

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

TENTH 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

Thursday, February 21, 2008

The House of Representatives was called to order at 9:00 A.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	Geymann	Mills
Abramson	Gisclair	Monica
Anders	Greene	Montoucet
Armes	Guillory, E.	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	Hutter	Ritchie
Cazayoux	Jackson G.	Robideaux
Champagne	Jackson M.	Roy
Chandler	Johnson	Schroder
Chaney	Jones, R.	Simon
Connick	Jones, S.	Smiley
Cortez	Katz	Smith, G.
Cromer	Kleckley	Smith, J.
Danahay	LaBruzzo	Smith, P.
Dixon	LaFonta	St. Germain
Doerge	Lambert	Talbot
Dove	LeBas	Templet
Downs	Leger	Trahan
Edwards	Ligi	Waddell
Ellington	Little	White

Fannin	Lopinto	Williams
Foil	Lorusso	Willmott
Franklin	Marchand	Wooton
Gallot	McVea	
Total - 104		
	ABSENT	

Total - 0

The Speaker announced that there were 104 members present and a quorum.

Prayer

Prayer was offered by Rep. Downs.

Pledge of Allegiance

Rep. Mills 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. Smiley, the reading of the Journal was dispensed with.

On motion of Rep. Smiley, the Journal of February 20, 2008, was adopted.

**Petitions, Memorials and
Communications**

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

Message from the Senate

HOUSE BILLS

February 21, 2008

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

I am directed to inform your honorable body that the Senate has finally passed the following House Bills:

House Bill No. 6
Returned with amendments

House Bill No. 7
Returned without amendments

House Bill No. 8
Returned without amendments

House Bill No. 29
Returned with amendments

House Bill No. 56
Returned with amendments

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

Message from the Senate

**ASKING CONCURRENCE IN
SENATE CONCURRENT RESOLUTIONS**

February 21, 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:

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Senate Concurrent Resolution No. 25

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. 25—

BY SENATOR CROWE

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to permit the United States Small Business Administration to convert Economic Injury Disaster Loans and Physical Disaster Loans to grants in order to provide an additional economic stimulus to small businesses in the Gulf Coast region.

Read by title.

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

Senate Concurrent Resolutions Reported by Committee

The following Senate Concurrent Resolutions reported by committee were taken up and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 2—

BY SENATOR MURRAY

A CONCURRENT RESOLUTION

To create a special committee to study heirship property and to develop recommendations for facilitating the ability of co-owners of heirship property to make their titles merchantable; to review the rights and obligations of co-owners of heirship property in order to prevent undue hardship resulting from partition sales; and to review the costs of probate and of intrafamily transfers of real estate to determine whether such costs might be reduced for co-owners and heirs of property with a small value.

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 Senate Concurrent Resolution No. 2 by Senator Murray

AMENDMENT NO. 1

On page 1, line 2, after "To" and before "to study" delete "create a special committee" and insert the following"

"request the Senate Committee on Judiciary A and the House Committee on Civil Law and Procedure to meet and function as a joint committee"

AMENDMENT NO. 2

On page 1, line 18, after "WHEREAS," and before "allows" change "present law" to "current law"

AMENDMENT NO. 3

On page 2, delete line 19, and insert "it."

AMENDMENT NO. 4

On page 2, at the end of line 20, after "hereby" delete "creates" and at the beginning of line 21, delete "a special committee" and insert the following:

"requests the Senate Committee on Judiciary A and the House Committee on Civil Law and Procedure to meet and function as a joint committee"

AMENDMENT NO. 5

On page 2, at the end of line 23, change "families;" to "families."

AMENDMENT NO. 6

On page 2, line 24, after "that the" delete the remainder of the line and delete lines 25 through 30 in their entirety and delete pages 3 and 4 in their entirety and insert the following:

"joint committee shall specifically solicit input, recommendations, and advice from the following:

- (1) The Louisiana State Bar Association.
- (2) The New Orleans Notarial Archives.
- (3) The Louisiana Clerks of Court Association.
- (4) The Louisiana Land Title Association.
- (5) The Louisiana Bankers Association.
- (6) The Louisiana Mortgage Lenders Association.
- (7) The Louisiana State Law Institute.
- (8) The Louisiana Housing Finance Agency.
- (9) The office of the secretary of state.
- (10) The New Orleans Legal Assistance Corporation.
- (11) The Civil District Court for the Parish of Orleans.
- (12) The Louisiana District Judges Association.
- (13) The Louisiana State University AgCenter.
- (14) The New Orleans Bar Association.
- (15) Louisiana Appleseed, a branch of the national non-profit network of public interest justice centers.
- (16) The Louisiana Municipal Association.
- (17) The Lewis A. Martinet Legal Society.

BE IT FURTHER RESOLVED that the joint committee shall report the results of its study findings to the legislature prior to March 1, 2009."

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

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

SENATE CONCURRENT RESOLUTION NO. 5—

BY SENATOR CHAISSON

A CONCURRENT RESOLUTION

To urge and request the Louisiana Supreme Court to adopt the same financial disclosure standards for judges that are applicable to other elected officials in the Code of Governmental Ethics.

Read by title.

Reported favorably by the Committee on House and Governmental Affairs.

On motion of Rep. Gallot, the resolution was ordered passed to its third reading.

House and House Concurrent Resolutions on Third Reading for Final Consideration

The following House and House Concurrent Resolutions on third reading for final consideration were taken up and acted upon as follows:

Suspension of the Rules

On motion of Rep. Gallot, and under a suspension of the rules, the following resolution was taken up out of its regular order at this time.

HOUSE CONCURRENT RESOLUTION NO. 6—
BY REPRESENTATIVES TUCKER, PETERSON, GALLOT, BILLIOT, TIM BURNS, DOVE, HENRY, HINES, LABRUZZO, PEARSON, RICHARD, SCHRODER, SMILEY, JANE SMITH, AND WILLIAMS

A CONCURRENT RESOLUTION

To adopt Joint Rule No. 17 of the Joint Rules of the Senate and House of Representatives, to provide for the submission of certain information required for appropriations to certain entities and to provide for the duties of the Clerk of the House of Representatives and the Secretary of the Senate relative to such information.

Read by title.

Rep. Gallot moved the adoption of the resolution.

ROLL CALL

The roll was called with the following result:

YEAS

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

Foil	Lopinto	Williams
Franklin	Lorusso	Willmott
Gallot	Marchand	Wooton
Geymann	McVea	
Total - 101		

NAYS

Total - 0

ABSENT

Burns, T.	Burrell	Peterson
Total - 3		

The resolution was adopted.

Ordered to the Senate.

Suspension of the Rules

On motion of Rep. Wooton, and under a suspension of the rules, the following resolution was taken up out of its regular order at this time.

HOUSE CONCURRENT RESOLUTION NO. 16—

BY REPRESENTATIVE WOOTON

A CONCURRENT RESOLUTION

To memorialize the United States Congress and to express to the Louisiana Congressional Delegation, the National Marine Fisheries Service of the National Oceanographic and Atmospheric Administration, and the Gulf of Mexico Fisheries Management Council opposition by the Louisiana Legislature to the authorization of deepwater fish farms in the Gulf of Mexico off the coast of the state of Louisiana.

Read by title.

Rep. Wooton moved the adoption of the resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Geymann	McVea
Abramson	Gisclair	Mills
Anders	Guillory, E.	Montoucet
Armes	Guillory, M.	Morrell
Arnold	Guinn	Morris
Aubert	Hardy	Norton
Badon, A.	Harrison	Pearson
Badon, B.	Hazel	Perry
Baldone	Henderson	Ponti
Barras	Henry	Pope
Barrow	Hill	Pugh
Billiot	Hines	Richard
Burford	Hoffmann	Richardson
Burns, H.	Honey	Richmond
Carter	Howard	Ritchie
Cazayoux	Hutter	Robideaux
Champagne	Jackson G.	Roy
Chandler	Johnson	Schroder
Chaney	Jones, R.	Simon
Connick	Jones, S.	Smiley
Cortez	Katz	Smith, G.
Cromer	Kleckley	Smith, J.
Danahay	LaBruzzo	Smith, P.
Dixon	LaFonta	St. Germain
Doerge	Lambert	Talbot
Dove	LeBas	Templet
Edwards	Leger	Trahan

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Ellington	Ligi	Waddell
Fannin	Little	White
Foil	Lopinto	Williams
Franklin	Lorusso	Willmott
Gallot	Marchand	Wooton

Total - 96

NAYS

Total - 0

ABSENT

Burns, T.	Greene	Nowlin
Burrell	Jackson M.	Peterson
Downs	Monica	

Total - 8

The resolution was adopted.

Ordered to the Senate.

Suspension of the Rules

On motion of Rep. Geymann, the rules were suspended to limit the author or proponent handling the legislative instrument to ten minutes for opening remarks and all subsequent speakers on the instrument to five minutes.

Suspension of the Rules

On motion of Rep. LaBruzzo, and under a suspension of the rules, the following resolution was taken up out of its regular order at this time.

HOUSE RESOLUTION NO. 16—

BY REPRESENTATIVE LABRUZZO

A RESOLUTION

To amend and readopt House Rule 2.10(A)(12) and (B)(2) of the Rules of Order of the House of Representatives, to discontinue the daily distribution of paper copies of the Journal and the order of the day to the members.

Read by title.

Rep. LaBruzzo moved the adoption of the resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Geymann	Mills
Abramson	Gisclair	Monica
Anders	Guillory, E.	Montoucet
Armes	Guinn	Morrell
Aubert	Hardy	Morris
Badon, A.	Harrison	Nowlin
Badon, B.	Hazel	Pearson
Baldone	Henry	Perry
Barras	Hill	Peterson
Barrow	Hines	Ponti
Billiot	Hoffmann	Pope
Burford	Honey	Pugh
Burns, H.	Howard	Richardson
Burrell	Hutter	Richmond
Carter	Jackson G.	Ritchie
Champagne	Jackson M.	Robideaux
Chandler	Johnson	Roy
Chaney	Jones, R.	Schroder
Connick	Jones, S.	Simon
Cortez	Katz	Smiley
Cromer	Kleckley	Smith, G.
Danahay	LaBruzzo	Smith, J.

Dixon	LaFonta	Smith, P.
Doerge	LeBas	St. Germain
Dove	Leger	Talbot
Downs	Ligi	Templet
Edwards	Little	Trahan
Ellington	Lopinto	Waddell
Fannin	Lorusso	White
Foil	Marchand	Williams
Gallot	McVea	Willmott

Total - 93

NAYS

Franklin	Norton	Wooton
Lambert	Richard	

Total - 5

ABSENT

Arnold	Cazayoux	Guillory, M.
Burns, T.	Greene	Henderson

Total - 6

The resolution was adopted.

Ordered to the Senate.

Suspension of the Rules

On motion of Rep. Gallot, the rules were suspended in order to take up and consider Senate Bills and Joint Resolutions on Third Reading and Final Passage at this time.

Senate Bills and Joint Resolutions on Third Reading and Final Passage

The following Senate Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

Regular Calendar

Suspension of the Rules

On motion of Rep. Gallot, and under a suspension of the rules, the following bill was taken up out of its regular order at this time.

SENATE BILL NO. 3—

BY SENATORS CHAISSON, ALARIO, AMEDEE, BROOME, CHEEK, CRAVINS, CROWE, DONAHUE, DORSEY, DUPLESSIS, DUPRE, ERDEY, B. GAUTREAU, N. GAUTREAU, HEBERT, HEITMEIER, JACKSON, KOSTELKA, LONG, MARIONNEAU, MARTINY, MICHOT, MORRISH, MOUNT, MURRAY, NEVERS, QUINN, RISER, SCALISE, SHAW, SHEPHERD, SMITH, THOMPSON AND WALSWORTH

AN ACT

To amend and reenact R.S. 24:51(2) and R.S. 49:72(5) and to repeal R.S. 42:1123(13), relative to the Code of Governmental Ethics; to repeal certain exceptions relative to the acceptance by an elected official of certain things of economic value for certain cultural or sporting events; and to provide for related matters.

Read by title.

Rep. Connick sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Connick to Reengrossed Senate Bill No. 3 by Senator Chaisson

AMENDMENT NO. 1

On page 1, line 2, after "reenact" and before "R.S. 42:1123(13)," delete "R.S. 24:51(2) and R.S. 49:72(5) and to repeal"

AMENDMENT NO. 2

On page 1, line 3, after "Ethics; to" and before "relative" delete "repeal certain exceptions" and insert "provide"

AMENDMENT NO. 3

On page 1, delete lines 7 through 17 in their entirety and on page 2, delete lines 1 through 14 in their entirety

AMENDMENT NO. 4

On page 2, line 15, change "Section 3." to "Section 1."

AMENDMENT NO. 5

On page 2, line 15, after "hereby" delete "repealed." and insert "amended and reenacted to read as follows:

§1123. Exceptions

This Part shall not preclude:

* * *

(13) (a) The acceptance while in the performance of the duties and responsibilities of his office or position by an elected official of anything of economic value as a gift or gratuity from any person when the value of such gift does not exceed one hundred dollars per event, up to an aggregate amount of five hundred dollars in a calendar year from any person, and when the nature of the gift is limited to a cultural or sporting event within the boundaries of this state including the territorial waters thereof, including entertainment reasonably incidental thereto. The provisions of this Paragraph shall also be applicable to an elected official who is on official business of his governmental entity outside of the boundaries of this state as long as said elected official is entitled to compensation or reimbursement from his agency for such official business.

(b) The provisions of this Paragraph shall not apply to any ticket or pass which would allow an elected official or a member of his immediate family into any professional, semi-professional, or collegiate sporting event; a musical concert performance or other entertainment event held or performed in a venue with a seating capacity of more than five-hundred persons; or any fishing trip, hunting trip, or golf outing unless such trip or outing is associated with a candidate's, elected official's, or organization's fundraising event open to the general public.

* * *

AMENDMENT NO. 6

On page 2, line 16, change "Section 4." to "Section 2."

Rep. Connick moved the adoption of the amendments.

Rep. Austin Badon objected.

By a vote of 97 yeas and 3 nays, the amendments were adopted.

Rep. Hutter sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Hutter to Reengrossed Senate Bill No. 3 by Senator Chaisson

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 49:72(5)" and before "and" insert a comma "," and "to enact R.S. 42:1111.1,"

AMENDMENT NO. 2

On page 1, line 5, after "events;" and before "and to" insert "to prohibit giving or making available to a public employee or the immediate family member of a public employee certain tickets or forms of admission, with exceptions;"

AMENDMENT NO. 3

On page 2, between lines 1 and 2, insert:

"Section 2. R.S. 42:1111.1 is hereby enacted to read as follows:

§1111.1. Public employees; tickets prohibited

A. No person, governmental entity or agency thereof, or public servant shall give a public employee, or make available for use by a public employee, any ticket or other form of admission to a sporting, entertainment, or cultural event for which there is a charge or cost for admission, other than for the use of such public employee solely in the course of the duties of his office or position.

B. No person, governmental entity or agency thereof, or public servant shall give an immediate family member, excluding the spouse, of a public employee, or make available for use by an immediate family member of a public employee, any ticket or other form of admission to a sporting, entertainment, or cultural event for which there is a charge or cost for admission.

