

OFFICIAL JOURNAL
OF THE
HOUSE OF
REPRESENTATIVES
OF THE
STATE OF LOUISIANA

THIRD DAY'S PROCEEDINGS

**Thirty-sixth Extraordinary Session of the Legislature
Under the Adoption of the
Constitution of 1974**

House of Representatives
State Capitol
Baton Rouge, Louisiana

Tuesday, February 12, 2008

The House of Representatives was called to order at 5:00 P.M., by the Honorable Jim Tucker, Speaker of the House of Representatives.

Morning Hour

ROLL CALL

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

PRESENT

Mr. Speaker	Gallot	Mills
Abramson	Geymann	Monica
Anders	Gisclair	Montoucet
Armes	Greene	Morrell
Arnold	Guillory, M.	Morris
Aubert	Guinn	Norton
Badon, A.	Hardy	Nowlin
Badon, B.	Harrison	Pearson
Baldone	Hazel	Perry
Barras	Henderson	Peterson
Barrow	Henry	Ponti
Billiot	Hill	Pope
Burford	Hines	Pugh
Burns, H.	Hoffmann	Richard
Burns, T.	Honey	Richardson
Burrell	Howard	Richmond
Carter	Jackson G.	Ritchie
Champagne	Johnson	Schroder
Chandler	Jones, R.	Simon
Chaney	Jones, S.	Smiley
Connick	Katz	Smith, G.
Cortez	Kleckley	Smith, J.
Cromer	LaBruzzo	Smith, P.
Danahay	LaFonta	St. Germain
Dixon	Lambert	Talbot
Doerge	LeBas	Templett
Dove	Leger	Trahan
Downs	Ligt	Waddell
Edwards	Little	White
Ellington	Lopinto	Williams
Fannin	Lorusso	Willmott

Foil	Marchand	Wooton
Franklin	McVea	
Total - 98		
	ABSENT	

Cazayoux	Hutter	Robideaux
Guillory, E.	Jackson M.	Roy
Total - 6		

The Speaker announced that there were 98 members present and a quorum.

Prayer

Prayer was offered by Rep. Chandler.

Pledge of Allegiance

Rep. Gisclair led the House in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Rep. Morrell, the reading of the Journal was dispensed with.

On motion of Rep. Morrell, the Journal of February 11, 2008, was adopted.

**Petitions, Memorials and
Communications**

The following petitions, memorials, and communications were received and read:

Message from the Senate

HOUSE CONCURRENT RESOLUTIONS

February 12, 2008

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has concurred in the following House Concurrent Resolutions:

House Concurrent Resolution No. 8
Returned without amendments

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

Message from the Senate

**ASKING CONCURRENCE IN
SENATE CONCURRENT RESOLUTIONS**

February 12, 2008

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has adopted and asks your concurrence in the following Senate Concurrent Resolutions:

Senate Concurrent Resolution No. 6

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

Senate Concurrent Resolutions

The following Senate Concurrent Resolutions contained in the message were taken up and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 6—
BY SENATOR SCALISE
A CONCURRENT RESOLUTION

To urge and request the secretary of the Department of Revenue to take every possible action within the boundaries of the law to ensure that no additional individual income tax burden is placed on the Louisiana taxpayers as a result of the enactment of the 2008 federal economic stimulus income tax relief legislation and to urge and request the governor to include in any proclamation for a Second Extraordinary Session this year the power to enact legislation to accomplish such purpose, if necessary.

Read by title.

On motion of Rep. Henry, and under a suspension of the rules, the resolution was concurred in.

**Introduction of Resolutions,
House and House Concurrent**

The following members introduced the following entitled House and House Concurrent Resolutions, which were read the first time by their titles and placed upon the calendar for their second reading:

HOUSE RESOLUTION NO. 12—
BY REPRESENTATIVE DIXON
A RESOLUTION

To commend Dr. Khem Aggarwal for his extraordinary contributions to higher education across this nation and in the state of Louisiana.

Read by title.

On motion of Rep. Dixon, and under a suspension of the rules, the resolution was adopted.

HOUSE CONCURRENT RESOLUTION NO. 10—
BY REPRESENTATIVE RICHMOND
A CONCURRENT RESOLUTION

To adopt Joint Rule 1(F) of the Joint Rules of the Senate and House of Representatives to require that equal time be allowed for questions by the legislature if the governor or another person addresses the legislature during a joint session.

Read by title.

On motion of Rep. Gallot, and under a suspension of the rules, the above resolution was referred to the Committee on House and Governmental Affairs, under the rules.

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

To urge and request the secretary of the Department of Revenue to take every possible action within the boundaries of the law to ensure that no additional individual income tax burden is placed on the Louisiana taxpayers as a result of the enactment of the 2008 federal economic stimulus income tax relief legislation and to urge and request the governor to include in any proclamation for a Second Extraordinary Session this year the power to enact legislation to accomplish such purpose, if necessary.

