.

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

HOUSE BILL NO. 9—

BY REPRESENTATIVES ZERINGUE AND THOMPSON AN ACT

To amend and reenact R.S. 39:100.43(C) and (D), 100.44(C), and 100.45(A), R.S. 47:463.167(E), and R.S. 56:644(B) and (C)(introductory paragraph), relative to certain treasury funds; to provide for the transfer, deposit, and use of monies in such funds; to restrict uses of certain funds; to provide for legislative intent with respect to prior Acts of the legislature; to provide for effectiveness; and to provide for related matters.

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

HOUSE BILL NO. 12—

BY REPRESENTATIVE ZERINGUE AN ACT

To provide for the establishment and reestablishment of agency ancillary funds, to be specifically known as internal service funds, auxiliary accounts, or enterprise funds for certain state institutions, officials, and agencies; to provide for appropriation of funds for Fiscal Year 2020-2021; and to regulate the administration of said funds.

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

HOUSE BILL NO. 29—

BY REPRESENTATIVES ZERINGUE AND THOMPSON AN ACT

To appropriate funds and to make certain reductions from certain sources to be allocated to designated agencies and purposes in specific amounts for the making of supplemental appropriations and reductions for said agencies and purposes for Fiscal Year 2019-2020; to provide for an effective date; and to provide for related matters.

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

Message from the House

ASKING CONCURRENCE IN HOUSE CONCURRENT RESOLUTIONS

June 10, 2020

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. 1 HCR No. 2

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

House Concurrent Resolutions

Senator White asked for and obtained a suspension of the rules to read House Concurrent Resolutions a first and second time.

HOUSE CONCURRENT RESOLUTION NO. 1—

BY REPRESENTATIVE ZERINGUE
A CONCURRENT RESOLUTION

To authorize the Revenue Estimating Conference to incorporate certain monies available for appropriation from the Budget Stabilization Fund into the official forecast for Fiscal Year 2020-2021.

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

HOUSE CONCURRENT RESOLUTION NO. 2—

BY REPRESENTATIVE SCHEXNAYDER
A CONCURRENT RESOLUTION

To provide for a hospital stabilization formula pursuant to Article VII, Section 10.13 of the Constitution of Louisiana; to establish the level and basis of hospital assessments; to establish certain reimbursement enhancements for inpatient and outpatient hospital services; to establish certain criteria for the implementation of the formula; and to provide for related matters.

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

JUDICIARY B

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

June 10, 2020

To the President and Members of the Senate:

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

SENATE CONCURRENT RESOLUTION NO. 7—

BY SENATOR FIELDS
A CONCURRENT RESOLUTION

To establish the Police Training, Screening, and De-escalation Task Force to study and make recommendations to the legislature.

Reported with amendments.

SENATE CONCURRENT RESOLUTION NO. 12—

BY SENATOR WARD
A CONCURRENT RESOLUTION

To create the Drug and Specialty Courts Commission to study and evaluate the utilization of opioid settlement funds for the expansion and optimization of drug and specialty courts in Louisiana.

Reported with amendments.

SENATE BILL NO. 5—

BY SENATOR JOHNS
AN ACT

To amend and reenact R.S. 27:44(16), 205(17), and 353(8), and to enact R.S. 27:44(21.1), 205(30.1), and 353(9.1), relative to gaming; to except promotional play wagers in determining net revenue in certain gaming; and to provide for related matters.

Reported favorably.

Respectfully submitted,
GARY L. SMITH JR.
Chairman

REPORT OF COMMITTEE ON

FINANCE

Senator Mack A. "Bodi" White Jr., Chairman on behalf of the Committee on Finance, submitted the following report:

June 10, 2020

To the President and Members of the Senate:

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

SENATE BILL NO. 12—

BY SENATOR FESI
A JOINT RESOLUTION

Proposing to add Article VII, Section 10(F)(4)(i) and Part V of Article VII, to be comprised of Section 28, of the Constitution of Louisiana, relative to unclaimed property funds; to provide for the creation of a special trust fund; to provide for the dedication and credit of unclaimed property monies; to provide for the investment, administration, and use of the monies in the special trust fund; to exempt the monies in the fund from reduction in certain circumstances; to provide for certain reporting requirements; to provide for appropriation of monies in the special fund; to provide for an effective date; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Reported favorably.