C. For purposes of this Section, a "public employee subject to this Section" shall mean a public employee, other than a member of the classified state civil service, in the office of the governor, the office of the lieutenant governor, the Department of State, the Department of Justice, the Department of the Treasury, the Department of Agriculture and Forestry, or the Department of Insurance."

AMENDMENT NO. 4

On page 2, at the beginning of line 2, change "Section 2." to "Section 3."

AMENDMENT NO. 5

On page 2, at the beginning of line 15, change "Section 3." to "Section 4."

AMENDMENT NO. 6

On page page 2, at the beginning of line 16, change "Section 4." to "Section 5."

Rep. Hutter moved the adoption of the amendments.

Rep. Downs objected.

By a vote of 70 yeas and 22 nays, the amendments were adopted.

Rep. Smiley sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Smiley to Reengrossed Senate Bill No. 3 by Senator Chaisson

AMENDMENT NO. 1

On page 2, delete lines 16 through 20 in their entirety and insert the following:

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"Section 4. The provisions of this Act shall become effective on December 31, 2008."

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

Acting Speaker Arnold in the Chair

Rep. Ellington sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Ellington to Reengrossed Senate Bill No. 3 by Senator Chaisson

AMENDMENT NO. 1

In House Floor Amendment No. 5 proposed by Representative Connick and adopted by the House on February 21, 2008, on page 1, line 31, after "pass" and before "which" insert "purchased by a registered lobbyist or his principal"

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

Speaker Tucker in the Chair

Rep. Baldone sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Baldone to Reengrossed Senate Bill No. 3 by Senator Chaisson

AMENDMENT NO. 1

In House Floor Amendment No. 5 proposed by Representative Connick and adopted by the House on February 21, 2008, on page 1, line 20, after "person" delete the remainder of the line and delete lines 21 and 22 and insert "and when".

On motion of Rep. Baldone, the amendments were withdrawn.

Rep. Gallot moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Table listing names of representatives who voted 'YEAS', including Mr. Speaker, Abramson, Anders, Arnes, Arnold, Aubert, Badon, B., Baldone, Barras, Barrow, Billiot, Burford, Burns, H., Burrell, Carter, Champagne, Chandler, Chaney, Connick, Cortez, Cromer, Gisclair, Greene, Guillory, E., Guillory, M., Guinn, Hardy, Harrison, Henderson, Henry, Hill, Hines, Hoffmann, Honey, Howard, Hutter, Jackson G., Jackson M., Johnson, Jones, R., Jones, S., Katz, Monica, Montoucet, Morrell, Morris, Norton, Nowlin, Pearson, Perry, Peterson, Ponti, Pope, Pugh, Richardson, Richmond, Ritchie, Robideaux, Roy, Schroder, Simon, Smiley, and Smith, G.

Table listing names of representatives who voted 'NAYS', including Danahay, Dixon, Dove, Downs, Edwards, Ellington, Fannin, Foil, Franklin, Gallot, Geymann, Mills, Kleckley, LaBruzzo, Lambert, LeBas, Leger, Ligi, Little, Lopinto, Lorusso, Marchand, Smith, J., Smith, P., St. Germain, Talbot, Templet, Trahan, Waddell, White, Williams, and Willmott.

NAYS

Table listing names of representatives who voted 'ABSENT', including Badon, A., Doerge, Hazel, McVea, and Wooton.

ABSENT

Table listing names of representatives who were present, including Burns, T., Cazayoux, LaFonta, and Richard.

The Chair declared the above bill was finally passed.

Rep. Gallot moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Suspension of the Rules

On motion of Rep. Gallot, and under a suspension of the rules, the following bill was taken up out of its regular order at this time.

SENATE BILL NO. 1—

BY SENATORS CHAISSON, ALARIO, AMEDEE, BROOME, CHEEK, CRAVINS, CROWE, DONAHUE, DORSEY, DUPLESSIS, DUPRE, ERDEY, B. GAUTREAU, N. GAUTREAU, HEBERT, HEITMEIER, JACKSON, KOSTELKA, LONG, MARTINY, MICHOT, MOUNT, NEVERS, QUINN, RISER, SCALISE, SHAW, SHEPHERD, SMITH, THOMPSON AND WALSWORTH

AN ACT

To amend and reenact R.S. 42:1113(A) and (D)(1) and 1114.3 and to enact R.S. 42:1113(D)(2)(g) and (h), (3), and (4), relative to conflicts of interest; to provide relative to certain contracts involving certain public servants and certain affiliated persons and entities; to provide restrictions on certain contracts; to provide for disclosure relative to certain contracts; to provide exceptions and waivers; to provide for effectiveness; and to provide for related matters.

Read by title.

Rep. Gallot sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Gallot to Reengrossed Senate Bill No. 1 by Senator Chaisson

AMENDMENT NO. 1

Delete the House Committee Amendments proposed by the House Committee on House and Governmental Affairs and adopted by the House on February 20, 2008.

AMENDMENT NO. 2

On page 1, line 2, after "42:1113(A) and" delete the remainder of the line and on line 3, delete "42:1113(D)(2)(g) and (h), (3), and (4)," and insert "(D) and 1114.3,"

AMENDMENT NO. 3

On page 1, delete lines 9 and 10 and insert "Section 1. R.S. 42:1113(A) and (D) and 1114.3 are hereby amended and reenacted to read as"

AMENDMENT NO. 4

On page 1, delete lines 12 through 17 and delete pages 2 through 16 and insert the following:

"§1113. Prohibited contractual arrangements

A.(1) No public servant, excluding any legislator and any appointed member of any board or commission and any member of a governing authority of a parish with a population of ten thousand or less, or member of such a public servant's immediate family, or legal entity in which he has a controlling interest shall bid on or enter into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servant.

(2) No head of a department listed in R.S. 36:4(A) who is appointed by the governor or lieutenant governor shall bid on or enter into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of any agency to which funds have been transferred from the agency of such department head, but such prohibition shall apply only to any contract, subcontract, or transaction related to such funds.

* * *

~~D.(1)(a)(i) No legislator or person who has been certified by the secretary of state as elected to the legislature, or spouse of a legislator or person who has been certified as elected to the legislature, person identified in Item (ii) of this Subparagraph or the spouse of such person nor any legal entity of a person corporation, partnership, or other legal entity, in which the legislator or person who has been certified by the secretary of state as elected to the legislature or the spouse of a legislator or spouse of a person who has been certified by the secretary of state as elected to the legislature owns any interest in, except publicly traded corporations, shall enter into any contract or subcontract with state government, any branch, agency, department, or institution of state government or with the Louisiana Insurance Guaranty Association, the Louisiana Health Insurance Guaranty Association, or any other quasi public entity created in law unless the contract or subcontract is awarded by competitive bidding after being advertised and awarded in accordance with Part II of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950 or is competitively negotiated through a request for proposal process or any similar competitive selection process in accordance with Chapters 16 or 17 of Title 39 of the Louisiana Revised Statutes of 1950.~~

(ii) The provisions of this Subparagraph and other provisions which reference this Item shall apply to the following persons:

(aa) A legislator and any person who has been certified by the secretary of state as elected to the legislature.

bb) The governor and each person holding statewide elected office.

(cc) The secretary of the Department of Economic Development.

(dd) The secretary of the Department of Culture, Recreation and Tourism.

(ee) The secretary of the Department of Environmental Quality.

(ff) The secretary of the Department of Health and Hospitals.

(gg) The secretary of the Department of Labor.

(hh) The secretary of the Department of Natural Resources.

(ii) The secretary of the Department of Public Safety and Corrections.

(jj) The secretary of the Department of Revenue.

(kk) The secretary of the Department of Social Services.

(ll) The secretary of the Department of Transportation and Development.

(mm) The secretary of the Department of Wildlife and Fisheries.

(nn) The secretary of the Department of Veterans Affairs.

(oo) The executive secretary of the Public Service Commission.

(pp) The director of state civil service.

(qq) Each member of the State Board of Elementary and Secondary Education.

(rr) The superintendent of education, the commissioner of higher education, and the president of each public postsecondary education system.

(ss) Each member of the Board of Ethics and the ethics administrator.

(tt) The chief of staff of the office of the governor.

(uu) The commissioner of the division of administration.

(vv) The executive counsel to the governor.

(iii) For purposes of this Subsection, "legal entity of a person" means any corporation, partnership, or other such entity, except a publicly traded corporation or a passive ownership interest that is the result of participation in a federally approved program of employee ownership, in which a person identified in Item (ii) of this Subparagraph or the spouse of such person owns an interest of greater than five percent.

(iv) For purposes of this Subsection, "legal entity of a family member" means any corporation, partnership, or other such entity, except a publicly traded corporation or a passive ownership interest that is the result of participation in a federally approved program of employee ownership, in which an immediate family member of a person identified in Item (ii) of this Subparagraph, except the spouse of such a person, owns an interest of greater than five percent.

(v) For purposes of this Subsection, "state government" means any branch, agency, department, or institution of state government or with the Louisiana Insurance Guaranty Association, the Louisiana Health Insurance Guaranty Association, or any other state quasi public entity created in law.

(b)(i) No immediate family member, except the spouse, of a person identified in Item (a)(ii) of this Paragraph, nor any legal entity of a family member shall enter into any contract with state government unless the contract is awarded by competitive bidding after being advertised and awarded in accordance with Part II of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950.

(ii) The provisions of this Subparagraph shall not prohibit a contract for professional services entered into with the attorney general which is based on criteria set forth by the office of risk management.

(c)(i) For the purposes of this Section, a provider agreement entered into with the Department of Health and Hospitals under the state medical assistance program shall not be considered a contract or subcontract.

(ii) For the purposes of this Section, a foster parent provider agreement or a child care provider agreement entered into with the Department of Social Services shall not be considered a contract or subcontract.

(2) The provisions of this Subsection shall not prohibit the following:

(a) Completion of any contract or subcontract otherwise prohibited by this Subsection which was entered into prior to initial election to the legislature; however, no such contract or subcontract shall be renewed.

(b) Completion of any contract or subcontract otherwise prohibited by this Subsection which was entered into prior to July 1, 1995; however, no such contract or subcontract shall be renewed.

(c) Contracts for employment in a professional educational capacity in an elementary or secondary school or other educational institution.

(d) Contracts of sale pursuant to the expropriation of immovable property by any branch, agency, department, or institution of state government.

(e) Contracts of employment of a physician with the state or the charity hospitals of the state.

(f) Donation of professional veterinary services or the donation of any goods and services related to the provision of such veterinary services.

(g) Completion of any contract which, at the time it was entered into, was not prohibited by the provisions of this Subsection; however, no such contract shall be renewed.

(h)(i) Completion of any contract between a person identified by Item (a)(ii) of this Paragraph or his spouse or a legal entity of a person and state government, which contract was awarded by competitive bidding after being advertised and awarded in accordance with Part II of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950, or competitively negotiated through a request for proposal process or any similar competitive selection process in accordance with Chapters 16 or 17 of Title 39 of the Louisiana Revised Statutes of 1950, and which contract was entered into prior to the effective date of this Subparagraph; however, no such contract shall be renewed for a period extending beyond January 8, 2012.

(ii) Completion of any contract between the immediate family member, except for a spouse, of a person identified in Item (a)(ii) of this Paragraph or a legal entity of a family member and state government, which contract was not awarded by competitive bidding after being advertised and awarded in accordance with Part II of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950, and which contract was entered into prior to the effective date of this Subparagraph; however, no such contract shall be renewed for a period extending beyond January 8, 2012.

(i)(i) A sale by a retail establishment valued at two thousand five hundred dollars or less. However, no person shall enter into separate sales valued at two thousand five hundred dollars or less as a subterfuge to avoid the prohibition of this Subsection.

(ii) For purposes of this Subparagraph, "retail establishment" shall have the same meaning provided in R.S. 14:67.25.

(j) An agreement with a state entity or state quasi public entity providing for retirement or insurance benefits, provided that those benefits are available to similarly situated persons.

(k) An agreement providing for public assistance benefits, including but not limited to, subsidies for agriculture, aquaculture, forestry, soil and water conservation, educational scholarships, grants and subsidies or guaranteed student loans, provided that such benefits are available to similarly situated persons.

(l) The payment of admission fees for events open to the public.

(3) No person formerly serving in a position identified in Item (1)(a)(ii) of this Subsection nor his spouse nor any legal entity of a person shall, for a period of one year following the termination of the public service of such person enter into a contract that would have been prohibited by this Subsection prior to the termination of the public service of such person.

(4)(a) Each person identified in Item (1)(a)(ii) of this Subsection shall file a report with the Board of Ethics, by July first of each year of his term of office or of his service in his position, identifying the parties to and the value and term of each contract between him or his spouse or legal entity of a person and state government.

(b) Each immediate family member, except a spouse, of a person identified in Item (1)(a)(ii) of this Subsection shall file a report with the Board of Ethics by July first of each year of the person's term of office or of the person's service in his position identifying the parties to and the value and term of each contract between the immediate family member or any legal entity of a family member and state government.

* * *

§1114.3. Disaster or emergency contracts; prohibition; disclosure

A. (1) No statewide elected official, legislator, commissioner of administration, or chief of staff or executive counsel to the governor, nor the spouse of any such person, nor any corporation, partnership, or other legal entity, except a publicly traded corporation or a passive ownership interest that is the result of participation in a federally approved program of employee ownership, in which such a person owns an interest of greater than five percent shall enter into any contract to which all of the following apply:

(a) The contract is directed to addressing needs directly emanating from a gubernatorially declared disaster or emergency.

(b) The person knows or reasonably should know that the contract or subcontract is funded or reimbursed in whole or in part with federal funds distributed, paid, or allocated to or by the state or a state department, agency, or official.

(2) Hereafter in this Subsection, "person covered by this Subsection" shall mean a statewide elected official, legislator, commissioner of administration, or chief of staff or executive counsel to the governor, or the spouse of any such person. "Company covered by this Subsection" shall mean a corporation, partnership, or other legal entity, except a publicly traded corporation or a passive ownership interest that is the result of participation in a federally approved program of employee ownership, in which a person covered by this Section owns an interest of greater than five percent.

(3) The provisions of Paragraph (1) of this Subsection shall not apply to construction-related contracts entered into with entities more than two years following the initial declaration of disaster or emergency, provided that the entity is not the governmental entity of a person covered by this Section.

(4)(a)(i) The provisions of this Subsection shall not prohibit a sale by a retail establishment which is valued at two thousand five hundred dollars or less. However, no person shall enter into separate sales valued at two thousand five hundred dollars or less as a subterfuge to avoid the prohibition of this Subsection.

(ii) For purposes of this Subparagraph, "retail establishment" shall have the same meaning provided in R.S. 14:67.25.

(b) For the purposes of this Subsection, the following shall not constitute a contract:

(i) A provider agreement entered into with the Department of Health and Hospitals under the state medical assistance program.

(ii) A foster parent provider agreement or a child care provider agreement entered into with the Department of Social Services.

