

THE OFFICIAL JOURNAL  
OF THE

SENATE

OF THE

STATE OF LOUISIANA

SECOND DAY'S PROCEEDINGS

Forty-Seventh Extraordinary Session of the Legislature  
Under the Adoption of the  
Constitution of 1974

Senate Chamber  
State Capitol  
Baton Rouge, Louisiana

Tuesday, September 29, 2020

The Senate was called to order at 3:20 o'clock P.M. by Hon.  
Patrick Page Cortez, President of the Senate.

Morning Hour

CONVENING ROLL CALL

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

PRESENT

Mr. President	Fields	Mills, R.
Abraham	Foil	Morris
Allain	Harris	Peacock
Barrow	Henry	Pope
Bernard	Hensgens	Price
Boudreaux	Hewitt	Reese
Bouie	Jackson	Smith
Cathey	Johns	Talbot
Cloud	Lambert	Ward
Connick	McMath	White
Fesi	Milligan	Womack
Total - 33		

ABSENT

Carter	Mills, F.	Peterson
Luneau	Mizell	Tarver
Total - 6		

The President of the Senate announced there were 33 Senators  
present and a quorum.

Prayer

The prayer was offered by Rabbi Barry Weinstein, 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 Price, the reading of the Journal was  
dispensed with and the Journal of September 28, 2020, was adopted.

Introduction of Senate Bills  
and Joint Resolutions

Senator Foil asked for and obtained a suspension of the rules to  
introduce and read Senate Bills and Joint Resolutions a first and  
second time and refer them to committee.

SENATE BILL NO. 31—  
BY SENATOR FIELDS

AN ACT

To amend and reenact R.S. 17:3997(D)(2) and to enact R.S.  
17:24.4(F)(1)(i) and 3902(E), relative to elementary and  
secondary education; to provide relative to the use of statewide

student assessments for the 2020-2021 school year; and to  
provide for related matters.

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

SENATE BILL NO. 32—  
BY SENATOR FIELDS

AN ACT

To enact R.S. 17:3393, relative to colleges and universities; to  
provide relative to the exceptions and exemptions that a public  
postsecondary education institution may receive from state  
regulations of their operations under certain conditions; and to  
provide for related matters.

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

SENATE BILL NO. 33—  
BY SENATOR FOIL

AN ACT

To amend and reenact R.S. 12:1-1005(5), 1-1105(A) and (C), and to  
enact R.S. 12:1-709(C) and 1-1105(D), relative to corporations;  
to provide for the holding of annual and special shareholders'  
meetings solely by means of remote communication; to provide  
relative to articles of incorporation; to remove certain corporate  
name change requirements; to provide for additional provisions  
related to mergers between the parent and subsidiary, or  
between subsidiaries; to provide for certain terms, conditions,  
and procedures; and to provide for related matters.

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

SENATE BILL NO. 34—  
BY SENATOR PEACOCK

AN ACT

To enact Part II of Chapter 34 of Title 37 of the Louisiana Revised  
Statutes of 1950, to be comprised of R.S. 37:2678.1, relative to  
the Audiology and Speech-Language Pathology Interstate  
Compact; to provide for the model language required to  
participate in the compact; to provide for the effectiveness of the  
compact upon adoption by ten member states; to provide for the  
definitions, powers, duties, and functions of the compact; to  
designate Chapter 34 of Title 37 of the Louisiana Revised  
Statutes of 1950, comprised of R.S. 37:2650 through 2666,  
"PART I. SPEECH-LANGUAGE PATHOLOGISTS AND  
AUDIOLOGISTS"; 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 Health and Welfare.

SENATE BILL NO. 35—  
BY SENATOR FIELDS

AN ACT

To amend and reenact R.S. 29:724(B)(2), relative to legislative  
termination of a gubernatorially declared state of disaster or  
emergency; to provide for approval requirements; to provide for  
an effective date; and to provide for related matters.

On motion of Senator Fields the bill was read by title and  
withdrawn from the files of the Senate.

SENATE BILL NO. 36—  
BY SENATOR FIELDS

AN ACT

To enact amend and reenact R.S. 17:5103(B)(1)(a) and to enact R.S.  
17:5104, relative to the Taylor Opportunity Program for  
Students; to provide relative to initial and continuing eligibility  
for awards; to waive or modify certain eligibility provisions for  
certain students in response to circumstances related to certain  
natural disasters and certain public health emergencies; to  
authorize the administering agency to waive certain eligibility  
requirements; and to provide for related matters.

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

September 29, 2020

SENATE BILL NO. 37—  
BY SENATOR WHITE

AN ACT

To enact R.S. 48:58, relative to the duties of the secretary of the Department of Transportation and Development; to provide that the secretary shall begin construction immediately and expeditiously after funding is made available for a project in the capital outlay 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 Transportation, Highways and Public Works.