SENATE BILL NO. 18—

BY SENATOR FESI
AN ACT

To enact Subpart U of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:100.161, relative to unclaimed property; to provide for the dedication and credit of unclaimed property monies; to provide for the creation of a special fund; to provide for the investment and administration of the money in the special fund; to provide for the use of money in the special fund; to provide for reporting requirements; and to provide for related matters.

June 11, 2020

Reported favorably.

SENATE BILL NO. 19—
BY SENATOR PEACOCK

AN ACT

To amend and reenact R.S. 39:98.2(A), R.S. 56:797(C), and 798(B)(1), relative to the investments the Treasury Department is authorized to invest the monies in the Millennium Trust, the Rockefeller Wildlife Refuge Trust and Protection Fund, and the Russell Sage or Marsh Island Refuge Fund; to provide for an effective date; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 20—
BY SENATOR WHITE

AN ACT

To enact Subpart Q of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:100.121, relative to special funds; to create the Fiscal Year 2018-2019 Surplus Fund in the state treasury; to provide relative to the transfer, dedication, deposit, and use, as specified, of the Fiscal Year 2019 Surplus Fund, to provide for an effective date; and to provide for related matters.

Reported favorably.

Respectfully submitted,
MACK A. "BODI" WHITE JR.
Chairman

REPORT OF COMMITTEE ON
INSURANCE

Senator Kirk Talbot, Chairman on behalf of the Committee on Insurance, submitted the following report:

June 10, 2020

To the President and Members of the Senate:

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

SENATE CONCURRENT RESOLUTION NO. 3—
BY SENATOR ROBERT MILLS AND REPRESENTATIVE MCFARLAND
A CONCURRENT RESOLUTION

To create the Task Force on Log Truck and Agriculture Vehicle Liability Insurance to study the limitations on insurance options and the impediments to affordable automobile liability insurance for log trucks and agriculture vehicles and to make recommendations with respect to reducing or eliminating those limitations and impediments.

Reported favorably.

SENATE BILL NO. 7—
BY SENATOR TALBOT

AN ACT

To enact R.S. 22:1828 and Subpart E of Part II of Chapter 6 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:1885.1 through 1885.8, relative to health insurance; to provide for assignment of benefits; to provide for definitions; to provide for an independent process for the resolution of payment disputes between health insurance issuers and certain health care providers; to provide for applicability; to provide for criteria to be used by an independent dispute resolution entity; to provide for rulemaking; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
KIRK TALBOT
Chairman

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

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

SENATE BILL NO. 5—
BY SENATOR JOHNS

AN ACT

To amend and reenact R.S. 27:44(16), 205(17), and 353(8), and to enact R.S. 27:44(21.1), 205(30.1), and 353(9.1), relative to gaming; to except promotional play wagers in determining net revenue in certain gaming; and to provide for related matters.

Reported favorably by the Committee on Judiciary B. The bill was read by title, ordered engrossed and recommitted to the Committee on Revenue and Fiscal Affairs.

SENATE BILL NO. 7—
BY SENATOR TALBOT

AN ACT

To enact R.S. 22:1828 and Subpart E of Part II of Chapter 6 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:1885.1 through 1885.8, relative to health insurance; to provide for assignment of benefits; to provide for definitions; to provide for an independent process for the resolution of payment disputes between health insurance issuers and certain health care providers; to provide for applicability; to provide for criteria to be used by an independent dispute resolution entity; to provide for rulemaking; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 7 by Senator Talbot

AMENDMENT NO. 1

On page 1, line 2, delete "R.S. 22:1828 and"

AMENDMENT NO. 2

On page 1, line 3, change "1885.8" to "1885.7"

AMENDMENT NO. 3

On page 1, line 4, delete "to provide for assignment of benefits;"

AMENDMENT NO. 4

On page 1, line 8, after "rulemaking;" insert "to provide for an effective date;"

AMENDMENT NO. 5

On page 1, line 10, delete "R.S. 22:1828 and"

AMENDMENT NO. 6

On page 1, line 11, change "1885.8, are" to "1885.7, is"

AMENDMENT NO. 7

On page 1, delete lines 13 through 17 in their entirety

AMENDMENT NO. 8

Delete page 2 in its entirety and on page 3, delete lines 1 through 18

AMENDMENT NO. 9

On page 5, line 24, change "**provider**" to "**physician**"

AMENDMENT NO. 10

On page 5, line 25, change "**provider**" to "**physician**"

AMENDMENT NO. 11

On page 5, line 27, change "**provider**" to "**physician**"

AMENDMENT NO. 12

On page 5, line 28, change "care plan" to "insurance issuer"

AMENDMENT NO. 13

On page 6, line 1, change "provider" to "physician"

AMENDMENT NO. 14

On page 7, line 6, change "care plan" to "insurance issuer"

AMENDMENT NO. 15

On page 7, line 13, change "care plan" to "insurance issuer"

AMENDMENT NO. 16

On page 7, line 22, after "health" delete the remainder of the line and delete line 23 and insert "insurance issuer or a nonparticipating physician, the department shall"

AMENDMENT NO. 17

On page 8, line 6, change "A.(1)" to "A."