(iii) An agreement with a state entity or state quasi public entity providing for retirement and insurance benefits, provided that those benefits are available to similarly situated persons.

(iv) An agreement providing for public assistance benefits, including but not limited to, subsidies for agriculture, aquaculture, forestry, soil and water conservation, educational scholarships, grants and subsidies or guaranteed student loans, provided that such benefits are available to similarly situated persons.

(c) The provisions of this Subsection shall not prohibit the following:

(i) Contracts for employment or for services in a professional educational capacity in an elementary or secondary school or other educational institution.

(ii) Contracts for employment or for services by any licensed health care professional providing services in the classroom or working with administration in an elementary or secondary school or other educational institution.

(iii) Contracts for services by health care professionals which are required by federal or state law to provide an educational program for students in an elementary or secondary school or other educational institution.

(iv) Contracts of sale pursuant to the expropriation of immovable property by any branch, agency, department, or institution of state government.

(v) Contracts of employment of a physician with the state or the charity hospitals of the state.

(vi) Donation of professional veterinary services or the donation of any goods and services related to the provision of such veterinary services.

(5) Each person covered by this Section who derives, either directly or through a company covered by this Section, any thing of economic value through any contract which is directed to addressing needs directly emanating from a gubernatorially declared disaster or emergency and which the person covered by this Section knows or reasonably should know is or may be funded or reimbursed in whole or in part with federal funds shall disclose the information required by Subsection C of this Section as provided in that Subsection.

B.(1) Except as provided in ~~Subsection B~~ Paragraph 2 of this Section Subsection, each elected official; other than a statewide elected official or legislator, each appointed state official, other than the commissioner of administration or the chief of staff or executive counsel to the governor, and each immediate family member of an elected official or appointed state official subject to this Subsection

or Subsection A of this Section who derives, either directly or through a legal entity in which such official or immediate family member owns ten percent or more, any thing of economic value through any contract or subcontract which is related to a gubernatorially declared disaster or emergency and which the official or immediate family member knows or reasonably should know is or may be funded or reimbursed in whole or in part with federal funds shall make the disclosure shall disclose the following as provided in this Section: disclose the information required by Subsection C of this Section as provided in that Subsection.

(2) No person required to disclose information by Paragraph (1) of this Subsection shall be required to disclose the receipt of any thing of economic value pursuant to this Section when the value of the contract is two thousand five hundred dollars or less. However, no person shall enter into separate contracts valued at two thousand five hundred dollars or less with the same person or governmental entity or agency thereof as a subterfuge to avoid the disclosure requirements of this Section.

(C)(1) The following information shall be disclosed:

(a)(i) If an elected or appointed official, the name and address of the elected or appointed official and the office held by such person.

(b)(ii) If an immediate family member of an elected or appointed official, the name and address of such person; the name, address, and office of the elected or appointed official to whom the person is related; and the nature of the relationship.

(2)(b) If through a legal entity, the name and business address of the legal entity, the percentage of the official's or immediate family member's ownership interest in the legal entity, and the position, if any, held by the official or immediate family member in the legal entity.

(3)(c) The nature of the contract or subcontract, including the amount of the contract or subcontract and a description of the goods or services provided or to be provided pursuant to the contract or subcontract.

(4)(d) The amount of income or value of any thing of economic value derived through the contract or subcontract by the official or immediate family member for the previous calendar year, except as provided in ~~Subsection C~~ of this Section Paragraph (2) of this Subsection.

B. No person shall be required to disclose the receipt of any thing of economic value pursuant to this Section when the value of the contract or subcontract is two thousand five hundred dollars or less. However, no person shall enter into separate contracts or subcontracts valued at two thousand five hundred dollars or less with the same person or governmental entity or agency thereof as a subterfuge to avoid the disclosure requirements of this Section.

~~C.~~(2) Each elected or appointed official and immediate family member subject to the provisions of this Section shall file an initial disclosure statement with the Board of Ethics no later than thirty days after the official, immediate family member, or legal entity enters into the contract, whichever occurs later. The initial disclosure statement shall contain all of the information required by ~~Subsection A~~ of this Section Paragraph 1 of this Subsection, except that instead of the actual amount of income or value of any thing of economic value derived from the contract by the official or immediate family member for the previous calendar year, the official or immediate family member shall include the amount of income or value of any thing of economic value to be derived or, if the actual amount is unknown at the time the statement is due, reasonably expected to be derived from the contract or subcontract for the first calendar year of the contract or subcontract.

~~D.(1)(3)(a)~~ After filing the initial disclosure statement, the elected or appointed official or immediate family member shall file the disclosure statements required by this ~~Section~~ Subsection with the Board of Ethics no later than February fifteenth each year and shall include such information for the previous calendar year.

~~(2)(b)~~ An elected or appointed official or immediate family member subject to the provisions of this Section shall be required to file the annual disclosure statements required by this ~~Section~~ Subsection until a disclosure statement is filed after the completion of the contract or subcontract subject to disclosure, or the person filing such statements, or to whom the immediate family member is related is no longer an elected or appointed official, whichever occurs first.

~~(3)(c)~~ Annual disclosure statements shall not be required for the receipt of things of economic value pursuant to contracts ~~or subcontracts~~ entered into prior to an elected or appointed official taking office; however, if an elected or appointed official or immediate family member thereof receives or reasonably expects to receive a thing of economic value otherwise required to be disclosed by this Section pursuant to the renewal of such a contract or subcontract occurring after the official takes office, such official or immediate family member shall file a disclosure statement no later than thirty days after such renewal in accordance with ~~Subsection C of this Section~~ Paragraph 2 of this Subsection and annually thereafter in accordance with this Subsection.

~~(4)(d)~~ All disclosure statements filed pursuant to this Section shall be a matter of public record.

~~E.(1)(4)(a)~~ Failure to file a statement, failure to timely file a statement, failure to disclose required information, filing a false statement, or engaging in a subterfuge to avoid the disclosure requirements of this Section shall subject a person required to file to penalties as provided by this Chapter.

~~(2)(b)~~ In addition to other applicable penalties, whoever fails to file a statement required by this Section, 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 Section shall be assessed a civil penalty in accordance with R.S. 42:1157 for each day until such statement or the required accurate information is filed. The amount of the penalty shall be one hundred dollars per day.

~~(3)(c)~~ In addition to other applicable penalties, whoever enters into separate contracts ~~or subcontracts~~ valued at two thousand five hundred dollars or less as a subterfuge to avoid the disclosure requirements of this Section shall be subject to the penalties of R.S. 42:1153.

~~F.D.~~ For the purposes of this Section, the term "appointed state official" or "appointed official" shall mean a person holding an office in any branch of state government or other position on a state agency, board, or commission or any executive office of any state agency, board, commission, or department which is specifically established or specifically authorized by the constitution or laws of this state or by executive order of the governor and which is filled by appointment or election by an elected or appointed public official or by a governmental body composed of such officials of this state.

~~G.E.~~ Nothing in this Section shall require the disclosure of any thing of economic value received from an individual assistance claim.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval."

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

Motion

On motion of Rep. Gallot, the bill, as amended, was returned to the calendar.

Notice of Intention to Call

Pursuant to House Rule No. 8.26(A), Rep. Gallot gave notice of his intention to call Senate Bill No. 1 from the calendar for future action.

Recess

On motion of Rep. Gallot, the Speaker declared the House at recess until 1:00 P.M.

After Recess

Speaker Tucker called the House to order at 1:10 P.M.

ROLL CALL

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

PRESENT

Mr. Speaker	Geymann	Mills
Abramson	Gisclair	Monica
Anders	Greene	Montoucet
Armes	Guillory, E.	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	Hutter	Ritchie
Cazayoux	Jackson G.	Robideaux
Champagne	Jackson M.	Roy
Chandler	Johnson	Schroder
Chaney	Jones, R.	Simon
Connick	Jones, S.	Smiley
Cortez	Katz	Smith, G.
Cromer	Kleckley	Smith, J.
Danahay	LaBruzzo	Smith, P.
Dixon	LaFonta	St. Germain
Doerge	Lambert	Talbot
Dove	LeBas	Templet
Downs	Leger	Trahan
Edwards	Ligi	Waddell
Ellington	Little	White
Fannin	Lopinto	Williams
Foil	Lorusso	Willmott
Franklin	Marchand	Wooton
Gallot	McVea	

Total - 104

ABSENT

Total - 0

The Speaker announced there were 104 members present and a quorum.

Senate Bills and Joint Resolutions on Third Reading and Final Passage

The following Senate Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

Regular Calendar

SENATE BILL NO. 2—

BY SENATORS CHAISSON, ALARIO, AMEDEE, BROOME, CHEEK, CRAVINS, CROWE, DONAHUE, DORSEY, DUPLESSIS, DUPRE, ERDEY, B. GAUTREAU, N. GAUTREAU, HEBERT, HEITMEIER, JACKSON, KOSTELKA, LONG, MARIONNEAU, MARTINY, MICHOT, MORRISH, MOUNT, MURRAY, NEVERS, QUINN, RISER, SCALISE, SHAW, SHEPHERD, SMITH, THOMPSON AND WALSWORTH

AN ACT

To amend and reenact R.S. 42:1111(E)(1) and (2)(a), relative to conflicts of interest; to prohibit certain public servants from receiving or agreeing to receive any thing of economic value for assistance to persons in certain transactions related to lobbying; to prohibit certain former public servants from receiving compensation for assistance to persons in certain transactions related to lobbying; and to provide for related matters.

Read by title.

Motion

On motion of Rep. Gallot, the bill was returned to the calendar.

SENATE BILL NO. 9—

BY SENATORS CHAISSON, ALARIO, AMEDEE, BROOME, CHEEK, CRAVINS, CROWE, DONAHUE, DORSEY, DUPLESSIS, DUPRE, ERDEY, B. GAUTREAU, N. GAUTREAU, HEBERT, HEITMEIER, KOSTELKA, LONG, MARIONNEAU, MARTINY, MICHOT, MORRISH, MOUNT, NEVERS, QUINN, RISER, SCALISE, SHAW, SHEPHERD, SMITH, THOMPSON AND WALSWORTH

AN ACT

To amend and reenact R.S. 24:51(2), 55(B) and (E), and R.S. 49:76(B) and (E), all relative to expenditures on public servants and the reporting of such expenditures by lobbyists; to provide for monthly reporting of expenditures by lobbyists; to provide for the reporting of monthly aggregate expenditures by lobbyists; to provide for reporting of certain things of economic value expended on behalf of certain public officials; and to provide for related matters.

Read by title.

Motion

On motion of Rep. Gallot, the bill was returned to the calendar.

SENATE BILL NO. 11—

BY SENATORS CHAISSON, ALARIO, AMEDEE, BROOME, CHEEK, CRAVINS, CROWE, DORSEY, DUPLESSIS, DUPRE, ERDEY, B. GAUTREAU, N. GAUTREAU, HEBERT, HEITMEIER, KOSTELKA, LONG, MARIONNEAU, MARTINY, MICHOT, MORRISH, MOUNT, NEVERS, QUINN, RISER, SCALISE, SHAW, SHEPHERD, SMITH, THOMPSON AND WALSWORTH

AN ACT

To amend and reenact R.S. 24:51(2) and (5)(a), 53(A), (G) and (H), 54(A)(2), 55(B), (C) and (D), and R.S. 49:72(5), 74(A), (E) and (F), 75(A)(2), 76(B), (C) and (D) and to enact R.S. 24:57(3) and (4), and 58(D)(3), (4) and (5), and R.S. 49:77(4) and (5), and 78(D)(3),(4) and (5), relative to lobbying; to provide relative to legislative lobbying; to provide relative to executive branch lobbying; to provide relative to regulations affecting lobbyists; to provide relative to restrictions affecting lobbyists; to provide relative to the electronic filing of registrations and expenditure reports; to require certain information relative to lobbyist registrations; to provide relative to the content of expenditure reports; to provide for monthly filing of expenditure reports; to provide for the electronic storage and access of filings; to

provide for the definition of a statewide elected official; to provide for the definition of a executive branch department head; to clarify the definition of lobbyist; to provide for the consequences of inaccurate or incomplete filings; to provide for failure to amend a registration or expenditure report; to provide for the filing of a false statement or false representation of a material fact; to provide for fines; to provide for penalties; and to provide for related matters.

Read by title.

Motion

On motion of Rep. Gallot, the bill was returned to the calendar.

SENATE BILL NO. 44—

BY SENATORS CHAISSON, ALARIO, AMEDEE, BROOME, CHEEK, CRAVINS, CROWE, DONAHUE, DORSEY, DUPLESSIS, DUPRE, ERDEY, B. GAUTREAU, N. GAUTREAU, HEBERT, HEITMEIER, JACKSON, KOSTELKA, LONG, MARTINY, MICHOT, MORRISH, MOUNT, MURRAY, NEVERS, QUINN, RISER, SCALISE, SHAW, SHEPHERD, SMITH, THOMPSON AND WALSWORTH

AN ACT

To amend and reenact R.S. 42:1111(E), relative to conflicts of interest; to prohibit certain public servants from receiving or agreeing to receive any thing of economic value for assisting persons in certain transactions; to prohibit certain former public servants from receiving or agreeing to receive any thing of economic value for assisting persons in certain transactions; to provide for exceptions; to provide for definitions; to provide for penalties; and to provide for related matters.

Read by title.

Motion

On motion of Rep. Gallot, the bill was returned to the calendar.

Acting Speaker Trahan in the Chair

SENATE BILL NO. 8—

BY SENATORS CHAISSON, ALARIO, AMEDEE, BROOME, CHEEK, CRAVINS, CROWE, DORSEY, DUPLESSIS, DUPRE, ERDEY, B. GAUTREAU, N. GAUTREAU, HEBERT, HEITMEIER, JACKSON, KOSTELKA, LONG, MARIONNEAU, MARTINY, MICHOT, MOUNT, NEVERS, QUINN, RISER, SCALISE, SHAW, SHEPHERD, JOHN SMITH, THOMPSON AND WALSWORTH

AN ACT

To enact R.S. 42:1115.1, relative to the Code of Governmental Ethics; to restrict the provision of food, drink, or refreshment to a public servant by certain prohibited sources; to provide for the adjustment of the restricted limit; to provide for the duties of the Board of Ethics; and to provide for related matters.

Read by title.

Rep. Tucker sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Tucker to Engrossed Senate Bill No. 8 by Senator Chaisson

AMENDMENT NO. 1

In House Committee Amendment No. 2 proposed by the Committee on House and Governmental Affairs and adopted by the House of Representatives on February 20, 2008, at the end of line 9, after "event," insert "However, the total value of the food, drink, or refreshment given shall not include any payment by the public servant for the food, drink, or refreshment."

AMENDMENT NO. 2

In House Committee Amendment No. 4 proposed by the Committee on House and Governmental Affairs and adopted by the House of Representatives on February 20, 2008, at the end of line 18, after "event," insert "However, the total value of the food, drink, or refreshment given shall not include any payment by the public employee for the food, drink, or refreshment."