Read by title.

On motion of Rep. Henry, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

**Introduction of House Bills
and Joint Resolutions**

The following named members introduced the following entitled House Bills and Joint Resolutions which were read the first time by their titles and placed upon the calendar for their second reading and, under a suspension of the rules, were referred to committee as follows:

HOUSE BILL NO. 90—
BY REPRESENTATIVES DIXON AND TUCKER
AN ACT

To amend and reenact R.S. 42:1141(B)(1)(a) and (C), relative to the enforcement procedures of the Board of Ethics; to require the board to provide certain information to the accused and the complainant; to provide relative to deadlines for the provision of such information; to provide relative to the issuance of charges by the board; to provide relative to the content of such charges; to provide relative to hearings on such charges; to require the board to consider offering consent opinions; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on House and Governmental Affairs.

HOUSE BILL NO. 91—
BY REPRESENTATIVE MORRELL
AN ACT

To amend and reenact R.S. 42:1134(B)(2), to provide relative to the board of ethics; to provide for an executive counsel to the board; to provide for the duties of the board administrator; to provide term limits for both the board administrator and executive counsel; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on House and Governmental Affairs.

Reports of Committees

The following reports of committees were received and read:

**Report of the Committee on
Civil Law and Procedure**

February 12, 2008

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on Civil Law and Procedure to submit the following report:

House Bill No. 48, by Greene (Joint Resolution)
Reported without amendments (CL&P only). (14-0) (Regular)

TIMOTHY G. "TIM" BURNS
Chairman

**House Bills and Joint Resolutions on
Second Reading Reported by Committee**

The following House Bills and Joint Resolutions on second reading reported by committee were taken up and acted upon as follows:

HOUSE BILL NO. 1—
BY REPRESENTATIVES TUCKER, PETERSON, BARRAS, BARROW,
BILLIOT, TIM BURNS, CAZAYOUX, CONNICK, DANAHAY, DOERGE,
DOVE, GALLOT, HENRY, HILL, LABRUZZO, LIGI, PEARSON, PONTI,
PUGH, RICHARD, ROY, SMILEY, JANE SMITH, AND WILLIAMS
AN ACT

To amend and reenact R.S. 42:1124, 1124.1, 1157(A)(4)(a), and 1167, to enact R.S. 18:1495.7 and R.S. 42:1124.2, and to repeal

R.S. 18:463(B) and R.S. 42:1114.1, relative to financial disclosure; to require certain disclosures by certain public servants; to require certain disclosures by candidates for certain offices; to provide for the content of such disclosures; to provide for certain actions by the Board of Ethics relative to such disclosures; to remove certain specific financial disclosure provisions applicable to members of the legislature; to provide for penalties; to provide relative to the application of certain provisions of the Code of Governmental Ethics; to provide for effectiveness; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on House and Governmental Affairs.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Original House Bill No. 1 by Representative Tucker

AMENDMENT NO. 1

On page 1, line 2, delete "R.S. 18:463(B) and"

AMENDMENT NO. 2

On page 1, line 2, change "1124.1(A)(2)," to "1124.1,"

AMENDMENT NO. 3

On page 1, line 3, between "enact" and "R.S. 42:1124.2," insert "R.S. 18:1495.7 and"

AMENDMENT NO. 4

On page 1, line 3, after "to repeal" insert "R.S. 18:463(B) and"

AMENDMENT NO. 5

On page 1, line 12, change "R.S. 18:463(B) is hereby amended and reenacted" to "R.S. 18:1495.7 is hereby enacted"

AMENDMENT NO. 6

On page 1, delete lines 13 through 20 and on page 2, delete lines 1 through 17 and insert the following:

§1495.7. Financial disclosure statements

A. Any person who becomes a candidate shall file a financial disclosure statement as required by R.S. 42:1124 or 1124.2 for the office for which he is a candidate. If he is undecided as to the office he will seek, he shall file the statement required by R.S. 42:1124. The statement required by this Section shall be filed within thirty days of the day a person becomes a candidate. If the person is required by R.S. 42:1124 or 1124.2 to file a statement for the office for which he is a candidate, such filing shall satisfy the requirements of this Section.

B.(1)(a) If the staff of the board discovers that a person has failed to file a statement or failed to disclose or accurately disclose information required by R.S. 42:1124 or 1124.2, the staff of the board shall mail by certified mail a notice of delinquency informing the person that the statement must be filed or the information disclosed or accurately disclosed no later than fourteen days after receipt of the notice of delinquency. The notice of delinquency shall include the deadline for filing the statement or disclosing or accurately disclosing

the information. If the person files the statement or discloses or accurately discloses the information within fourteen days after the mailing of the notice of delinquency, a civil penalty of five hundred dollars shall be assessed against the person.