AMENDMENT NO. 18

On page 8, line 7, delete "with an assignment of benefits"

AMENDMENT NO. 19

On page 8, line 9, change "(a) Pay" to "(1) Directly pay"

AMENDMENT NO. 20

On page 8, line 11, change "care plan's" to "insurance issuer's"

AMENDMENT NO. 21

On page 8, line 14, change "care plan shall" to "insurance issuer shall directly"

AMENDMENT NO. 22

On page 8, line 15, change "care plan" to "insurance issuer"

AMENDMENT NO. 23

On page 8, line 19, change "(b)" to "(2)"

AMENDMENT NO. 24

On page 8, line 21, change "(c)" to "(3)"

AMENDMENT NO. 25

On page 8, line 24, change "(2)" to "B."

AMENDMENT NO. 26

On page 9, line 1, change "(3)" to "C."

AMENDMENT NO. 27

On page 9, line 4, change "care plan's" to "insurance issuer's"

AMENDMENT NO. 28

On page 9, line 7, change "22:1885.7" to "22:1885.6"

AMENDMENT NO. 29

On page 9, line 17, change "(4)" to "D."

AMENDMENT NO. 30

On page 9, line 22, change "(5)" to "E."

AMENDMENT NO. 31

On page 9, after line 25, delete the remainder of the page and on page 10, delete lines 1 through 22 and insert the following:

"F. The nonparticipating physician shall not bill the insured except for any applicable copayment, coinsurance, or deductible."

AMENDMENT NO. 32

On page 10, at the beginning of line 23, change "§1885.7" to "§1885.6"

AMENDMENT NO. 33

On page 11, line 1, change "care plans" to "insurance issuers"

AMENDMENT NO. 34

On page 11, line 3, change "care plan" to "insurance issuer"

AMENDMENT NO. 35

On page 11, line 4, change "care plan" to "insurance issuer"

AMENDMENT NO. 36

On page 11, line 5, change "care plan" to "insurance issuer"

AMENDMENT NO. 37

On page 11, line 8, change "care plans" to "insurance issuers"

AMENDMENT NO. 38

On page 11, between lines 12 and 13 insert the following:

"(7)(a) The fiftieth percentile of rates for the service or supply paid to participating providers in the same or similar specialty and provided in the same geographical area as reported in a benchmarking database maintained by a nonprofit organization specified by the commissioner.

(b) The nonprofit organization specified by the commissioner pursuant to this Paragraph shall not be affiliated with any health insurance issuer.

(8) The history of network contracting between the parties.

(9) The historical data for the amounts provided for in Paragraphs (6) and (7) of this Section.

AMENDMENT NO. 39

On page 11, line 13, change "§1885.8" to "§1885.7"

AMENDMENT NO. 40

On page 11, after line 24, insert: "Section 2. This Act shall become effective on January 1, 2021."

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

SENATE BILL NO. 12—

BY SENATOR FESI

A JOINT RESOLUTION

Proposing to add Article VII, Section 10(F)(4)(i) and Part V of Article VII, to be comprised of Section 28, of the Constitution of Louisiana, relative to unclaimed property funds; to provide for the creation of a special trust fund; to provide for the dedication and credit of unclaimed property monies; to provide for the investment, administration, and use of the monies in the special trust fund; to exempt the monies in the fund from reduction in certain circumstances; to provide for certain reporting requirements; to provide for appropriation of monies in the special fund; to provide for an effective date; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

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

SENATE BILL NO. 18—

BY SENATOR FESI

AN ACT

To enact Subpart U of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:100.161, relative to unclaimed property; to provide for the dedication and credit of unclaimed property monies; to provide for the creation of a special fund; to provide for the investment and administration of the money in the special fund; to provide for the use of money in the special fund; to provide for reporting requirements; and to provide for related matters.