AMENDMENT NO. 3

In House Committee Amendment No. 7 proposed by the Committee on House and Governmental Affairs and adopted by the House of Representatives on February 20, 2008, at the end of line 32, after "event," insert "In determining the cost of the food, drink, or refreshment provided, any payment made by the public servant for the food, drink, or refreshment shall be subtracted."

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

Rep. Hines sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Hines to Engrossed Senate Bill No. 8 by Senator Chaisson

AMENDMENT NO. 1

Delete the set of amendments proposed by the House Committee on House and Governmental Affairs and adopted by the House on February 20, 2008.

AMENDMENT NO. 2

On page 1, line 2, after "Ethics; to" and before "the" delete "restrict" and insert in lieu thereof "prohibit"

AMENDMENT NO. 3

On page 1, line 4, after "sources;" delete the remainder of the line and on line 5, delete "of the Board of Ethics;"

AMENDMENT NO. 4

On page 1, at the end of line 11, add a period "."

AMENDMENT NO. 5

On page 1, delete line 12 in its entirety

AMENDMENT NO. 6

On page 1, line 16, after "refreshment" delete the remainder of the line and insert a period "."

AMENDMENT NO. 7

On page 1, delete line 17 and on page 2, delete lines 1 through 10 in their entirety

Speaker Tucker in the Chair

Acting Speaker Trahan in the Chair

Rep. Hines moved the adoption of the amendments.

Rep. Gallot objected.

By a vote of 17 yeas and 86 nays, the amendments were rejected.

Suspension of the Rules

On motion of Rep. Gisclair, and under a suspension of the rules, the above roll call was corrected to reflect him as voting yea.

Speaker Tucker in the Chair

Rep. Ellington sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Ellington to Engrossed Senate Bill No. 8 by Senator Chaisson

AMENDMENT NO. 1

In House Committee Amendment No. 7, proposed by the House Committee on House and Governmental Affairs and adopted by the House on February 20, 2008, on page 1, between lines 32 and 33, insert the following:

"E. The provisions of this Section shall not apply to a gathering held in conjunction with a meeting related to national or regional organizations."

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

Rep. Arnold sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Arnold to Reengrossed Senate Bill No. 8 by Senator Chaisson

AMENDMENT NO. 1

On page 1, line 2, after "R.S." and before the comma "," delete "42:1115.1" and insert in lieu thereof "24:51(5)(c), R.S. 42:1115.5, and R.S. 49:72(7)(c)"

AMENDMENT NO. 2

On page 2, between lines 6 and 7, insert:

"Section 1. R.S. 24:51(5)(c) is hereby enacted to read as follows:

§51. Definitions

When used in this Part:

* * *

(5) "Lobbyist" means:

* * *

(c) "Lobbyist" shall also mean any chief executive officer, chief financial officer, chief operating officer, or managing partner of any corporation, business, firm, partnership, limited liability corporation or any other type of legal entity, or any individual with a significant financial interest in any corporation, business, firm, partnership, limited liability corporation or any other type of legal entity, if any branch, division, office, section, or individual of such entity engages in lobbying.

* * *

AMENDMENT NO. 3

On page 1, line 7, change "Section 1" to "Section 2"

AMENDMENT NO. 4

On page 2, between lines 10 and 11, insert the following:

"Section 3. R.S. 49:72(7)(c) is hereby enacted to read as follows:

§72. Definitions

When used in this Part:

* * *

(7) "Lobbyist" means:

* * *

(c) Lobbyist" shall also mean any chief executive officer, chief financial officer, chief operating officer, or managing partner of any corporation, business, firm, partnership, limited liability corporation or any other type of legal entity, or any individual with a significant financial interest in any corporation, business, firm, partnership, limited liability corporation or any other type of legal entity, if any branch, division, office, section, or individual of such entity engages in lobbying.

* * *

AMENDMENT NO. 5

In Amendment No. 7 proposed by the House Committee on House and Governmental Affairs and adopted by the House on February 20, 2008, on page 1, line 33, change "Section 2." to "Section 4."

Point of Order

Rep. Gallot asked for a ruling from the Chair as to whether the above amendments were germane to the subject matter contained in the bill as introduced.

Ruling of the Chair

The Chair ruled that the above amendments were not germane to the subject matter contained in the bill as introduced.

On motion of Rep. Arnold, the amendments were withdrawn.

Rep. Gallot sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Gallot to Engrossed Senate Bill No. 8 by Senator Chaisson

AMENDMENT NO. 1

Delete House Committee Amendments no. 1 and no. 3, proposed by the Committee on House and Governmental Affairs and adopted by the House on February 20, 2008.

AMENDMENT NO. 2

On page 1, lines 10 and 11, delete "give or offer, either directly or indirectly," and insert: "give"

AMENDMENT NO. 3

On page 1, lines 14 and 15, delete "give or offer, either directly or indirectly," and insert: "give"

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

Rep. Smiley sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Smiley to Engrossed Senate Bill No. 8 by Senator Chaisson

AMENDMENT NO. 1

On page 2 delete lines 11 through 15 and insert "Section 2. The provisions of this Act shall become effective on December 31, 2008."

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

Rep. Danahay sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Danahay to Engrossed Senate Bill No. 8 by Senator Chaisson

AMENDMENT NO. 1

In House Floor Amendment No.1 proposed Representative Ellington and adopted by the House of Representatives on February 21, 2008, on page 1, line 4 delete "national or regional organizations." and insert "a national or regional organization or a meeting of a statewide organization of governmental officials or employees."

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

Rep. Gallot moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Gisclair	Monica
Abramson	Greene	Montoucet
Anders	Guillory, E.	Morrell
Armes	Guillory, M.	Morris
Arnold	Guinn	Norton
Aubert	Hardy	Nowlin
Badon, A.	Harrison	Pearson
Badon, B.	Hazel	Perry
Baldone	Henderson	Peterson
Barras	Henry	Ponti
Barrow	Hill	Pope
Billiot	Hines	Pugh
Burford	Hoffmann	Richard
Burns, H.	Honey	Richardson
Burns, T.	Howard	Richmond
Burrell	Hutter	Ritchie
Carter	Jackson G.	Robideaux
Champagne	Jackson M.	Roy
Chandler	Johnson	Schroder
Chaney	Jones, R.	Simon
Connick	Jones, S.	Smiley
Cortez	Katz	Smith, G.
Cromer	Kleckley	Smith, J.

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Danahay	LaBruzzo	Smith, P.
Dixon	LaFonta	St. Germain
Doerge	Lambert	Talbot
Dove	LeBas	Templet
Downs	Leger	Trahan
Edwards	Ligi	Waddell
Ellington	Little	White
Fannin	Lopinto	Williams
Foil	Lorusso	Willmott
Franklin	Marchand	Wooton
Gallot	McVea	
Geymann	Mills	

Total - 103

NAYS

Total - 0

ABSENT

Cazayoux
Total - 1

The Chair declared the above bill was finally passed.

Rep. Gallot moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

SENATE BILL NO. 10—

BY SENATORS CHAISSON, ALARIO, AMEDEE, BROOME, CHEEK, CRAVINS, CROWE, DORSEY, DUPLESSIS, DUPRE, ERDEY, B. GAUTREAU, N. GAUTREAU, HEBERT, HEITMEIER, KOSTELKA, LONG, MARIONNEAU, MARTINY, MICHOT, MOUNT, NEVERS, QUINN, RISER, SCALISE, SHAW, SHEPHERD, SMITH, THOMPSON AND WALSWORTH

AN ACT

To enact R.S. 24:56(H), (I), (J), and (K), and R.S. 49:78.1(E), (F), (G), (H), and (I), relative to lobbyists; to prohibit contingency contracts; to prohibit false or misleading statements; to prohibit the instigation of legislation or executive action so as to lobby such legislation or executive action; to prohibit certain persons from lobbying; and to provide for related matters.

Read by title.

Rep. Gallot sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Gallot to Reengrossed Senate Bill No. 10 by Senator Chaisson

AMENDMENT NO. 1

On page 1, line 2, after "(G)," delete the remainder of the line and insert "and (H), relative"

AMENDMENT NO. 2

On page 2, line 8, after "(G)," delete "(H), and (I)" and insert "(H)"

AMENDMENT NO. 3

On page 2, delete lines 26 through 29 and delete page 3 and on page 4, delete lines 1 through 15 and insert the following:

"(a) The governor and each person holding statewide elected office.

(b) The secretary of each of the following departments of state government:

- (i) The Department of Economic Development.
- (ii) The Department of Culture, Recreation and Tourism.
- (iii) The Department of Environmental Quality.
- (iv) The Department of Health and Hospitals.
- (v) The Department of Labor.
- (vi) The Department of Natural Resources.
- (vii) The Department of Public Safety and Corrections.
- (viii) The Department of Revenue.
- (ix) The Department of Social Services.
- (x) The Department of Transportation and Development.
- (xi) The Department of Wildlife and Fisheries.
- (xii) The Department of Veterans Affairs.
- (c) The executive secretary of the Public Service Commission.
- (d) The director of state civil service.
- (e) Each member of the State Board of Elementary and Secondary Education.
- (f) The state superintendent of education, the commissioner of higher education, and the president of each public postsecondary education system.
- (g) The commissioner of the division of administration.
- (h) Each member of the Board of Ethics and the ethics administrator.
- (i) The chief of staff of the office of the governor.
- (j) The executive counsel to the governor."

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

Rep. Gallot moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Franklin	Monica
Abramson	Gallot	Morris
Aubert	Geymann	Nowlin
Badon, A.	Gisclair	Pearson
Barras	Guinn	Perry
Burford	Hazel	Peterson
Burns, H.	Hines	Pope
Burns, T.	Hoffmann	Richard
Carter	Katz	Robideaux
Champagne	Kleckley	Smiley
Cortez	LaBruzzo	Smith, J.
Cromer	Ligi	Waddell
Danahay	Little	Williams
Dove	Lorusso	
Downs	Mills	
Total - 43		

NAYS

Anders	Harrison	Norton
Armes	Henderson	Ponti

Arnold	Henry	Pugh
Badon, B.	Hill	Richardson
Baldone	Honey	Richmond
Barrow	Howard	Ritchie
Billiot	Hutter	Roy
Burrell	Jackson G.	Schroder
Cazayoux	Jackson M.	Simon
Chandler	Johnson	Smith, G.
Chaney	Jones, R.	Smith, P.
Connick	Jones, S.	St. Germain
Dixon	LaFonta	Talbot
Doerge	Lambert	Temple
Edwards	LeBas	Trahan
Ellington	Leger	White
Foil	Lopinto	Willmott
Greene	Marchand	Wooton
Guillory, M.	Montoucet	
Hardy	Morrell	
Total - 58		

ABSENT

Fannin	Guillory, E.	McVea
Total - 3		

The Chair declared the above bill failed to pass.

Rep. Wooton moved to reconsider the vote by which the above bill failed to pass, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Rep. Gallot, the motion to reconsider the vote by which Senate Bill No. 8 finally passed was called from the table.

Motion

Rep. Gallot moved to reconsider the vote by which Senate Bill No. 8 finally passed, which motion was agreed to.

Suspension of the Rules

Rep. Gallot moved to suspend the rules to reconsider the vote by which Senate Bill No. 8 finally passed on the same legislative day.

Rep. St. Germain objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Downs	Peterson
Abramson	Fannin	Pope
Armes	Gallot	Pugh
Badon, A.	Henry	Richard
Barras	Hoffmann	Robideaux
Burford	Lambert	Schroder
Burns, H.	Leger	Simon
Burns, T.	Little	Smith, G.
Champagne	Lorusso	Smith, J.
Chandler	Morrell	Temple
Chaney	Morris	Trahan
Cortez	Pearson	Williams
Dove	Perry	
Total - 38		

NAYS

Anders	Guillory, M.	Lopinto
Aubert	Guinn	Marchand
Badon, B.	Hardy	Mills

Baldone	Harrison	Monica
Barrow	Hazel	Montoucet
Billiot	Henderson	Norton
Burrell	Hill	Nowlin
Carter	Honey	Ponti
Cazayoux	Howard	Richardson
Connick	Hutter	Richmond
Cromer	Jackson G.	Ritchie
Danahay	Jackson M.	Roy
Dixon	Johnson	Smith, P.
Doerge	Jones, R.	St. Germain
Edwards	Jones, S.	Talbot
Ellington	Katz	Waddell
Foil	Kleckley	White
Franklin	LaBruzzo	Willmott
Geymann	LaFonta	Wooton
Glclair	LeBas	
Greene	Ligi	
Total - 61		

ABSENT

Arnold	Hines	Smiley
Guillory, E.	McVea	
Total - 5		

The motion, not having received two-thirds vote of the members present and voting, the House refused to suspend the rules.

Motion to reconsider pending.

Acting Speaker Jane Smith in the Chair

SENATE BILL NO. 35—

BY SENATORS CHAISSON, AMEDEE, BROOME, DONAHUE, DUPLESSIS, N. GAUTREAU, JACKSON, KOSTELKA, SCALISE, SMITH AND WALSWORTH

AN ACT

To enact R.S. 42:1117.1, relative to the Code of Governmental Ethics; to prohibit the use of certain actions or methods to circumvent the provisions of the Code of Governmental Ethics; to provide for penalties; and to provide for related matters.

Read by title.

Rep. Abramson sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Abramson to Reengrossed Senate Bill No. 35 by Senator Chaisson

AMENDMENT NO. 1

On page 1, line 2, after "enact" and before "relative" change "R.S. 42:1117.1" to "R.S. 42:1114.4 and 1117.1,"

AMENDMENT NO. 2

On page 1, line 2, after "Ethics;" and before "to" insert "to provide relative to financial disclosure, to require certain disclosures by certain elected officials; to provide for the content of such disclosures; to provide for penalties;"

AMENDMENT NO. 3

On page 1, line 6, after "Section 1." and before "hereby" change "R.S. 42:1117.1 is" to "R.S. 42:1114.4 and 1117.1 are"

AMENDMENT NO. 4

On page 1, between lines 6 and 7, insert the following:

"1114.4. Disclosure statements; certain elected officials

A. Each statewide elected official, member of the legislature, elected member of the State Board of Elementary and Secondary Education, and official elected from a voting district having a population of more than five thousand persons shall disclose the information required by Subsection B of this Section as provided in that Subsection.

B.(1) The following information shall be disclosed:

(a) The name, address, job title, salary, and date of employment of any person who is directly hired by the elected official for employment in the agency of the elected official and who made a contribution or loan in excess of one thousand dollars to a campaign of the elected official or contribution as defined in R.S. 42:1125 and the amount of such contribution or loan.

(b) The name, address, position held, date of appointment, and amount of any compensation provided for such position of any person who is appointed to a board or commission by the elected official and who made a contribution or loan in excess of one thousand dollars to a campaign of such elected official or contribution as defined in R.S. 42:1125 and the amount of such contribution or loan.

(2) The information required to be disclosed by this Section shall be filed each year as part of the elected official's annual financial disclosure statement required by this Part and shall include only those persons who contributed to a campaign and who were hired or appointed within one year of the contribution. This information shall be included in the report which covers the time period in which the employment or appointment occurred. This Section shall be subject to the provisions for enforcement and penalties applicable to such financial disclosure statement.