(b) Whoever fails to file the statement or fails to disclose or accurately disclose the information required by R.S. 42:1124 or 1124.2 by the deadline included in the notice of delinquency shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one thousand dollars nor more than ten thousand dollars or imprisoned in parish prison for not more than six months, or both. The board shall forward a copy of its findings of such violation to the district attorney of the Parish of East Baton Rouge for appropriate action. Any prosecution under this Subsection shall be tried before a jury of six persons, all of whom must concur to render a verdict.

(2) Whoever fails to timely file a statement or fails to disclose or accurately disclose information required by R.S. 42:1124 or 1124.2, but files the statement or accurately discloses the information prior to the staff mailing a notice of delinquency, shall be assessed a civil penalty of five hundred dollars.

C. Whoever knowingly and willfully files a false report required by this Part shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one thousand dollars nor more than ten thousand dollars or imprisoned in parish prison for not more than six months, or both. The board shall forward a copy of its findings of such violation to the district attorney of the Parish of East Baton Rouge for appropriate action. Any prosecution under this Subsection shall be tried before a jury of six persons, all of whom must concur to render a verdict.

D. "Knowingly and willfully", for purposes of this Section, means conduct which could have been avoided through the exercise of due diligence."

AMENDMENT NO. 7

On page 2, line 18, change "1124.1(A)(2)," to "1124.1,"

AMENDMENT NO. 8

On page 4, line 24, delete "medical health or legal services," and insert "mental health, medical health, or legal services."

AMENDMENT NO. 9

On page 6, line 2, delete "real" and insert "immovable"

AMENDMENT NO. 10

On page 6, line 5, delete "real" and insert "immovable"

AMENDMENT NO. 11

On page 6, at the end of line 5, insert the following:

"However, no judge or law enforcement officer, including a district attorney, shall be required to disclose the address of his primary personal residence."

AMENDMENT NO. 12

On page 6, line 8, delete "real" and insert "immovable"

AMENDMENT NO. 13

On page 6, delete lines 12 through 15 and insert the following:

"(7) (9) The name, address, ~~and~~ amount, name of guarantor, if any, and nature of each liability owed to any creditor by the

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individual or spouse which exceeds ten thousand dollars, excluding any loan secured by a ~~personal motor vehicle, household furniture, or appliances~~ movable property, if such loan does not exceed the purchase price of the ~~item~~ movable property which secures it."

AMENDMENT NO. 14

On page 7, delete lines 27 through 29, and on page 8, delete line 1, and insert the following:

"H. Relative to members of the legislature, the Board of Ethics shall"

AMENDMENT NO. 15

On page 8, delete lines 8 through 18 and insert the following:

"§1124.1. Penalties; required reports; failure to file; timely and accurate filing

A.(1) Whoever fails to file a financial statement required by ~~this Part R.S. 42:1114~~, or knowingly and willfully fails to timely file any such statement, or knowingly and willfully fails to disclose or to accurately disclose any information required by ~~this Part R.S. 42:1114~~ shall be assessed a civil penalty pursuant to R.S. 42:1157 for each day until such statement or the required accurate information is filed.

(2) The amount of such penalty shall be: one hundred dollars per day.

~~(a) Five hundred dollars per day for statements required by R.S. 42:1124.~~

~~(b) One hundred dollars per day for statements required by R.S. 42:1114 or 1114.1.~~

B.(1)(a) If the staff of the board discovers that a person has failed to file a statement or failed to disclose or accurately disclose information required by R.S. 42:1124 or 1124.2, the staff of the board shall mail by certified mail a notice of delinquency informing the person that the statement must be filed or the information disclosed or accurately disclosed no later than fourteen days after receipt of the notice of delinquency. The notice of delinquency shall include the deadline for filing the statement or disclosing or accurately disclosing the information. If the person files the statement or discloses or accurately discloses the information within fourteen days after the mailing of the notice of delinquency, a civil penalty of five hundred dollars shall be assessed against the person.

(b) Whoever fails to file the statement or fails to disclose or accurately disclose the information required by R.S. 42:1124 or 1124.2 by the deadline included in the notice of delinquency shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one thousand dollars nor more than ten thousand dollars or imprisoned in parish prison for not more than six months, or both. The board shall forward a copy of its findings of such violation to the district attorney of the Parish of East Baton Rouge for appropriate action. Any prosecution under this Subsection shall be tried before a jury of six persons, all of whom must concur to render a verdict.

(2) Whoever fails to timely file a statement or fails to disclose or accurately disclose information required by R.S. 42:1124 or 1124.2, but files the statement or accurately discloses the information prior to the staff mailing a notice of delinquency shall be assessed a civil penalty of five hundred dollars.