SENATE BILL NO. 38—  
BY SENATOR WHITE

AN ACT

To enact Subpart N 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. 39:100.51, relative to special funds; to create the Fiscal Year 2021 Balanced Budget Reserve Fund in the state treasury; to provide relative to the transfer, dedication, deposit, and use, as specified, of the Fiscal Year 2021 Balanced Budget Reserve Fund; 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.

Introduction of Senate Resolutions

SENATE RESOLUTION NO. 4—  
BY SENATOR BOUDREAU

A RESOLUTION

To commend and congratulate Dr. Kim Hunter Reed on being chosen as the recipient of the State Higher Education Executive Officers Association's (SHEEO) 2020 Exceptional Leader Award.

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

Introduction of Senate Concurrent Resolutions

SENATE CONCURRENT RESOLUTION NO. 2—  
BY SENATOR FIELDS

A CONCURRENT RESOLUTION

To urge and request the administrators of the Louisiana Community and Technical College System (LCTCS) and the SOWELA Technical Community College to work together to study the impacts of Hurricane Laura on Sowela's campuses and student body in order to inform any 2021 Regular Session legislative requests.

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

Senate Resolutions on Second Reading

SENATE RESOLUTION NO. 3—

BY SENATORS FIELDS, BOUDREAU, ABRAHAM, ALLAIN, BARROW, BERNARD, BOUIE, CATHEY, CLOUD, CONNICK, CORTEZ, FESI, FOIL, HARRIS, HENRY, HENSGENS, HEWITT, JACKSON, JOHNS, LAMBERT, MCMATH, MILLIGAN, ROBERT MILLS, MORRIS, PEACOCK, POPE, PRICE, REESE, SMITH, TALBOT, TARVER, WARD, WHITE AND WOMACK

A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of James Michell "Jimmy" Bernhard.

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

Senate Concurrent Resolutions on Second Reading

SENATE CONCURRENT RESOLUTION NO. 1—  
BY SENATOR FOIL

A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of Francis "Frank" Harwood Leonard Sr.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Foil	Peacock
Abraham	Harris	Pope
Allain	Henry	Price
Barrow	Hensgens	Reese
Bernard	Hewitt	Smith
Boudreaux	Jackson	Talbot
Bouie	Johns	Tarver
Cathey	Lambert	Ward
Cloud	McMath	White
Connick	Milligan	Womack
Fesi	Mills, R.	
Fields	Morris	
Total - 34		

NAYS

Total - 0

ABSENT

Carter	Mills, F.	Peterson
Luneau	Mizell	
Total - 5		

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

REVENUE AND FISCAL AFFAIRS

Senator R. L. Bret Allain II, Chairman on behalf of the Committee on Revenue and Fiscal Affairs, submitted the following report:

September 29, 2020

To the President and Members of the Senate:

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

SENATE BILL NO. 6—  
BY SENATOR LAMBERT

AN ACT

To amend and reenact R.S. 39:101(A)(2) and to enact R.S. 39:112(C)(1)(e), relative to capital outlay requests submitted by a budget unit of the state; to provide that budget units of the state shall be exempt from the November first deadline for the submission of capital outlay requests; to provide that capital

outlay requests submitted by a budget unit of the state after November first shall not require late approval; to provide that capital outlay requests submitted by a budget unit of the state shall constitute the feasibility study required by the Constitution of Louisiana; to provide for an effective date; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 14—**  
BY SENATOR JOHNS

AN ACT

To amend and reenact R.S. 47:6016.1(B)(4), (6), (7), (8), (9), (10), and (11) and to enact R.S. 47:6016.1(B)(12), relative to the Louisiana New Markets Jobs Act tax incentives; to add businesses impacted by Hurricane Laura to the eligible qualified active low-income community businesses; to provide an effective date; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
R. L. BRET ALLAIN II  
Chairman

**REPORT OF COMMITTEE ON  
JUDICIARY B**

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

September 29, 2020

To the President and Members of the Senate:

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

**SENATE BILL NO. 29—**  
BY SENATORS CORTEZ AND MCMATH  
AN ACT

To amend and reenact R.S. 29:724(B)(1) and (2) and (D)(1), 766(D)(1), and 768 and to enact R.S. 29:724(I) and 768(C), relative to emergencies and disasters in the state of Louisiana; to provide for duties and powers of the governor and of the legislature; to create the Legislative Emergency Declaration Review Committee; to provide relative to renewals of certain gubernatorial emergency or disaster declarations or of suspensions related thereto; to provide for an effective date; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
GARY L. SMITH JR.  
Chairman

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

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

**SENATE BILL NO. 6—**  
BY SENATOR LAMBERT

AN ACT

To amend and reenact R.S. 39:101(A)(2) and to enact R.S. 39:112(C)(1)(e), relative to capital outlay requests submitted by a budget unit of the state; to provide that budget units of the state shall be exempt from the November first deadline for the submission of capital outlay requests; to provide that capital

outlay requests submitted by a budget unit of the state after November first shall not require late approval; to provide that capital outlay requests submitted by a budget unit of the state shall constitute the feasibility study required by the Constitution of Louisiana; to provide for an effective date; and to provide for related matters.