* * *

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

Speaker Tucker in the Chair

Rep. Henry moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. Speaker, Geymann, Mills, Abramson, Gisclair, Monica, Anders, Greene, Montoucet, Armes, Guillory, E., 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, Hutter, Ritchie, Cazayoux, Jackson G., Robideaux, Champagne, Jackson M., Roy, Chandler, Johnson, Schroder, Chaney, Jones, R., Simon

Table with 3 columns of names: Connick, Jones, S., Smiley, Cortez, Katz, Smith, G., Cromer, Kleckley, Smith, J., Danahay, LaBruzzo, Smith, P., Dixon, LaFonta, St. Germain, Doerge, Lambert, Talbot, Dove, LeBas, Templet, Downs, Leger, Trahan, Edwards, Ligi, Waddell, Ellington, Little, White, Fannin, Lopinto, Williams, Foil, Lorusso, Willmott, Franklin, Marchand, Wooton, Gallot, McVea

Total - 104 NAYS

Total - 0 ABSENT

Total - 0

The Chair declared the above bill was finally passed.

Rep. Henry moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

SENATE BILL NO. 39—

BY SENATORS CHAISSON, AMEDEE, BROOME, DONAHUE, DUPLESSIS, JACKSON, KOSTELKA, SMITH, THOMPSON AND WALSWORTH

AN ACT

To amend and reenact R.S. 42:13 and R.S. 44:37, relative to penalties for violations of laws relative to access to the business of public bodies; to provide relative to criminal penalties for violations of laws relative to meetings of public bodies and public records; to provide for discipline and termination or removal of public employees and certain public officials for certain violations of such laws; and to provide for related matters.

Read by title.

Motion

On motion of Rep. Gallot, the bill was returned to the calendar.

SENATE BILL NO. 57—

BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 42:1121(A)(1), relative to conflicts of interest; to prohibit assistance to certain persons by certain public servants within two years after termination of public service; and to provide for related matters.

Read by title.

Motion

On motion of Rep. Gallot, the bill was returned to the calendar.

Recess

On motion of Rep. Trahan, the Speaker declared the House at recess until 4:15 P.M.

After Recess

Speaker Tucker called the House to order at 4:30 P.M.

ROLL CALL

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

PRESENT

Mr. Speaker	Geymann	Mills
Abramson	Gisclair	Monica
Anders	Greene	Montoucet
Armes	Guillory, E.	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	Hutter	Ritchie
Cazayoux	Jackson G.	Robideaux
Champagne	Jackson M.	Roy
Chandler	Johnson	Schroder
Chaney	Jones, R.	Simon
Connick	Jones, S.	Smiley
Cortez	Katz	Smith, G.
Cromer	Kleckley	Smith, J.
Danahay	LaBruzzo	Smith, P.
Dixon	LaFonta	St. Germain
Doerge	Lambert	Talbot
Dove	LeBas	Templet
Downs	Leger	Trahan
Edwards	Ligi	Waddell
Ellington	Little	White
Fannin	Lopinto	Williams
Foil	Lorusso	Willmott
Franklin	Marchand	Wooton
Gallot	McVea	

Total - 104

ABSENT

Total - 0

The Speaker announced there were 104 members present and a quorum.

Suspension of the Rules

On motion of Rep. Gallot, the rules were suspended to consider the motion to reconsider the vote by which Senate Bill No. 8 finally passed.

Motion

On motion of Rep. Patricia Smith, the motion to reconsider was tabled.

SENATE BILL NO. 11—

BY SENATORS CHAISSON, ALARIO, AMEDEE, BROOME, CHEEK, CRAVINS, CROWE, DORSEY, DUPLESSIS, DUPRE, ERDEY, B. GAUTREAUX, N. GAUTREAUX, HEBERT, HEITMEIER, KOSTELKA, LONG, MARIONNEAUX, MARTINY, MICHOT, MORRISH, MOUNT, NEVERS, QUINN, RISER, SCALISE, SHAW, SHEPHERD, SMITH, THOMPSON AND WALSWORTH

AN ACT

To amend and reenact R.S. 24:51(2) and (5)(a), 53(A), (G) and (H), 54(A)(2), 55(B), (C) and (D), and R.S. 49:72(5), 74(A), (E) and (F), 75(A)(2), 76(B), (C) and (D) and to enact R.S. 24:57(3) and

(4), and 58(D)(3), (4) and (5), and R.S. 49:77(4) and (5), and 78(D)(3),(4) and (5), relative to lobbying; to provide relative to legislative lobbying; to provide relative to executive branch lobbying; to provide relative to regulations affecting lobbyists; to provide relative to restrictions affecting lobbyists; to provide relative to the electronic filing of registrations and expenditure reports; to require certain information relative to lobbyist registrations; to provide relative to the content of expenditure reports; to provide for monthly filing of expenditure reports; to provide for the electronic storage and access of filings; to provide for the definition of a statewide elected official; to provide for the definition of an executive branch department head; to clarify the definition of lobbyist; to provide for the consequences of inaccurate or incomplete filings; to provide for failure to amend a registration or expenditure report; to provide for the filing of a false statement or false representation of a material fact; to provide for fines; to provide for penalties; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Gallot sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Gallot to Reengrossed Senate Bill No. 11 by Senator Chaisson

AMENDMENT NO. 1

Delete the set of amendments proposed by the House Committee on House and Governmental Affairs and adopted by the House of Representatives on February 19, 2008

AMENDMENT NO. 2

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

"To amend and reenact R.S. 24:51(2), 53(A), (G), and (H), 54(A)(2), and 55, and R.S. 49:72(5), 74(A), (E) and (F), 75(A)(2), and 76 and to enact R.S. 24:51(7), 57(3), and 58(D)(3), (4), and (5), and R.S. 49:77(4), and 78(D)(3), (4), and (5), relative to lobbying; to provide relative to the regulation of lobbyists; to provide definitions; to provide relative to the registration of lobbyists; to provide relative to the reporting requirements of lobbyists; to provide for penalties; and to provide for related matters."

AMENDMENT NO. 3

On page 2, delete lines 2 through 29 and delete pages 3 through 16 and insert:

"Section 1. R.S. 24:51(2), 53(A), (G), and (H), 54(A)(2), and 55 are hereby amended and reenacted and R.S. 24:51(7), 57(3), and 58(D)(3), (4), and (5) are hereby enacted to read as follows:

§51. Definitions

When used in this Part:

* * *

(2) "Expenditure" means the gift or payment of money or ~~anything~~ any thing of value when the amount of value exceeds ten dollars for the purchase of food, drink, or refreshment for a legislator, for the spouse or minor child of a legislator, or for a public servant, other than a legislator, in the legislative branch of state government and any gift or payment as permitted by R.S. 42:1123(13) and (16)

when the value exceeds ten dollars for the purpose of lobbying when the lobbyist or principal accounts or would be expected to account for the expenditure as an ordinary and necessary expense directly related to the active conduct of the lobbyist's, his employer's, or the principal's trade or business.

* * *

(7) "Public servant" shall have the same meaning as provided in R.S. 42:1102.

* * *

§53. Registration of lobbyists with the board; compilation of information

A. Each lobbyist shall register with the board ~~within~~ as soon as possible after employment as a lobbyist or after the first action requiring his registration as a lobbyist, whichever occurs first, and in any event not later than five days of after employment as a lobbyist or within not later than five days after the first action requiring his registration as a lobbyist, whichever occurs first. He shall ~~give to~~ electronically file with the board in writing, on using forms provided by it, the following information:

- (1) His name and business address.
- (2) The name and address of each person by whom he is employed and, if different, whose interests he represents, including the business in which that person is engaged.
- (3)(a) The name of each person by whom he is paid or is to be paid, the amount he is paid or is to be paid for the purpose of lobbying, and a characterization of such payment as paid, earned but not received, or prospective.

(b) Amounts required to be disclosed pursuant to this Paragraph shall be reported by category of value. The categories shall be:

- (i) Category I, \$24,999 or less.
- (ii) Category II, \$25,000-\$49,999.
- (iii) Category III, \$50,000-\$99,999.
- (iv) Category IV, \$100,000-\$249,999.
- (v) Category V, \$250,000 or more.

(4)(a) An indication of potential subject matters about which he anticipates lobbying.

(b) Indication of potential subject matters shall be made by choosing from the following potential subject matter categories:

- (i) Aerospace and space technology.
- (ii) Agriculture: horticulture; livestock; poultry.
- (iii) Agriculture: forestry; timber.
- (iv) Alcohol and other beverages.
- (v) Arts and entertainment.
- (vi) Aquaculture and fisheries.
- (vii) Business and private and commercial enterprises.
- (viii) Banking, financial, and accounting.

(ix) Charities and social services, faith-based organizations, and community outreach.

(x) Computers, hardware, software, and intellectual property.

(xi) Construction, contracting, and real estate.

(xii) Educational services: colleges; technical schools; trade schools.

(xiii) Environmental quality, conservation, and wildlife preservation.

(xiv) Gaming.

(xv) Government: local; municipal; parish; state; federal.

(xvi) Health care: hospitals; nursing homes; elderly care; hospice.

(xvii) Health care: physicians; nurse practitioners; nurses.

(xviii) Health care: pharmaceutical and medical devices; research; development; sales.

(xix) Homeland security.

(xx) Hotels, restaurants, and tourism.

(xxi) Insurance.

(xxii) International trade.

(xxiii) Law and lawyers.

(xxiv) Manufacturing: oil and gas; mining; refining; production; chemical industry.

(xxv) Manufacturing: wholesale.

(xxvi) Military and veterans affairs.

(xxvii) Public safety, police, and fire.

(xxviii) Telecommunications.

(xxix) Tobacco industry.

(xxx) Transportation.

(xxxi) Unions, labor issues, and special advocacy groups.

(xxxii) Utilities: electric; gas; water; nuclear.

(b) The unintentional omission of a potential subject matter as provided in this Paragraph shall not be a violation of this Part.

(5) The identity of each legislator or spouse of a legislator with whom he or his employer or principal has, or has had in the preceding twelve months, a business relationship. For purposes of this Paragraph, "business relationship" means any transaction, contract, or activity that is conducted or undertaken for profit and which arises from a joint ownership interest, partnership, or common legal entity between a lobbyist his employer or principal and a legislator or spouse of a legislator when the legislator or spouse owns ten percent or more of such interest, partnership, or legal entity.

~~(4)~~(6) One copy of a two inch by two inch recent photograph of the registrant made within the prior six months shall be filed with the initial registration form for a legislative term.

(7) If a lobbyist is compensated for lobbying and non-lobbying services, he shall reasonably allocate his compensation and report only the amount received for lobbying in the manner provided in this Part.

* * *

G. The forms shall be published electronically by the board. Registrations which have been filed shall be maintained in the office of the board by the board and made available to the public via the Internet. The filing by a lobbyist of any information required under this Section shall constitute a certification that the information is true and correct to the best of his knowledge, information, and belief and that no information required by this Part has been deliberately omitted.

H. Whenever any information contained in his registration changes, or the lobbyist begins representing an additional person, a supplemental electronic registration shall be filed with the board within as soon as possible after such change occurs and in any event not later than five days of after such change, on using forms provided by the board.

* * *

§54. Reports and statements under oath

A.

* * *

(2) ~~At~~ Except as otherwise specifically provided in this Part, reports, registrations, notices, and statements required under this Part shall be filed by mailing said documents through the United States Postal Service, delivering by hand or through a commercial delivery service, or by transmitting by facsimile or electronic transfer.

* * *

§55. Lobbyist expenditure reports

A. Each lobbyist registered under the provisions of this Part shall file with the board, in the manner provided in this Section, a report of all expenditures incurred for the purpose of lobbying.

B. A report shall be filed semi-annually, and shall be filed, or if mailed shall be postmarked, as follows:

(1) ~~By August fifteenth for the period from January first through June thirtieth.~~

(2) ~~By February fifteenth for the period from July first through December thirty-first.~~ monthly. The report for each month shall be filed by the fifteenth of the following month.

C. (1) The report shall be electronically filed on forms provided by with the board, shall be signed by the person filing, and shall include a certification of accuracy by the person responsible for filing the report, as provided by R.S. 24:54(A) in a format suitable for use on the database required by R.S. 24:57(3). The filing of any report under this Section by a lobbyist shall constitute a certification that the information contained in the report is true and correct to the best of his knowledge, information, and belief; that no reportable expenditures have been made that are not included therein as required by law; and that no information required by this Part has been deliberately omitted.

(2) A lobbyist shall retain records that document all reports made pursuant to this Part for no less than three years.

D.(1) Each report shall include the following:

(a) A listing of each subject matter lobbied during each reporting period.

(b) The total of all expenditures made during each reporting period.

~~(b)~~ (c) The aggregate total of expenditures attributable to an individual legislator as provided in Subsection E of this Section or public servant, other than a legislator, in the legislative branch of state government during each reporting period, including the name of the legislator or other public servant.

(d) The aggregate total of expenditures attributable to the spouse or minor child of a legislator during each reporting period. The name of the spouse or minor child shall not be included. The aggregate total of such expenditures shall be reported as follows:

"The aggregate total of expenditures attributable to the spouse of (insert name of legislator) was (insert aggregate total of expenditures)."

The aggregate total of expenditures attributable to the minor child or children of (insert name of legislator) was (insert aggregate total of expenditures)."

~~(d)~~ (e) The aggregate total of expenditures for all reporting periods during the same calendar year.

(f) The aggregate total of all expenditures attributable to an individual legislator as provided in Subsection E of this Section or public servant, other than a legislator, in the legislative branch of state government for all reporting periods during the same calendar year, including the name of the legislator or other public servant.

(g) The aggregate total of all expenditures attributable to the spouse or minor child of a legislator for all reporting periods during the same calendar year. The name of the spouse or minor child shall not be included. The aggregate total of such expenditures shall be reported as follows:

"The aggregate total of expenditures attributable to the spouse of (insert name of legislator) for all reporting periods during the year was (insert aggregate total of expenditures)."

The aggregate total of expenditures attributable to the minor child or children of (insert name of legislator) for all reporting periods during the year was (insert aggregate total of expenditures)."

(2) For the purposes of this Section, the aggregate amount or any per occasion amount attributable to a legislator or spouse or minor child of a legislator or public servant, other than a legislator, in the legislative branch of state government shall not include any expenditure which is required to be reported in Paragraph F(1) E(1) of this Section or which is exempt under Paragraph F(2) E(2) or (3) of this Section.

E. When the aggregate expenditure for any one legislator exceeds the sum of fifty dollars on any one occasion, or when the aggregate expenditure for any one legislator exceeds the sum of two hundred fifty dollars in a reporting period, then the total amount of expenditures for the legislator during the reporting period shall be attributable to an individual legislator.

F(1) E.(1) Each report shall include a statement of the expenditure for each reception, social gathering, or other function to which the entire legislature, either house, any standing committee, select committee, statutory committee, committee created by resolution of either house, subcommittee of any committee, recognized caucus, or any delegation thereof, is invited which

amount is attributable to such invitation. Any report of such amount shall include the name of the group or groups invited and the date and location of the reception, social gathering, or other function.