C. Whoever knowingly and willfully files a false report required by this Part shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one thousand dollars nor more than ten thousand dollars or imprisoned in parish prison for

not more than six months, or both. The board shall forward a copy of its findings of such violation to the district attorney of the Parish of East Baton Rouge for appropriate action. Any prosecution under this Subsection shall be tried before a jury of six persons, all of whom must concur to render a verdict.

~~C. D.~~ "Knowingly and willfully", for purposes of this Section, means conduct which could have been avoided through the exercise of due diligence."

AMENDMENT NO. 16

On page 10, delete lines 4 and 5 and insert the following:

"(4)(a)(i) The late filing fees for any violation of R.S. 42:1114 ~~1114.1, and 1124~~ shall be as provided in R.S. 42:1124.1(A).

(ii) The late penalties for any violation of R.S. 42:1124 or 1124.2 shall be as provided in R.S. 42:1124.1(B)."

AMENDMENT NO. 17

On page 10, line 14, delete "R.S. 42:1114.1 is" and insert "R.S. 18:463(B) and R.S. 42:1114.1 are"

AMENDMENT NO. 18

On page 10, at the end of line 14, change "its" to "their"

On motion of Rep. Gallot, the amendments were adopted.

On motion of Rep. Gallot, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 2—

BY REPRESENTATIVES TUCKER, PETERSON, GALLOT, BARROW, BILLIOT, TIM BURNS, CAZAYOUX, CONNICK, DOERGE, DOVE, HENRY, LABRUZZO, LIGI, PEARSON, PUGH, RICHARD, ROY, JANE SMITH, SMILEY, AND WILLIAMS

AN ACT

To amend and reenact R.S. 42:1124, 1124.1, and 1157(A)(4)(a), to enact R.S. 18:1495.7 and R.S. 42:1124.2, and to repeal R.S. 18:463(B) and R.S. 42:1114.1, relative to financial disclosure; to require certain disclosures by certain public servants; to require certain disclosures by candidates for certain offices; to provide for the content of such disclosures; to provide for certain actions by the Board of Ethics relative to such disclosures; to remove certain specific financial disclosure provisions applicable to members of the legislature; to provide for penalties; to provide for effectiveness; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on House and Governmental Affairs.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Original House Bill No. 2 by Representative Tucker

AMENDMENT NO. 1

On page 1, line 2, delete "R.S. 18:463(B) and"

AMENDMENT NO. 2

On page 1, line 2, change "1124.1(A)(2)," to "1124.1,"

AMENDMENT NO. 3

On page 1, line 3, between "enact" and "R.S. 42:1124.2," insert "R.S. 18:1495.7 and"

AMENDMENT NO. 4

On page 1, line 3, after "to repeal" insert "R.S. 18:463(B) and"

AMENDMENT NO. 5

On page 1, line 11, change "R.S. 18:463(B) is hereby amended and reenacted" to "R.S. 18:1495.7 is hereby enacted"

AMENDMENT NO. 6

On page 1, delete lines 12 through 20 and on page 2, delete lines 1 through 16 and insert the following:

"§1495.7. Financial disclosure statements

A. Any person who becomes a candidate shall file a financial disclosure statement as required by R.S. 42:1124 or 1124.2 for the office for which he is a candidate. If he is undecided as to the office he will seek, he shall file the statement required by R.S. 42:1124. The statement required by this Section shall be filed within thirty days of the day a person becomes a candidate. If the person is required by R.S. 42:1124 or 1124.2 to file a statement for the office for which he is a candidate, such filing shall satisfy the requirements of this Section.

B.(1)(a) If the staff of the board discovers that a person has failed to file a statement or failed to disclose or accurately disclose information required by R.S. 42:1124 or 1124.2, the staff of the board shall mail by certified mail a notice of delinquency informing the person that the statement must be filed or the information disclosed or accurately disclosed no later than fourteen days after receipt of the notice of delinquency. The notice of delinquency shall include the deadline for filing the statement or disclosing or accurately disclosing the information. If the person files the statement or discloses or accurately discloses the information within fourteen days after the mailing of the notice of delinquency, a civil penalty of five hundred dollars shall be assessed against the person.

(b) Whoever fails to file the statement or fails to disclose or accurately disclose the information required by R.S. 42:1124 or 1124.2 by the deadline included in the notice of delinquency shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one thousand dollars nor more than ten thousand dollars or imprisoned in parish prison for not more than six months, or both. The board shall forward a copy of its findings of such violation to the district attorney of the Parish of East Baton Rouge for appropriate action. Any prosecution under this Subsection shall be tried before a jury of six persons, all of whom must concur to render a verdict.

(2) Whoever fails to timely file a statement or fails to disclose or accurately disclose information required by R.S. 42:1124 or 1124.2, but files the statement or accurately discloses the information prior to the staff mailing a notice of delinquency, shall be assessed a civil penalty of five hundred dollars.