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

June 11, 2020

SENATE BILL NO. 19—
BY SENATOR PEACOCK

AN ACT

To amend and reenact R.S. 39:98.2(A), R.S. 56:797(C), and 798(B)(1), relative to the investments the Treasury Department is authorized to invest the monies in the Millennium Trust, the Rockefeller Wildlife Refuge Trust and Protection Fund, and the Russell Sage or Marsh Island Refuge Fund; to provide for an effective date; and to provide for related matters.

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

SENATE BILL NO. 20—
BY SENATOR WHITE

AN ACT

To enact Subpart Q of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:100.121, relative to special funds; to create the Fiscal Year 2018-2019 Surplus Fund in the state treasury; to provide relative to the transfer, dedication, deposit, and use, as specified, of the Fiscal Year 2019 Surplus Fund, to provide for an effective date; and to provide for related matters.

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

Senate Bills and Joint Resolutions
on Second Reading
Reported by Committees

SENATE BILL NO. 10—
BY SENATOR MIZELL

AN ACT

To enact R.S. 12:430.1, relative to rural access to broadband high-speed internet access; to provide for reporting by certain rural electric cooperatives regarding broadband high-speed internet access; to provide for reporting by certain telecommunications associations regarding broadband high-speed internet access; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection, and International Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 10 by Senator Mizell

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 12:430.1" and before the comma ", " insert "and 430.2 and to repeal Act No. ____ of the 2020 Regular Session of the Louisiana Legislature, which originated as Senate Bill 406"

AMENDMENT NO. 2

On page 1, delete line 3, and insert "provide relative to servitudes; to provide for reporting by cooperatives regarding broadband"

AMENDMENT NO. 3

On page 1, delete line 8 and insert the following:

"Section. 1. R.S. 12:430.1 and 430.2 are hereby enacted to read as follows:

§430.1. Servitudes; provision of broadband services

A.(1)(a) Except as provided in Subparagraph (b) of this Paragraph, a cooperative may grant permission to a broadband affiliate or a broadband service provider to use the electric delivery system of the cooperative to provide broadband services. The use of the cooperative's electric delivery system for the provision of broadband services by the broadband affiliate or a broadband service provider shall not be considered an additional burden on the property upon which the cooperative's electric

delivery system is located and shall not require the broadband affiliate or broadband service provider to obtain the additional consent from anyone having an interest in the property upon which the cooperative's electric delivery system is located.

(b) The provisions of Subparagraph (a) of this Paragraph shall not apply to any property owned or controlled by a railroad company operating in the state.

(2)(a) If a portion of a cooperative's electric delivery system is used by a broadband affiliate or broadband service provider for the purpose of providing broadband services and the landowner of the property on which such portion is located believes his property has been damaged by such use, the landowner may petition the district court in which the property is situated for any damages to which the landowner may be entitled pursuant to this Subsection, subject to the provisions of Subparagraph (b) of this Paragraph.

(b) A cooperative or its members shall not be liable for any recoverable damages to property awarded by a court pursuant to the provisions of this Subsection, and the damages shall be the sole responsibility of the broadband affiliate or broadband service provider.

B. As used in this Section:

(1) "Broadband affiliate" means any entity that meets all of the following criteria:

(a) Is wholly or partially owned by a cooperative.

(b) Is formed to own or operate a broadband system or provide broadband high-speed internet services.

(2) "Broadband service provider" means an entity that provides broadband services to another on a wholesale basis or to an end-use customer on a retail basis.

(3) "Broadband services" means any service, using any equipment or technology, including wireline or fixed wireless broadband internet service, that consists of or includes the provision of or connectivity to a high-speed, high-capacity transmission medium meeting the Federal Communications Commission's benchmark of at least twenty-five megabits per second download and three megabits per second upload, or any subsequent benchmark determined by the Federal Communications Commission, that can carry signals from or to multiple sources and that does either of the following:

(a) Is used to provide access to the internet.

(b) Provides computer processing, information storage, information content or protocol conversion, including any service applications or information service provided over such high-speed access service. As used in this Part, "broadband services" shall also include video services, Voice over Internet Protocol services, wireless services, and internet protocol-enabled services.

(4) "Electric delivery system" means the poles, lines, materials, equipment, easements, and other facilities or properties used by a cooperative."

AMENDMENT NO. 4

On page 1, line 9, change "§430.1." to "§430.2."