(2) Any expenditure, as defined herein, for any reception or social gathering sponsored in whole or in part by a lobbyist, individually or on behalf of a principal he represents, held in conjunction with a meeting of a national or regional organization of legislators or legislative staff to which any legislator is invited shall be exempt from the provisions of this Part.

(3) Any expenditure for any meal or refreshment consumed by or offered to a legislator in connection with the legislator giving a speech, being a member of a panel, or otherwise being involved in an informational presentation to a group shall not be reportable. However, any expenditure for any meal or refreshment consumed by a legislator in connection with any out-of-state event permitted by R.S. 42:1123(16) shall be reported in accordance with the provisions of this Section.

~~G.(4)~~ F.(1) Any expenditures by a lobbyist's principal or employer made in the presence of the lobbyist shall be reported by the lobbyist as provided in this Part.

(2) Any lobbyist's principal or employer who makes direct expenditures required to be reported pursuant to this Part shall timely furnish its lobbyist information about such expenditures as necessary for compliance with this Part. Such information shall be furnished to the lobbyist no later than two business days after the close of each reporting period.

(3) Any lobbyist's principal or employer who makes direct expenditures required to be reported pursuant to this Part who fails to provide its lobbyist the information regarding such expenditures as provided in Paragraph (2) of this Subsection shall be required to register as a lobbyist pursuant to this Part and shall be subject to penalties for violations of this Part.

* * *

§57. Administration

The board, in performance of its duties under this Part, shall:

* * *

(3) Establish and maintain access to a searchable electronic database available to the public via the Internet.

§58. Enforcement

* * *

D. In addition to any other applicable penalties:

* * *

(3) If the board determines that a person has filed a registration or report required by this Part that is inaccurate or incomplete, the board shall mail by certified mail a notice of delinquency informing the person that the inaccuracy must be corrected or the missing information must be provided no later than fourteen business days after receipt of the notice of delinquency. The notice of delinquency shall include the deadline for correcting the inaccuracy or providing the missing information. If the person corrects the inaccuracy or provides the missing information prior to the deadline contained in the notice of delinquency, no penalties shall be assessed against the person.

(4) Whoever fails to correct the inaccuracy or provide the missing information by the deadline included in the notice of delinquency shall be subject to penalties as provided by law.

(5)(a) Any person who with knowledge of its falsity files a registration or report as required in this Part that contains a false statement or false representation of a material fact shall be subject to the assessment of the civil penalties provided in Part III of Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950, and the findings of the board relative to such filing shall be referred by the board to the appropriate district attorney for prosecution pursuant to R.S. 14:133.

(b) The board may recommend to the legislature that any person penalized as provided in Subparagraph (a) of this Paragraph be censured by the legislature.

Section 2. R.S. 49:72(5), 74(A), (E), and (F), 75(A)(2), and 76 are hereby amended and reenacted and R.S. 49:77(4), and 78(D)(3), (4), and (5) are hereby enacted to read as follows:

§72. Definitions

When used in this Part:

* * *

(5) "Expenditure" means the gift or payment of money or anything - any thing of value when the amount of value exceeds ten dollars for the purchase of food, drink, or refreshment for an executive branch official or for the spouse or minor child of an executive branch official and any gift or payment permitted by R.S. 42:1123(13) when the value exceeds ten dollars for the purpose of lobbying when the lobbyist or principal accounts, or would be expected to account, for the expenditure as an ordinary and necessary expense directly related to the active conduct of the lobbyist's, his employer's, or the principal's trade or business.

* * *

§74. Registration of lobbyists with the ethics board; compilation of information

A. Each lobbyist shall register with the ethics board within as soon as possible after employment as a lobbyist or after the first action requiring his registration as a lobbyist, whichever occurs first, and in any event not later than five days of after employment as a lobbyist or within not later than five days after the first action requiring his registration as a lobbyist, whichever occurs first. He shall give to electronically file with the ethics board in writing, on using forms provided by it, the following information:

(1) His name and business address.

(2) The name and address of each person by whom he is employed and, if different, whose interests he represents, including the business in which that person is engaged.

(3)(a) The name of each person by whom he is paid or is to be paid, the amount he is paid or is to be paid for the purpose of lobbying, and a characterization of such payment as paid, earned but not received, or prospective.

(b) Amounts required to be disclosed pursuant to this Paragraph shall be reported by category of value. The categories shall be:

(i) Category I, \$24,999 or less.

(ii) Category II, \$25,000-\$49,999.

(iii) Category III, \$50,000-\$99,999.

(iv) Category IV, \$100,000-\$249,999.

(v) Category V, \$250,000 or more.

(4)(a) An indication of potential subject matter about which he anticipates lobbying.

(b) Indication of potential subject matters shall be made by choosing from the following potential subject matter categories:

- (i) Aerospace and space technology.
- (ii) Agriculture: horticulture; livestock; poultry.
- (iii) Agriculture: forestry; timber.
- (iv) Alcohol and other beverages.
- (v) Arts and entertainment.
- (vi) Aquaculture and fisheries.
- (vii) Business and private and commercial enterprises.
- (viii) Banking, financial, and accounting.
- (ix) Charities and social services, faith-based organizations, and community outreach.
- (x) Computers, hardware, software, and intellectual property.
- (xi) Construction, contracting, and real estate.
- (xii) Educational services: colleges; technical schools; trade schools.
- (xiii) Environmental quality, conservation, and wildlife preservation.
- (xiv) Gaming.
- (xv) Government: local; municipal; parish; state; federal.
- (xvi) Health care: hospitals; nursing homes; elderly care; hospice.
- (xvii) Health care: physicians; nurse practitioners; nurses.
- (xviii) Health care: pharmaceutical and medical devices; research; development; sales.
- (xix) Homeland security.
- (xx) Hotels, restaurants, and tourism.
- (xxi) Insurance.
- (xxii) International trade.
- (xxiii) Law and lawyers.
- (xxiv) Manufacturing: oil and gas; mining; refining; production; chemical industry.
- (xxv) Manufacturing: wholesale.
- (xxvi) Military and veterans affairs.
- (xxvii) Public safety, police, and fire.
- (xxviii) Telecommunications.
- (xxix) Tobacco industry.
- (xxx) Transportation.

(xxxi) Unions, labor issues, and special advocacy groups.

(xxxii) Utilities: electric; gas; water; nuclear.

(c) The unintentional omission of a potential subject matter as provided in this Paragraph shall not be a violation of this Part.

(5)(a) The identity of each statewide elected official or executive branch department head or spouse of a statewide elected official or executive branch department head with whom he or his employer or principal has or has had in the preceding twelve months a business relationship.

(b) For the purposes of this Paragraph, the following terms shall have the following meanings:

(i) "Executive branch department head" means:

(aa) The secretary of each of the following departments of state government:

(I) The Department of Economic Development.

(II) The Department of Culture, Recreation and Tourism.

(III) The Department of Environmental Quality.

(IV) The Department of Health and Hospitals.

(V) The Department of Labor.

(VI) The Department of Natural Resources.

(VII) The Department of Public Safety and Corrections.

(VIII) The Department of Revenue.

(IX) The Department of Social Services.

(X) The Department of Transportation and Development.

(XI) The Department of Wildlife and Fisheries.

(XII) The Department of Veterans Affairs.

(bb) The executive secretary of the Public Service Commission.

(cc) The director of state civil service.

(dd) Each member of the State Board of Elementary and Secondary Education.

(ee) The state superintendent of education, the commissioner of higher education, and the president of each public postsecondary education system.

(ff) The commissioner of the division of administration.

(gg) Each member of the Board of Ethics and the ethics administrator.

(hh) The chief of staff of the office of the governor.

(ii) The executive counsel to the governor.

(iii) "Business relationship" means any transaction or activity that is conducted or undertaken for profit and which arises from a joint ownership interest, partnership, or common legal entity between a lobbyist or his employer or principal and an executive branch department head or spouse of an executive branch department head or a statewide elected official or spouse of a statewide elected official.

when the executive branch department head or spouse or the statewide elected official or spouse owns ten percent or more of such interest, partnership, or legal entity.

~~(4)~~(6) One copy of a two-inch-by-two-inch recent photograph of the registrant made within the prior six months shall be filed with the initial registration form.

* * *

E. The forms shall be published electronically by the ethics board. Registrations which have been filed shall be maintained ~~in the office of~~ by the ethics board and made available to the public via the Internet. The electronic filing by a lobbyist of any information required under this Section shall constitute a certification that the information is true and correct to the best of his knowledge, information, and belief and that no information required by this Part has been deliberately omitted.

F. Whenever any information contained in his registration changes, or the lobbyist begins representing an additional person, a supplemental electronic registration shall be filed with the ethics board ~~within~~ as soon as possible after such change occurs and in any event not later than five days ~~of~~ after such change ~~on~~ using forms provided by the ethics board.

* * *

§75. Reports and statements under oath

A.

* * *

(2) ~~All~~ Except as otherwise specifically provided in this Part, reports, registrations, and statements required under this Part shall be filed by mailing said documents through the United States Postal Service, delivering by hand or through a commercial delivery service, or by transmitting by facsimile or electronic transfer.

* * *

§76. Lobbyist expenditure reports

A. Each lobbyist registered under the provisions of this Part shall file with the ethics board, in the manner prescribed by the ethics board by rule in accordance with the provisions of this Part, a report of all expenditures incurred for the purpose of lobbying.

B. A report shall be filed ~~semiannually, and shall be filed, or if mailed shall be postmarked, as follows: monthly.~~ The report for each month shall be filed by the fifteenth of the following month.

(1) ~~By August fifteenth for the period from January first through June thirtieth.~~

(2) ~~By February fifteenth for the period from July first through December thirty-first.~~

C.(1) The report shall be electronically filed ~~on~~ using forms provided by the ethics board; ~~shall be signed by the person filing, and shall include a certification of accuracy by the person responsible for filing the report in a format suitable for use on the database required by R.S. 49:77(4).~~ The electronic filing by a lobbyist of any report required under this Section shall constitute a certification that the information contained in the report is true and correct to the best of his knowledge, information, and belief; that no reportable expenditures have been made that are not included therein as required by law; and that no information required by this Part has been deliberately omitted.

(2) A lobbyist shall retain records that document all reports made pursuant to this Part for no less than three years.

D.(1) Each report shall include the following:

(a) A listing of each subject matter lobbied during each reporting period.

(b) The total of all expenditures made during each reporting period aggregated in the manner prescribed by the ethics board by rule.

~~(b)~~ (c) The aggregate total of expenditures attributable to an individual executive branch official as provided in Subsection E of this Section during each reporting period, including the name of the executive branch official and his executive branch agency.

(d) The aggregate total of expenditures attributable to the spouse or minor child of a executive branch official during each reporting period. The name of the spouse or minor child shall not be included. The aggregate total of such expenditures shall be reported as follows:

"The aggregate total of expenditures attributable to the spouse of (insert name of executive branch official) was (insert aggregate total of expenditures).

The aggregate total of expenditures attributable to the minor child or children of (insert name of executive branch official) was (insert aggregate total of expenditures)."

~~(d)~~ (e) The aggregate total of expenditures for all reporting periods during the same calendar year, aggregated in the manner prescribed by the ethics board by rule.

(f) The aggregate total of all expenditures attributable to an individual executive branch official as provided in Subsection E of this Section for all reporting periods during the same calendar year, including the name of the executive branch official and his executive branch agency.

(g) The aggregate total of all expenditures attributable to the spouse or minor child of an executive branch official for all reporting periods during the same calendar year. The name of the spouse or minor child shall not be included. The aggregate total of such expenditures shall be reported as follows:

"The aggregate total of expenditures attributable to the spouse of (insert name of executive branch official) for all reporting periods during the year was (insert aggregate total of expenditures).

The aggregate total of expenditures attributable to the minor child or children of (insert name of executive branch official) for all reporting periods during the year was (insert aggregate total of expenditures)."

(2) For the purposes of this Section, the aggregate amount or any per occasion amount attributable to an executive branch official or spouse or minor child of an executive branch official shall not include any expenditure which is otherwise required to be reported in Paragraph ~~(F)~~(1) (E)(1) of this Section or which is exempt as provided in Paragraph ~~(F)~~(2) (E)(2) or (3) of this Section.

E. When the aggregate expenditure for any one executive branch official exceeds the sum of fifty dollars on any one occasion, or when the aggregate expenditure for any one executive branch official exceeds the sum of two hundred fifty dollars in a reporting period, then the total amount of expenditures for the executive branch official during the reporting period shall be attributable to an individual executive branch official.

~~F.(4)~~ (E)(1) Each report shall include a statement of the expenditure for each reception, social gathering, or other function to which more than twenty-five executive branch officials are invited. Any report of such amount shall include the name of the group or groups invited and the date and location of the reception, social gathering, or other function.

(2) Any expenditure, as defined herein, for any reception or social gathering sponsored in whole or in part by a lobbyist, individually or on behalf of a principal he represents, held in conjunction with a meeting of a national or regional organization of executive branch officials shall be exempt from the provisions of this Part.

(3) Any expenditure for any meal or refreshment consumed by or offered to an executive branch official which is incidental to the executive branch official giving a speech, being a member of a panel, or otherwise being involved in an informational presentation to a group shall be exempt from the provisions of this Part.

~~G.(1)(a)~~ F.(1)(a) Any expenditures by a lobbyist's principal or employer made in the presence of the lobbyist shall be reported by the lobbyist as provided in this Part.

(b) Any lobbyist's principal or employer who makes direct expenditures required to be reported pursuant to this Part shall timely furnish its lobbyist information about such expenditures as necessary for compliance with this Part. Such information shall be furnished to the lobbyist no later than two business days after the close of each reporting period.

(c) Any lobbyist's principal or employer who makes direct expenditures required to be reported pursuant to this Part who fails to provide its lobbyist the information regarding such expenditures as provided in Subparagraph (b) of this Paragraph shall be required to register as a lobbyist pursuant to this Part and shall be subject to penalties for violations of this Part.

(2)(a) Notwithstanding any provision of this Part to the contrary, a lobbyist's principal or employer may opt to file reports required by this Section in the manner prescribed by the ethics board by rule on behalf of all of the lobbyists who represent such principal's or employer's interests. If a lobbyist's principal or employer opts to file such reports, the principal or employer shall notify the ethics board no later than January thirty-first of each year, and such option shall be effective for the reporting of all expenditures made during that calendar year. The notification shall include a listing of all persons on whose behalf the lobbyist's principal or employer is filing the reports required by this Section.

(b) Any lobbyist whose principal or employer opts pursuant to this Paragraph to file the reports required by this Section shall timely furnish its principal or employer all information about expenditures as necessary for compliance with this Part. Such information shall be furnished to the principal or employer no later than two business days after the close of each reporting period.

(c) Any lobbyist's principal or employer who opts pursuant to this Paragraph to file the reports required by this Section who fails to file or timely file such reports shall be liable for and subject to any applicable late fees or penalties, or both for violations of this Part.

§77. Administration

The board, in performance of its duties under this Part, shall:

* * *

(4) Establish and maintain access to a searchable electronic database available to the public via the Internet.