C. Whoever knowingly and willfully files a false report required by this Part shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one thousand dollars nor more than ten thousand dollars or imprisoned in parish prison for not more than six months, or both. The board shall forward a copy of its findings of such violation to the district attorney of the Parish of East Baton Rouge for appropriate action. Any prosecution under this Subsection shall be tried before a jury of six persons, all of whom must concur to render a verdict.

D. "Knowingly and willfully", for purposes of this Section, means conduct which could have been avoided through the exercise of due diligence."

AMENDMENT NO. 7

On page 2, line 17, change "1124.1(A)(2)," to "1124.1,"

AMENDMENT NO. 8

On page 4, line 22, delete "medical health or legal services," and insert "mental health, medical health, or legal services."

AMENDMENT NO. 9

On page 5, line 28, delete "real" and insert "immovable"

AMENDMENT NO. 10

On page 6, line 2, delete "real" and insert "immovable"

AMENDMENT NO. 11

On page 6, at the end of line 2, insert the following:

"However, no law enforcement officer, including a district attorney, shall be required to disclose the address of his primary personal residence."

AMENDMENT NO. 12

On page 6, line 5, delete "real" and insert "immovable"

AMENDMENT NO. 13

On page 6, delete lines 9 through 12 and insert the following:

"(7) (9) The name, address, and amount, name of guarantor, if any, and nature of each liability owed to any creditor by the individual or spouse which exceeds ten thousand dollars, excluding any loan secured by a personal motor vehicle, household furniture, or appliances movable property, if such loan does not exceed the purchase price of the item movable property which secures it."

AMENDMENT NO. 14

On page 7, delete lines 22 through 25, and insert the following:

"H. Relative to members of the legislature, the Board of Ethics shall"

AMENDMENT NO. 15

On page 8, delete lines 3 through 13 and insert the following:

"§1124.1. Penalties; required reports; failure to file; timely and accurate filing

A.(1) Whoever fails to file a financial statement required by this Part R.S. 42:1114, or knowingly and willfully fails to timely file any such statement, or knowingly and willfully fails to disclose or to accurately disclose any information required by this Part R.S. 42:1114 shall be assessed a civil penalty pursuant to R.S. 42:1157 for each day until such statement or the required accurate information is filed.

(2) The amount of such penalty shall be: one hundred dollars per day.

(a) Five hundred dollars per day for statements required by R.S. 42:1124.

(b) ~~One hundred dollars per day for statements required by R.S. 42:1114 or 1114.1.~~

B.(1)(a) If the staff of the board discovers that a person has failed to file a statement or failed to disclose or accurately disclose information required by R.S. 42:1124 or 1124.2, the staff of the board shall mail by certified mail a notice of delinquency informing the person that the statement must be filed or the information disclosed or accurately disclosed no later than fourteen days after receipt of the notice of delinquency. The notice of delinquency shall include the deadline for filing the statement or disclosing or accurately disclosing the information. If the person files the statement or discloses or accurately discloses the information within fourteen days after the mailing of the notice of delinquency, a civil penalty of five hundred dollars shall be assessed against the person.

(b) Whoever fails to file the statement or fails to disclose or accurately disclose the information required by R.S. 42:1124 or 1124.2 by the deadline included in the notice of delinquency shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one thousand dollars nor more than ten thousand dollars or imprisoned in parish prison for not more than six months, or both. The board shall forward a copy of its findings of such violation to the district attorney of the Parish of East Baton Rouge for appropriate action. Any prosecution under this Subsection shall be tried before a jury of six persons, all of whom must concur to render a verdict.

(2) Whoever fails to timely file a statement or fails to disclose or accurately disclose information required by R.S. 42:1124 or 1124.2, but files the statement or accurately discloses the information prior to the staff mailing a notice of delinquency, shall be assessed a civil penalty of five hundred dollars.

C. Whoever knowingly and willfully files a false report required by this Part shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one thousand dollars nor more than ten thousand dollars or imprisoned in parish prison for not more than six months, or both. The board shall forward a copy of its findings of such violation to the district attorney of the Parish of East Baton Rouge for appropriate action. Any prosecution under this Subsection shall be tried before a jury of six persons, all of whom must concur to render a verdict.

E. D. "Knowingly and willfully", for purposes of this Section, means conduct which could have been avoided through the exercise of due diligence."

AMENDMENT NO. 16

On page 9, delete lines 27 and 28 and insert the following:

"(4)(a)(i) The late filing fees for any violation of R.S. 42:1114; ~~1114.1, and 1124~~ shall be as provided in R.S. 42:1124.1(A).

(ii) The late penalties for any violation of R.S. 42:1124 or 1124.2 shall be as provided in R.S. 42:1124.1(B)."

AMENDMENT NO. 17

On page 10, line 1, delete "R.S. 42:1114.1 is" and insert "R.S. 18:463(B) and R.S. 42:1114.1 are"

AMENDMENT NO. 18

On page 10, at the end of line 1, change "its" to "their"

On motion of Rep. Gallot, the amendments were adopted.