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

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Original Senate Bill No. 6 by Senator Lambert

**AMENDMENT NO. 1**

On page 1, line 2, delete "amend and reenact R.S. 39:101(A)(2) and to"

**AMENDMENT NO. 2**

On page 1, lines 3 through 5, delete: "to provide that budget units of the state shall be exempt from the November first deadline for the submission of capital outlay requests;"

**AMENDMENT NO. 3**

On page 1, line 7, after "approval" insert: "provided they are included in the capital outlay act"

**AMENDMENT NO. 4**

On page 1, lines 7 through 8, delete: "to provide that capital outlay requests submitted by a budget unit of the state shall constitute the feasibility study required by the Constitution of Louisiana;"

**AMENDMENT NO. 5**

On page 1, line 11, delete "R.S. 39:101(A)(2) is hereby amended and reenacted and"

**AMENDMENT NO. 6**

On page 1, delete lines 13 through 17 and on page 2, delete lines 1 through 12

**AMENDMENT NO. 7**

On page 2, line 22, after "**state**" delete the remainder of the line and insert: "**and is included in the capital outlay act. The provisions of this Subparagraph shall not apply to a political subdivision that is also a budget unit of the state.**"

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

**SENATE BILL NO. 14—**  
BY SENATORS JOHNS, MCMATH, REESE, SMITH AND WARD  
AN ACT

To amend and reenact R.S. 47:6016.1(B)(4), (6), (7), (8), (9), (10), and (11) and to enact R.S. 47:6016.1(B)(12), relative to the Louisiana New Markets Jobs Act tax incentives; to add businesses impacted by Hurricane Laura to the eligible qualified active low-income community businesses; to provide an effective date; and to provide for related matters.

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

**SENATE BILL NO. 29—**  
BY SENATORS CORTEZ AND MCMATH  
AN ACT

To amend and reenact R.S. 29:724(B)(1) and (2) and (D)(1), 766(D)(1), and 768 and to enact R.S. 29:724(I) and 768(C), relative to emergencies and disasters in the state of Louisiana; to provide for duties and powers of the governor and of the legislature; to create the Legislative Emergency Declaration Review Committee; to provide relative to renewals of certain gubernatorial emergency or disaster declarations or of

September 29, 2020

suspensions related thereto; to provide for an effective date; 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.

Rules Suspended

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

Introduction of Senate Bills and Joint Resolutions

Senator Hewitt asked for and obtained a suspension of the rules to introduce and read Senate Bills and Joint Resolutions a first and second time and refer them to committee.

SENATE BILL NO. 39— BY SENATOR HEWITT

AN ACT

To enact R.S. 42:17.2, relative to meetings of legislative houses and committees during a gubernatorially declared state of disaster or emergency; to provide for public input; 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.

SENATE BILL NO. 40— BY SENATOR HEWITT

A JOINT RESOLUTION

Proposing to amend Article XII, Section 11 of the Constitution of Louisiana, relative to continuity of government during periods of emergency; to provide relative to sessions, meetings, and proceedings of the legislature and legislative bodies; to provide relative to member participation and voting; to provide certain procedures, terms, conditions, and requirements; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

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

Introduction of Senate Resolutions

SENATE RESOLUTION NO. 5— BY SENATOR BERNARD

A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana upon the tragic deaths of Pauline and Philip Ackel of Natchitoches, Louisiana, an inseparable couple who died together in a plane crash with their good friends, Missy and Kenneth Hix of Lafayette, Louisiana, near Hilltop Lakes, Texas, on September 20, 2020, a devastating loss for families, friends, and the communities of both couples.

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

ATTENDANCE ROLL CALL

PRESENT

- Mr. President, Abraham, Allain, Barrow, Bernard, Boudreaux, Bouie, Foil, Harris, Henry, Hensgens, Hewitt, Jackson, Johns, Peacock, Pope, Price, Reese, Smith, Talbot, Tarver

- Cathey, Cloud, Connick, Fesi, Fields, Total - 34

- Lambert, McMath, Milligan, Mills, R., Morris

- Ward, White, Womack

ABSENT

- Carter, Luneau, Total - 5

- Mills, F., Mizell

- Peterson

Leaves of Absence

The following leaves of absence were asked for and granted:

- Carter 1 Day, Mills, F. 1 Day, Peterson 1 Day, Luneau 1 Day, Mizell 1 Day

Announcements

The following committee meetings for September 30, 2020, were announced:

- Commerce 11:00 A.M. Room E, Finance 2:00 P.M. Room A, Health and Welfare 1:00 P.M. Hainkel Room, Senate and Gov't Affairs 9:00 A.M. Hainkel Room

Adjournment

On motion of Senator Talbot, at 3:50 o'clock P.M. the Senate adjourned until Wednesday, September 30, 2020, at 3:00 o'clock P.M.

The President of the Senate declared the Senate adjourned.

YOLANDA J. DIXON Secretary of the Senate

DIANE O' QUIN Journal Clerk