AMENDMENT NO. 5

On page 1, line 10 delete "Louisiana" and on line 11 delete "rural electric"

AMENDMENT NO. 6

On page 1, line 14, delete "electric"

AMENDMENT NO. 7

On page 2, delete lines 1 through 5

AMENDMENT NO. 8

On page 2, line 6, change "(3)" to "(1)" and delete "electric"

AMENDMENT NO. 9

On page 2, line 8, change "(4)" to "(2)"

AMENDMENT NO. 10

On page 2, line 12, change "(5)" to "(3)"

AMENDMENT NO. 11
On page 2, line 13, delete "electric"

AMENDMENT NO. 12
On page 2, delete line 14 and insert
"C. As used in this Section:"

AMENDMENT NO. 13
On page 2, delete lines 15 through 23

AMENDMENT NO. 14
On page 2, line 24, change "(2)" to "(1)" and delete "electric"

AMENDMENT NO. 15
On page 2, line 27, change "(3)" to "(2)"

AMENDMENT NO. 16
On page 3, line 10, change "unserved areas" to "a served and an unserved area"

AMENDMENT NO. 17
On page 3, line 11, after "providers;" delete the remainder of the line and delete lines 12 and 13 and on line 14, delete "approved or denied;"

AMENDMENT NO. 18
On page 3, line 16, change "to unserved" to "in unserved areas to"

AMENDMENT NO. 19
On page 3, between lines 19 and 20 insert:
"Section 3. Act No. ___ of the 2020 Regular Session of the Louisiana Legislature, which originated as Senate Bill No. 406, is hereby repealed."

AMENDMENT NO. 20
On page 3, line 20, change "Section 3." to "Section 4."

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

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:

June 10, 2020

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 Resolutions have been properly enrolled:

SENATE RESOLUTION NO. 3—
BY SENATOR HARRIS
A RESOLUTION
To commend and congratulate David Michael Ker III, the recipient of the 2020 St. Augustine High School Purple Knight Award.

SENATE RESOLUTION NO. 4—
BY SENATOR TARVER
A RESOLUTION
To express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of Pastor John H. James Sr.

Respectfully submitted,
SHARON W. HEWITT
Chairman

The foregoing Senate Resolutions were signed by the President of the Senate and presented to the Secretary of State by the Secretary.

Message to the Secretary of State

SIGNED
SENATE CONCURRENT RESOLUTIONS

June 10, 2020

To the Honorable Secretary of State:

The President of the Senate and the Speaker of the House of Representatives have signed the following Senate Concurrent Resolutions:

SENATE CONCURRENT RESOLUTION NO. 1—
BY SENATOR CARTER
A CONCURRENT RESOLUTION
To express the sincere condolences of the Legislature of Louisiana upon the death of Malcolm John Rebennack Jr., "Dr. John, the Night Tripper".

SENATE CONCURRENT RESOLUTION NO. 2—
BY SENATOR CARTER AND REPRESENTATIVE LYONS
A CONCURRENT RESOLUTION
To express the sincere condolences of the Legislature of Louisiana upon the death of Arthur "Art" Lanon Neville.

SENATE CONCURRENT RESOLUTION NO. 5—
BY SENATOR PRICE
A CONCURRENT RESOLUTION
To express the sincere condolences of the Legislature of Louisiana upon the death of Marvin Charles Gros Sr.

Respectfully submitted,
YOLANDA J. DIXON
Secretary of the Senate

ATTENDANCE ROLL CALL

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

PRESENT

- Mr. President Harris Pope
Allain Hensgens Price
Barrow Johns Reese
Bernard Lambert Smith
Bouie Luneau Talbot
Cathey McMath Tarver
Cloud Milligan Ward
Connick Mills, R. White
Fesi Mizell Womack
Fields Morris
Foil Peacock

Total - 31

ABSENT

- Abraham Henry Mills, F.
Boudreaux Hewitt Peterson
Carter Jackson

Total - 8

June 11, 2020

Leaves of Absence

The following leaves of absence were asked for and granted:

Abraham	1 Day	Boudreaux	1 Day
Carter	1 Day	Henry	1 Day
Hewitt	1 Day	Jackson	1 Day
Mills, F.	1 Day	Peterson	1 Day

Announcements

The following committee meetings for June 12, 2020, were announced:

Finance	9:00 A.M.	Room A
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Adjournment

On motion of Senator Talbot, at 10:45 o'clock A.M. the Senate adjourned until Sunday, June 14, 2020, at 5:00 o'clock P.M.

The President of the Senate declared the Senate adjourned.

YOLANDA J. DIXON
Secretary of the Senate

DIANE O' QUIN
Journal Clerk