On motion of Rep. Gallot, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 3—

BY REPRESENTATIVES TUCKER, PETERSON, GALLOT, BARROW, BILLIOT, TIM BURNS, CAZAYOUX, CONNICK, DOERGE, DOVE, HENRY, LABRUZZO, LIGI, PEARSON, PUGH, RICHARD, SMILEY, JANE SMITH, TALBOT, AND WILLIAMS

AN ACT

To amend and reenact R.S. 42:1124.1, 1157(A)(4)(a), and 1167 and to enact R.S. 18:1495.7 and R.S. 42:1124.2, relative to financial disclosure; to require certain disclosures by judges; to require certain disclosures by candidates for judge; to provide for the content of such disclosures; to provide for certain actions by the Board of Ethics relative to such disclosures; to provide relative to the application of certain provisions of the Code of Governmental Ethics; to provide for penalties; to provide relative to effectiveness; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on House and Governmental Affairs.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Original House Bill No. 3 by Representative Tucker

AMENDMENT NO. 1

On page 1, line 2, delete "R.S. 18:463(B)(2) and"

AMENDMENT NO. 2

On page 1, line 2, change "1124.1(A)(2)," to "1124.1,"

AMENDMENT NO. 3

On page 1, line 3, change "R.S. 18:463(B)(3)" to "R.S. 18:1495.7"

AMENDMENT NO. 4

On page 1, line 10, after "Section 1." delete the remainder of the line and on line 11 delete "18:463(B)(3)" and insert "R.S. 18:1495.7"

AMENDMENT NO. 5

On page 1, delete lines 12 through 20 and on page 2, delete lines 1 through 11 and insert the following:

"§1495.7. Financial disclosure statements

A. Any person who becomes a candidate for judge shall file a financial disclosure statement as required by R.S. 42:1124.2. The statement required by this Section shall be filed within thirty days of the day a person becomes a candidate. If the person is required by R.S. 42:1124.2 to file a statement for the office for which he is a candidate, such filing shall satisfy the requirements of this Section.

B.(1)(a) If the staff of the board discovers that a person has failed to file a statement or failed to disclose or accurately disclose information required by R.S. 42:1124.2, the staff of the board shall mail by certified mail a notice of delinquency informing the person that the statement must be filed or the information disclosed or accurately disclosed no later than fourteen days after receipt of the notice of delinquency. The notice of delinquency shall include the deadline for filing the statement or disclosing or accurately disclosing the information. If the person files the statement or discloses or accurately discloses the information within fourteen days after the mailing of the notice of delinquency, a civil penalty of five hundred dollars shall be assessed against the person.

(b) Whoever fails to file the statement or fails to disclose or accurately disclose the information required by R.S. 42:1124.2 by the deadline included in the notice of delinquency shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one thousand dollars nor more than ten thousand dollars or imprisoned in parish prison for not more than six months, or both. The board shall forward a copy of its findings of such violation to the district attorney of the Parish of East Baton Rouge for appropriate action. Any prosecution under this Subsection shall be tried before a jury of six persons, all of whom must concur to render a verdict.

(2) Whoever fails to timely file a statement or fails to disclose or accurately disclose information required by R.S. 42:1124.2, but files the statement or accurately discloses the information prior to the staff mailing a notice of delinquency, shall be assessed a civil penalty of five hundred dollars.

C. Whoever knowingly and willfully files a false report required by this Part shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one thousand dollars nor more than ten thousand dollars or imprisoned in parish prison for not more than six months, or both. The board shall forward a copy of its findings of such violation to the district attorney of the Parish of East Baton Rouge for appropriate action. Any prosecution under this Subsection shall be tried before a jury of six persons, all of whom must concur to render a verdict.

D. "Knowingly and willfully", for purposes of this Section, means conduct which could have been avoided through the exercise of due diligence."

AMENDMENT NO. 6

On page 2, line 12, change "1124.1(A)(2)," to "1124.1,"

AMENDMENT NO. 7

On page 2, delete lines 14 through 21 and insert the following:

"§1124.1. Penalties; required reports; failure to file; timely and accurate filing

A.(1) Whoever fails to file a financial statement required by this Part R.S. 42:1114, or knowingly and willfully fails to timely file any such statement, or knowingly and willfully fails to disclose or to accurately disclose any information required by this Part R.S. 42:1114 shall be assessed a civil penalty pursuant to R.S. 42:1157 for each day until such statement or the required accurate information is filed.

(2) The amount of such penalty shall be: one hundred dollars per day.