§78. Enforcement

* * *

D. In addition to any other applicable penalties:

* * *

(3) If the board determines that a person has filed a registration or report required by this Part that is inaccurate or incomplete, the board shall mail by certified mail a notice of delinquency informing the person that the inaccuracy must be corrected or the missing information must be provided no later than fourteen business days after receipt of the notice of delinquency. The notice of delinquency shall include the deadline for correcting the inaccuracy or providing the missing information. If the person corrects the inaccuracy or provides the missing information prior to the deadline contained in the notice of delinquency, no penalties shall be assessed against the person.

(4) Whoever fails to correct the inaccuracy or provide the missing information by the deadline included in the notice of delinquency shall be subject to penalties as provided by law.

(5)(a) Any person who with knowledge of its falsity files a registration or report as required in this Part that contains a false statement or false representation of a material fact shall be subject to the assessment of the civil penalties provided in Part III of Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950, and the findings of the board relative to such filing shall be referred by the board to the appropriate district attorney for prosecution pursuant to R.S. 14:133.

(b) The board may recommend to the legislature that any person penalized as provided in Subparagraph (a) of this Paragraph be censured by the legislature.

Section 3. The first monthly expenditure report as required by R.S. 24:55 and R.S. 49:76 as amended and reenacted in this Act shall be filed not later than February 15, 2009, and shall include information for the month of January, 2009. In addition, not later than February 15, 2009, each lobbyist shall file an expenditure report for the period from July 1, 2008 through December 31, 2008, as required by R.S. 24:55 and R.S. 49:76 prior to the effective date of this Act.

Section 4. The provisions of this Act shall become effective on January 1, 2009."

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

Rep. Gallot sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Gallot to Reengrossed Senate Bill No. 11 by Senator Chaisson

AMENDMENT NO. 1

In House Floor Amendment No. 3 proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 15, line 1, change "(5)(a)" to "(5)"

AMENDMENT NO. 2

In House Floor Amendment No. 3 proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 15, delete lines 8 through 10

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

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10th Day's Proceedings - February 21, 2008

Rep. Morrell sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Morrell to Reengrossed Senate Bill No. 11 by Senator Chaisson

AMENDMENT NO. 1

In House Floor Amendment No. 3 proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 5, line 3, change "fifteenth" to "twenty-fifth"

AMENDMENT NO. 2

In House Floor Amendment No. 3 proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 5, line 18, delete "period." and insert "period pursuant to R.S. 24:53(4)."

AMENDMENT NO. 3

In House Floor Amendment No. 3 proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 11, line 44, change "fifteenth" to "twenty-fifth"

AMENDMENT NO. 4

In House Floor Amendment No. 3 proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 12, line 19, delete "period." and insert "period pursuant to R.S. 49:74(4)"

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

Rep. Baldone sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Baldone to Reengrossed Senate Bill No. 11 by Senator Chaisson

AMENDMENT NO. 1

In House Floor Amendment No. 2 of the set of Floor Amendments proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 1, delete lines 6 through 12, and insert the following:

"To amend and reenact R.S. 24:51(2) and (5), 53(A), (G), and (H), 54(A)(2), and 55, and R.S. 49:72(5) and (7), 74(A), (E) and (F), 75(A)(2), and 76 and to enact R.S. 24:51(7), 57(3), and 58(D)(3), (4), and (5), and R.S. 49:77(4), and 78(D)(3), (4), and (5), relative to lobbying; to provide relative to the regulation of lobbyists; to provide definitions; to provide relative to the registration of lobbyists; to provide relative to the reporting requirements of lobbyists; to provide for penalties; and to provide for related matters."

AMENDMENT NO. 2

In House Floor Amendment No. 3 of the set of Floor Amendments proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 1, delete lines 15 and 16 and insert the following:

"Section 1. R.S. 24:51(2) and (5), 53(A), (G), and (H), 54(A)(2), and 55 are hereby amended and reenacted and R.S. 24:51(7), 57(3), and 58(D)(3), (4),"

AMENDMENT NO. 3

In House Floor Amendment No. 3 of the set of Floor Amendments proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 1, between lines 31 and 32, insert the following:

"(5) "Lobbyist" means:

(a) Any person who ~~is employed or engaged for compensation to act in a representative capacity for the purpose of lobbying if lobbying constitutes one of the duties of such employment or engagement;~~ enters into a contract the primary purpose of which is to lobby and who does lobby and is compensated therefore; or

(b) Any person who receives compensation ~~of any kind, including reimbursement of expenditures,~~ to act in a representative capacity when one of the functions for which compensation is paid is lobbying for the direct purpose of lobbying (excluding reimbursement for expenses related to travel to the legislature, phone calls, and postage) and who makes expenditures as herein defined of five hundred dollars or more in a calendar year for the purpose of lobbying.

(c) For purposes of this Paragraph, "compensation" includes any payment of money or anything of value, including reimbursement of any expenditure, unless otherwise provided.

* * *

AMENDMENT NO. 4

In House Floor Amendment No. 3 of the set of Floor Amendments proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 7, line 36, after "49:72(5)" delete the comma "," and insert "and (7)."

AMENDMENT NO. 5

In House Floor Amendment No. 3 of the set of Floor Amendments proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 8, between lines 7 and 8, insert the following:

"(7) "Lobbyist" means:

(a) Any person who ~~is employed or engaged for compensation to act in a representative capacity for the purpose of lobbying if lobbying constitutes one of the duties of such employment or engagement;~~ enters into a contract the primary purpose of which is to lobby and who does lobby and is compensated therefore; however, any person who is engaged or employed to provide a professional service to a person and incidental to such professional service such person communicates with an executive branch agency or official or makes an appearance or assists in an appearance with an executive branch agency or official shall not be a lobbyist unless such person or the person who engaged the professional services of or employed such person makes an expenditure as defined in this Section; or

(b) Any person who receives compensation ~~of any kind, including reimbursement of expenditures,~~ to act in a representative capacity when one of the functions for which compensation is paid is lobbying for the direct purpose of lobbying (excluding reimbursement for expenses related to travel to the legislature, phone calls, and postage) and who makes expenditures as herein defined of five hundred dollars or more in a calendar year for the purpose of lobbying.

(c) For purposes of this Paragraph, "compensation" includes any payment of money or anything of value, including reimbursement of any expenditure, unless otherwise provided.

* * *

On motion of Rep. Baldone, the amendments were withdrawn.

Acting Speaker Smiley in the Chair

Rep. Tucker sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Tucker to Reengrossed Senate Bill No. 11 by Senator Chaisson

AMENDMENT NO. 1

In House Floor Amendment No. 3 of the set of House Floor Amendments proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 1, line 22, after "thing of value" delete the remainder of the line and insert "for the"

AMENDMENT NO. 2

In House Floor Amendment No. 3 of the set of House Floor Amendments proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 1, line 26, after "42:1123(13) and (16)" delete the remainder of the line and on line 27, delete "ten dollars"

AMENDMENT NO. 3

In House Floor Amendment No. 3 of the set of House Floor Amendments proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 7, line 43, after "of value" delete "when the amount of value exceeds ten dollars"

AMENDMENT NO. 4

In House Floor Amendment No. 3 of the set of House Floor Amendments proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 3, after "42:1123(13)" delete "when the value exceeds ten dollars"

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

Rep. Peterson sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Peterson to Reengrossed Senate Bill No. 11 by Senator Chaisson

AMENDMENT NO. 1

In House Floor Amendment No. 3 proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 10, at the end of line 35, delete "governor." and insert "governor and any person employed in his office, excluding clerical employees."

AMENDMENT NO. 2

In House Floor Amendment No. 3 proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 11, at the end of line 1 delete "governor." and insert "governor and any person employed in his office, excluding clerical employees."

AMENDMENT NO. 3

In House Floor Amendment No. 3 proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 11, between lines 1 and 2, insert "(j) The legislative director for the governor and any person employed in his office, excluding clerical employees."

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

Speaker Tucker in the Chair

Speaker Pro Tempore Peterson in the Chair

Rep. Richmond sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Richmond to Reengrossed Senate Bill No. 11 by Senator Chaisson

AMENDMENT NO. 1

In House Floor Amendment No. 3 proposed by Representative Gallot and adopted by the House of Representatives on February 21, 2008, on page 7, delete lines 33 through 34 and insert the following:

"(b) The board shall notify the chief clerical officer of each house of the legislature of any violation of Subparagraph (a) of this Paragraph, including the name of any person determined to be in violation."

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

Rep. Downs sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Downs to Reengrossed Senate Bill No. 11 by Senator Chaisson

AMENDMENT NO. 1

In House Floor Amendment No. 3 proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 2, delete lines 20 through 24 in their entirety and insert

"(i) Category I, \$4,999 or less.

"(ii) Category II, \$5,000-\$24,999.

"(iii) Category III, \$25,000-\$49,999.

"(iv) Category IV, \$50,000-\$99,999.

"(v) Category V, \$100,000-\$249,999.

"(vi) Category VI, \$250,000 or more."

AMENDMENT NO. 2

In House Floor Amendment No. 3 proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 8, delete lines 27 through 31 in their entirety and insert

"(i) Category I, \$4,999 or less.

"(ii) Category II, \$5,000-\$24,999.

"(iii) Category III, \$25,000-\$49,999.

"(iv) Category IV, \$50,000-\$99,999.

"(v) Category V, \$100,000-\$249,999.

"(vi) Category VI, \$250,000 or more."

On motion of Rep. Downs, the amendments were withdrawn.

Rep. Gallot moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Geymann	Mills
Abramson	Gisclair	Monica
Anders	Greene	Montoucet
Armes	Guillory, E.	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	Hutter	Ritchie
Cazayoux	Jackson G.	Robideaux
Champagne	Jackson M.	Roy
Chandler	Johnson	Schroder
Chaney	Jones, R.	Simon
Connick	Jones, S.	Smiley
Cortez	Katz	Smith, G.
Cromer	Kleckley	Smith, J.
Danahay	LaBruzzo	Smith, P.
Dixon	LaFonta	St. Germain
Doerge	Lambert	Talbot
Dove	LeBas	Templet
Downs	Leger	Trahan
Edwards	Ligi	Waddell
Ellington	Little	White
Fannin	Lopinto	Williams
Foil	Lorusso	Willmott
Franklin	Marchand	Wooton
Gallot	McVea	

Total - 104

NAYS

Total - 0

ABSENT

Total - 0

The Chair declared the above bill was finally passed.

Rep. Gallot moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

SENATE BILL NO. 44—

BY SENATORS CHAISSON, ALARIO, AMEDEE, BROOME, CHEEK, CRAVINS, CROWE, DONAHUE, DORSEY, DUPLESSIS, DUPRE, ERDEY, B. GAUTREAU, N. GAUTREAU, HEBERT, HEITMEIER, JACKSON, KOSTELKA, LONG, MARTINY, MICHOT, MORRISH, MOUNT, MURRAY, NEVERS, QUINN, RISER, SCALISE, SHAW, SHEPHERD, SMITH, THOMPSON AND WALSWORTH

AN ACT

To amend and reenact R.S. 42:1111(E), relative to conflicts of interest; to prohibit certain public servants from receiving or agreeing to receive any thing of economic value for assisting persons in certain transactions; to prohibit certain former public servants from receiving or agreeing to receive any thing of economic value for assisting persons in certain transactions; to

provide for exceptions; to provide for definitions; to provide for penalties; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Gallot sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Gallot to Reengrossed Senate Bill No. 44 by Senator Chaisson

AMENDMENT NO. 1

On page Delete the set of amendments proposed by the Legislative Bureau and adopted by the House of Representatives on February 19, 2008

AMENDMENT NO. 2

On page 2, delete lines 13 through 19 and insert the following:

"ministerial transaction" means a transaction that involves routine, administrative communications intended to obtain service, information, or assistance from a public employee whose duties are established in plain and unmistakable terms by law, rule, or regulation and "ministerial transaction" also includes notarial functions."

AMENDMENT NO. 3

On page 3, delete lines 10 through 29 and on page 4, delete lines 1 through 22 and insert the following:

"(aa) The secretary of the Department of Economic Development.

(bb) The secretary of the Department of Culture, Recreation and Tourism.

(cc) The secretary of the Department of Environmental Quality.

(dd) The secretary of the Department of Health and Hospitals.

(ee) The secretary of the Department of Labor.

(ff) The secretary of the Department of Natural Resources.

(gg) The secretary of the Department of Public Safety and Corrections.

(hh) The secretary of the Department of Revenue.

(ii) The secretary of the Department of Social Services.

(jj) The secretary of the Department of Transportation and Development.

(kk) The secretary of the Department of Wildlife and Fisheries.

(ll) The secretary of the Department of Veterans Affairs.

(mm) The executive secretary of the Public Service Commission.

(nn) The director of state civil service.

(oo) Each member of the State Board of Elementary and Secondary Education.

(pp) The state superintendent of education, the commissioner of higher education, and the president of each public postsecondary education system.

(qq) The commissioner of the division of administration.

(rr) Each member of the Board of Ethics and the ethics administrator.

(ss) The executive counsel to the governor and any person employed in his office, excluding clerical employees.

(tt) The chief of staff of the office of the governor and any person employed in his office, excluding clerical employees.

(uu) The legislative director for the governor and any person employed in his office, excluding clerical employees."

AMENDMENT NO. 4

Delete House Committee Amendment No. 3 proposed by the Committee on House and Governmental Affairs and adopted by the House of Representatives on February 19, 2008

AMENDMENT NO. 5

On page 5, delete lines 11 through 20 and insert the following:

"(3) Nothing in this Subsection shall prohibit a legislator from an appearance in connection with a transaction relating to the review and approval of a matter before the State Bond Commission which is not otherwise secured or guaranteed by state revenue provided that the legislator files a sworn written statement with the board prior to or within ten days of the appearance."

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

Speaker Tucker in the Chair

Rep. Lopinto sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representatives Lopinto and Peterson to Reengrossed Senate Bill No. 44 by Senator Chaisson

AMENDMENT NO. 1

On page 2, line 11, after "compensation judge" insert a comma " , " and the following:

"including preliminary investigation, procedures, and negotiation of settlement."

AMENDMENT NO. 2

On page 3, delete lines 2 through 7 in their entirety

AMENDMENT NO. 3

On page 3, line 8, change "(iv)" to "(iii)"

AMENDMENT NO. 4

In Amendment No. 1 proposed by the House Committee on House and Governmental Affairs and adopted by the House on February 18,

2008, page 1, line 9, after "judge" and before "or" insert "including preliminary investigation, procedures, and negotiation of settlement."

AMENDMENT NO. 5

In Amendment No. 2 proposed by the House Committee on House and Governmental Affairs and adopted by the House on February 18, 2008, on page 1, line 19, after "judge" and before "or" insert "including preliminary investigation, procedures, and negotiation of settlement."