(a) ~~Five hundred dollars per day for statements required by R.S. 42:1124.~~

(b) ~~One hundred dollars per day for statements required by R.S. 42:1114 or 1114.1.~~

B.(1)(a) If the staff of the board discovers that a person has failed to file a statement or failed to disclose or accurately disclose information required by R.S. 42:1124.2, the staff of the board shall mail by certified mail a notice of delinquency informing the person that the statement must be filed or the information disclosed or accurately disclosed no later than fourteen days after receipt of the notice of delinquency. The notice of delinquency shall include the deadline for filing the statement or disclosing or accurately disclosing the information. If the person files the statement or discloses or accurately discloses the information within fourteen days after the mailing of the notice of delinquency, a civil penalty of five hundred dollars shall be assessed against the person.

(b) Whoever fails to file the statement or fails to disclose or accurately disclose the information required by R.S. 42:1124.2 by the deadline included in the notice of delinquency shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one thousand dollars nor more than ten thousand dollars or imprisoned in parish prison for not more than six months, or both. The board shall forward a copy of its findings of such violation to the district attorney of the Parish of East Baton Rouge for appropriate action. Any prosecution under this Subsection shall be tried before a jury of six persons, all of whom must concur to render a verdict.

(2) Whoever fails to timely file a statement or fails to disclose or accurately disclose information required by R.S. 42:1124.2, but files the statement or accurately discloses the information prior to the staff mailing a notice of delinquency, shall be assessed a civil penalty of five hundred dollars.

C. Whoever knowingly and willfully files a false report required by this Part shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one thousand dollars nor more than ten thousand dollars or imprisoned in parish prison for not more than six months, or both. The board shall forward a copy of its findings of such violation to the district attorney of the Parish of East Baton Rouge for appropriate action. Any prosecution under this Subsection shall be tried before a jury of six persons, all of whom must concur to render a verdict.

~~E. D.~~ "Knowingly and willfully", for purposes of this Section, means conduct which could have been avoided through the exercise of due diligence."

AMENDMENT NO. 8

On page 3, line 25, delete "medical health or legal services," and insert "mental health, medical health, or legal services."

AMENDMENT NO. 9

On page 5, line 2, delete "real" and insert "immovable"

AMENDMENT NO. 10

On page 5, line 4, delete "real" and insert "immovable"

AMENDMENT NO. 11

On page 5, at the end of line 4, insert the following:

"However, no judge shall be required to disclose the address of his primary personal residence."

AMENDMENT NO. 12

On page 5, line 7, delete "real" and insert "immovable"

AMENDMENT NO. 13

On page 5, delete lines 11 through 14 and insert the following:

"(9) The name, address, amount, name of guarantor, if any, and nature of each liability owed to any creditor by the individual or spouse which exceeds ten thousand dollars, excluding any loan secured by movable property, if such loan does not exceed the purchase price of the movable property which secures it."

AMENDMENT NO. 14

On page 7, delete lines 4 and 5 and insert the following:

"(4)(a)(i) The late filing fees for any violation of R.S. 42:1114 ~~1114.1, and 1124~~ shall be as provided in R.S. 42:1124.1(A).

(ii) The late penalties for any violation of R.S. 42:1124.2 shall be as provided in R.S. 42:1124.1(B)."

On motion of Rep. Gallot, the amendments were adopted.

On motion of Rep. Gallot, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 6—

BY REPRESENTATIVES TUCKER, PETERSON, GALLOT, BARROW, BILLIOT, TIM BURNS, CHAMPAGNE, DOERGE, DOVE, HENRY, LABRUZZO, LIGI, NOWLIN, PEARSON, RICHARD, SMILEY, JANE SMITH, TALBOT, AND WILLIAMS

AN ACT

To amend and reenact R.S. 42:1170(A) and (E), relative to ethics education and training; to provide for the duties of the Board of Ethics relative to such education and training; to provide for the education and training required of public servants; to provide for the education and training required of registered lobbyists; to provide for penalties; and to provide for related matters.

Read by title.

Reported favorably by the Committee on House and Governmental Affairs.

On motion of Rep. Gallot, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 8—

BY REPRESENTATIVES TUCKER, PETERSON, GALLOT, BILLIOT, TIM BURNS, DOERGE, DOVE, HENRY, LABRUZZO, LIGI, NOWLIN, PEARSON, RICHARD, SMILEY, JANE SMITH, TALBOT, AND WILLIAMS

AN ACT

To amend and reenact R.S. 42:1169, relative to public employees who report acts of impropriety within governmental entities; to prohibit threats of reprisal against employees for disclosing such information; to provide for penalties; and to provide for related matters.

Read by title.

Reported favorably by the Committee on House and Governmental Affairs.

On motion of Rep. Gallot, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 22—

BY REPRESENTATIVE CHAMPAGNE
AN ACT

To amend and reenact R.S. 42:1119(D), relative to nepotism; to provide relative to the persons who are subject to penalties in the enforcement of violations of the nepotism prohibitions; and to provide for related matters.

Read by title.

Reported favorably by the Committee on House and Governmental Affairs.

On motion of Rep. Gallot, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 23—

BY REPRESENTATIVE LEGER
AN ACT

To enact R.S. 42:1123(38), relative to governmental ethics; to allow certain public servants to accept certain free legal services relative to the preparation of wills; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on House and Governmental Affairs.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Original House Bill No. 23 by Representative Leger

AMENDMENT NO. 1

On page 1, at the beginning of line 3, delete "employees" and insert "servants"

AMENDMENT NO. 2

On page 1, line 10, delete "employee" and insert "servant"

On motion of Rep. Gallot, the amendments were adopted.

On motion of Rep. Gallot, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 56—

BY REPRESENTATIVES TUCKER, PETERSON, GALLOT, BILLIOT, TIM BURNS, DOERGE, DOVE, HENRY, LABRUZZO, LIGI, NOWLIN, PEARSON, RICHARD, SMILEY, JANE SMITH, AND WILLIAMS

AN ACT

To amend and reenact R.S. 44:4.1(B)(31) and to enact R.S. 36:4(I) and Part VI of Chapter 2 of Title 49 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 49:220.21 through 220.25, relative to the creation of the office of the state inspector general; to provide for the appointment, powers, duties, and functions of the inspector general; to provide for the procedure for the appointment of the inspector general; to provide for staffing and funding of the office; to provide for the assistance and cooperation of entities in the executive branch of state government and other covered entities; to provide for the confidentiality of certain records; to provide for referral of the results of investigations of criminal matters to the appropriate authorities for prosecution; to provide for reports by the inspector general; and to provide for related matters.

Read by title.

Reported favorably by the Committee on House and Governmental Affairs.

On motion of Rep. Gallot, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

**Introduction of Resolutions,
House and House Concurrent**

The following members introduced the following entitled House and House Concurrent Resolutions, which were read the first time by their titles and placed upon the calendar for their second reading:

HOUSE RESOLUTION NO. 13—

BY REPRESENTATIVES CONNICK, HENRY, LIGI, MORRELL, PETERSON, AND TEMPLET

A RESOLUTION

To urge and request the legislative auditor to conduct a performance audit on the Crescent City Connection Division within the Louisiana Department of Transportation and Development.

Read by title.

On motion of Rep. Connick, and under a suspension of the rules, the resolution was adopted.

Reports of Committees

The following reports of committees were received and read:

Report of the Committee on House and Governmental Affairs

February 12, 2008

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on House and Governmental Affairs to submit the following report:

House Bill No. 27, by Waddell
Reported favorably. (18-0) (Regular)

House Bill No. 28, by Tucker
Reported with amendments. (14-0) (Regular)

House Bill No. 29, by Tucker
Reported with amendments. (18-0) (Regular)

House Bill No. 33, by Peterson
Reported with amendments. (18-0) (Regular)

House Bill No. 41, by Tucker
Reported with amendments. (17-0) (Regular)

House Bill No. 64, by Abramson
Reported with amendments. (17-0) (Regular)

RICHARD "RICK" GALLOT, JR.
Chairman

Privileged Report of the Committee on Enrollment

February 12, 2008

To the honorable Speaker and Members of the House of Representatives:

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

The following House Concurrent Resolutions have been properly enrolled:

HOUSE CONCURRENT RESOLUTION NO. 8— BY REPRESENTATIVE WOOTON AND SENATOR CROWE A CONCURRENT RESOLUTION

To commend and congratulate the South Plaquemines High School Hurricanes football team for winning the Class 1A state football championship.

Respectfully submitted,

WAYNE WADDELL
Chairman

The above House Concurrent Resolutions contained in the report were signed by the Speaker of the House and taken to the Senate by the Clerk of the House and were signed by the President of the Senate and taken by the Clerk of the House to the Secretary of State in accordance with the rules of the House.

Suspension of the Rules

On motion of Rep. Gallot, the rules were suspended to permit the Committee on House and Governmental Affairs to meet and consider the following legislative instruments without giving the notice required by House Rule 14.24(A):

House Bill Nos. 7, 15, 21, 40, 42, 43, 50, 52, 54, 58, 60, 62, 65, 66, 72, 73, 74, 75, 78, 87, 89, 90, and 91

Suspension of the Rules

On motion of Rep. Morrell, the rules were suspended to permit the Committee on Municipal, Parochial and Cultural Affairs to meet and consider the following legislative instruments without giving the notice required by House Rule 14.24(A):

House Bill No. 80

Leave of Absence

Rep. E. Guillory - 1/2 day

Adjournment

On motion of Rep. Trahan, at 5:25 P.M., the House agreed to adjourn until Wednesday, February 13, 2008, at 5:00 P.M.

The Speaker of the House declared the House adjourned until 5:00 P.M., Wednesday, February 13, 2008.

ALFRED W. SPEER
Clerk of the House