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

Rep. Baldone sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Baldone to Reengrossed Senate Bill No. 44 by Senator Chaisson

AMENDMENT NO. 1

On page 1, line 2, change "R.S. 42:1111(E)" to "R.S. 42:1102(2)(a)(iii) and 1111(E)"

AMENDMENT NO. 2

On page 1, line 2, after "interest;" and before "to prohibit" insert "to define certain public servants;"

AMENDMENT NO. 3

On page 1, line 9, change "R.S. 42:1111(E) is" to "R.S. 42:1102(2)(a)(iii) and 1111(E) are"

AMENDMENT NO. 4

On page 1, between lines 9 and 10, insert the following:

"§1102. Definitions

Unless the context clearly indicates otherwise, the following words and terms, when used in this Chapter, shall have the following meanings:

* * *

(2)(a) "Agency" means a department, office, division, agency, commission, board, committee, or other organizational unit of a governmental entity. For purposes of this Chapter, "agency of the public servant" and "his agency" when used in reference to the agency of a public servant shall mean:

* * *

(iii) For public servants in the office of the governor or the lieutenant governor it shall mean ~~their respective offices~~ the executive branch of government.

* * *

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

Rep. Morrell sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Morrell to Reengrossed Senate Bill No. 44 by Senator Chaisson

AMENDMENT NO. 1

On page 2, line 12, after the period "." and before "For", insert the following:

"For purposes of this Item, no statewide elected official, legislator, or person holding an office or position included in Item (iv) of this Subparagraph shall be prohibited from receiving or agreeing to receive anything of economic value for representing a person in any criminal proceeding."

On motion of Rep. Morrell, the amendments were withdrawn.

Rep. Abramson sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Abramson to Reengrossed Senate Bill No. 44 by Senator Chaisson

AMENDMENT NO. 1

On page 2, line 3, delete "assisting" and insert "his personal assistance to"

AMENDMENT NO. 2

On page 2, line 23, delete "assisting" and insert "his personal assistance to"

AMENDMENT NO. 3

On page 2, line 28, delete "assisting" and insert "his personal assistance to"

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

Rep. LaBruzzo sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative LaBruzzo to Reengrossed Senate Bill No. 44 by Senator Chaisson

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 42:1111(E)" delete the comma "," and insert "and 1121(A)."

AMENDMENT NO. 2

On page 1, at the end of line 6, insert "to prohibit certain post service employment and contracts for agency heads;"

AMENDMENT NO. 3

On page 1, line 9, after "R.S. 42:1111(E)" delete "is" and insert "and 1121(A) are"

AMENDMENT NO. 4

On page 5, between lines 20 and 21, insert the following:

* * *

§1121. Assistance to certain persons after termination of public service

A.(1) No former agency head or elected official shall, for a period of two years following the termination of his public service as the head of such agency or as an elected public official serving in such agency, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction, involving that agency or render any service on a contractual basis to or for such agency.

(2) No former agency head shall be employed by or contract with any person with whom or with which his former agency entered into a contract during his public service for two years following the termination of his public service as head of such agency.

(3) No former member of a board or commission shall, for a period of two years following the termination of his public service on such board or commission, contract with, be employed in any capacity by, or be appointed to any position by that board or commission

* * *

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

Rep. Mills sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Mills to Reengrossed Senate Bill No. 44 by Senator Chaisson

AMENDMENT NO. 1

In House Floor Amendment No. 2 proposed by Representative Gallot and adopted by the House on February 21, 2008, on page 1, line 10, after "notarial" insert "and tax preparation"

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

Motion

On motion of Rep. Gallot, the bill, as amended, was returned to the calendar.

Notice of Intention to Call

Pursuant to House Rule No. 8.26(A), Rep. Gallot gave notice of his intention to call Senate Bill No. 44 from the calendar for future action.

Petitions, Memorials and Communications

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

Message from the Senate

ASKING CONCURRENCE IN SENATE CONCURRENT RESOLUTIONS

February 21, 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 Nos. 3 and 27

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

Message from the Senate

HOUSE CONCURRENT RESOLUTIONS

February 21, 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. 7
Returned without amendments

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

Message from the Senate

HOUSE BILLS

February 21, 2008

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

I am directed to inform your honorable body that the Senate has finally passed the following House Bills:

House Bill No. 22
Returned without amendments

House Bill No. 23
Returned without amendments

House Bill No. 33
Returned without amendments

House Bill No. 65
Returned with amendments

House Bill No. 73
Returned with amendments

House Bill No. 74
Returned without amendments

House Bill No. 78
Returned with amendments

House Bill No. 90
Returned without amendments

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

Privileged Report of the Legislative Bureau

February 21, 2008

To the Speaker and Members of the House of Representatives:

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

Senate Bill No. 14
Reported without amendments.

Senate Bill No. 29
Reported without amendments.

Senate Bill No. 37
Reported without amendments.

Senate Bill No. 47
Reported without amendments.

Senate Bill No. 53
Reported without amendments.

Senate Bill No. 58
Reported without amendments.

Senate Bill No. 65
Reported without amendments.

Respectfully submitted,

WAYNE WADDELL
Chairman

Senate Instruments on Second Reading Returned from the Legislative Bureau

Rep. Gallot asked for and obtained a suspension of the rules to take up at this time the following Senate Bills and Joint Resolutions on second reading just returned from the Legislative Bureau, with a view of acting on the same:

SENATE BILL NO. 14—

BY SENATORS MARIONNEAUX AND LAFLEUR
AN ACT

To amend and reenact R.S. 18:1463(C)(2) and (E) and 1505.3(D)(3) and to enact R.S. 18:1463(C)(4) and (F), relative to political advertisements; to require certain statements involving authorized and unauthorized communications paid by certain persons; to provide for certain requirements with respect to oral, visual, and written material constituting a paid political advertisement distributed on behalf of a candidate for political office; 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 Reengrossed Senate Bill No. 14 by Senator Marionneaux

AMENDMENT NO. 1

On page 1, delete lines 2 and 3, and insert "To amend and reenact R.S. 18:1463(C)(2) and (E), 1505.2(O), and 1505.3(D)(3) and to enact R.S. 18:1463(C)(4), (F), and (G) and 1505.2(I)(4), relative to campaigns; to require certain"

AMENDMENT NO. 2

On page 1, line 7, after "office;" and before "and" insert "to provide relative to the use of campaign funds; to provide for the payment of campaign finance fines, fees, and penalties; to provide for effectiveness;"

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AMENDMENT NO. 3

On page 1, line 9, delete "and (E)" and insert "and (E), 1505.2(O),"

AMENDMENT NO. 4

On page 1, line 10, delete after "and" and before "are" delete "R.S. 18:1463(C)(4) and (F)" and insert "R.S. 18:1463(C)(4), (F), and (G) and 1505.2(I)(4)"

AMENDMENT NO. 5

On page 2, at the end of line 13, after "committee." insert "The name of the political committee paying for the communication shall be given in full and no acronyms shall be used."

AMENDMENT NO. 6

On page 2, at the end of line 17, after "committee." insert "The name of the authorized political committee shall be given in full and no acronyms shall be used."

AMENDMENT NO. 7

On page 2, at the end of line 23, after "committee." insert "The name of the payer shall be given in full and no acronyms shall be used."

AMENDMENT NO. 8

On page 2, line 27, change "clearly identified" to "legally qualified"

AMENDMENT NO. 9

On page 2, line 28, change "made" to "broadcast"

AMENDMENT NO. 10

On page 2, line 28, after "sixty days before" delete the remainder of the line and delete line 29 and insert "any election in which such candidate is on the ballot."

AMENDMENT NO. 11

On page 3, line 11, after "seconds." and before "For" insert the following:

"If the advertisement is placed by a public relations firm, advertising agency, media buyer, or other person who purchases media advertising or time or space for such advertising, such person shall provide the information required by this Section."

AMENDMENT NO. 12

On page 3, at the end of line 13, delete the period "." and insert a semicolon ";" and "however, "person" shall not mean any radio station, television broadcast station, cable television company, or newspaper."

AMENDMENT NO. 13

On page 3, at the beginning of line 14, change "F.(1)" to "F."

AMENDMENT NO. 14

On page 3, delete lines 17 through 19 in their entirety

AMENDMENT NO. 15

On page 3, between lines 19 and 20, insert the following:

"G. The carriage, distribution, or transmission by a radio station, television station, cable company, or newspaper of any announcement or advertisement determined to have occurred in

violation of the provisions of Subsection C or E of this Section shall not be considered a violation by the radio station, television station, cable company, or newspaper.

* * *

§1505.2. Contributions; expenditures; certain prohibitions and limitations

* * *

I.

* * *

(4) No candidate, political committee, person required to file reports under this Chapter, nor any other person shall use a contribution, loan, or transfer of funds to pay a fine, fee, or penalty imposed pursuant to the provisions of Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950.

* * *

O.(1) ~~The~~ A fine, fee, or penalty assessed for a violation of this Chapter shall be paid only by the person against whom the fine, fee, or penalty was assessed. All such fines, fees, or penalties may be paid only with the personal funds of such person or with contributions in accordance with Subsection I of this Section; however, the supervisory committee may prohibit a candidate or elected official from using contributions received by, or other campaign funds of, such candidate or elected official or the principal or a subsidiary campaign committee of such candidate or elected official to pay a fine, fee, or penalty, assessed for a violation of this Chapter upon a finding that the violation was intentional or egregious.

(2) "Intentional" for the purposes of this Subsection shall mean actions which, in the considered opinion of the supervisory committee, were designed to avoid full and accurate compliance with the provisions of this Chapter. "Egregious" for the purposes of this Subsection shall mean actions which, in the considered opinion of the supervisory committee, significantly injured the public's right to full and accurate disclosure of the financing of election campaigns."

AMENDMENT NO. 16

On page 4, at the end of line 1, after "advertisement." insert "The font size of such display shall be no less than half of the font size of the content of the advertisement."

AMENDMENT NO. 17

On page 4, line 3, after "Section 2." and before "shall" delete "This Act" and insert "The provisions of R.S. 18:1463(C)(2) and (E) and 1505.3(D)(3) as amended and reenacted in this Act and the provisions of R.S. 18:1463(C)(4), (F), and (G) as enacted in this Act"

AMENDMENT NO. 18

On page 4, after line 3, insert the following:

"Section 3. The provisions of R.S. 18:1505.2(O) as amended and reenacted in this Act and the provisions of R.S. 18:1505.2(I)(4) as enacted in this Act shall become effective upon signature by the governor or, if this Act is not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the governor and subsequently approved by the legislature, the provisions of R.S. 18:1505.2(O) as amended and reenacted in this Act and the provisions of R.S. 18:1505.2(I)(4) as enacted in this Act shall become effective on the day following such approval."

Reported without amendments by the Legislative Bureau.

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 29—

BY SENATORS MARIONNEAUX, N. GAUTREAUX AND LAFLEUR
AN ACT

To amend and reenact R.S. 18:1483(14)(b) and to enact R.S. 18:1483(14)(c) and 1501.2, relative to campaign finance; to define certain political organizations to be included as political committees for purposes of filing campaign finance reports; to provide for reporting by such political organizations of campaign contributions and expenditures; 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 Reengrossed Senate Bill No. 29 by Senator Marionneaux

AMENDMENT NO. 1

On page 1, line 2, after "(14)(b)" and before "and to enact" insert "and 1505.2(O)"

AMENDMENT NO. 2

On page 1, line 2, after "(14)(c)" delete the remainder of the line and insert a comma "," and "1501.2, and 1505.2(I)(4),"

AMENDMENT NO. 3

On page 1, line 6, after "expenditures;" and before "and" insert "to provide relative to the use of campaign funds; to provide for the payment of campaign finance fines, fees, and penalties;"

AMENDMENT NO. 4

On page 1, line 8, delete "is" and insert "and 1505.2(O) are"

AMENDMENT NO. 5

On page 1, line 9, after "(14)(c)" delete "and 1501.2" and insert a comma "," and "1501.2, and 1505.2(I)(4)"

AMENDMENT NO. 6

On page 2, delete lines 19 and 20 at the beginning of line 21, delete "(1) The" and insert the following:

"C.(1) In addition to the reports filed as provided in Subsection B of this Section, during the period beginning at midnight of the twentieth day prior to a primary election and extending through midnight of primary election day, and during the period beginning at midnight of the twentieth day prior to a general election and extending through midnight of general election day, any person, other than a candidate or a political committee, who makes any expenditure or who accepts a contribution, other than to or from a candidate or to or from a political committee, shall file a report with the supervisory committee which shall contain the"

AMENDMENT NO. 7

On page 2, after line 28, insert the following:

"* * *

§1505.2. Contributions; expenditures; certain prohibitions and limitations

* * *

I.

* * *

(4) No candidate, political committee, person required to file reports under this Chapter, nor any other person shall use a contribution, loan, or transfer of funds to pay a fine, fee, or penalty imposed pursuant to the provisions of Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950.

* * *

O.(1) ~~The~~ A fine, fee, or penalty assessed for a violation of this Chapter shall be paid only by the person against whom the fine, fee, or penalty was assessed. All such fines, fees, or penalties may be paid only with the personal funds of such person or with contributions in accordance with Subsection I of this Section; however, the supervisory committee may prohibit a candidate or elected official from using contributions received by, or other campaign funds of, such candidate or elected official or the principal or a subsidiary campaign committee of such candidate or elected official to pay a fine, fee, or penalty, assessed for a violation of this Chapter upon a finding that the violation was intentional or egregious.

(2) "Intentional" for the purposes of this Subsection shall mean actions which, in the considered opinion of the supervisory committee, were designed to avoid full and accurate compliance with the provisions of this Chapter. "Egregious" for the purposes of this Subsection shall mean actions which, in the considered opinion of the supervisory committee, significantly injured the public's right to full and accurate disclosure of the financing of election campaigns.

* * *

Reported without amendments by the Legislative Bureau.

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 37—

BY SENATORS CHAISSON, AMEDEE, BROOME, CHEEK, DONAHUE, DUPLESSIS, JACKSON, KOSTELKA, MICHOT, SCALISE, SMITH AND WALSWORTH

AN ACT

To enact R.S. 39:6(C), relative to the duties of the commissioner of administration; to require the commissioner of administration to establish and maintain a website to post reports of state spending; to provide for the contents of the website; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Appropriations.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Appropriations to Re-Reengrossed Senate Bill No. 37 by Senator Chaisson

AMENDMENT NO. 1

On page 1, line 11, after "spending" and the period "." delete the remainder of the line, delete lines 12 and 13 in their entirety, and at the beginning of line 14, delete "applications" and the period "."

AMENDMENT NO. 2

On page 2, line 3, after "The" change "division" to "commissioner"

AMENDMENT NO. 3

On page 2, line 4, after "shall" delete the remainder of the line and insert "consult with the"

AMENDMENT NO. 4

On page 2, line 5, after "Budget" and before "specifications" delete "for the" and insert "in the development of"

Reported without amendments by the Legislative Bureau.

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 47—
BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 18:1501.1(A) and 1511.6(A) and to enact R.S. 18:1483(9.1), and 1505.6(D), relative to election campaign finance; to provide relative to reports by persons not candidates or committees; to provide relative to prohibited practices and limitations; to provide relative to criminal penalties for violations of election campaign finance law; to provide penalties for engaging in prohibited practices or for failure to submit certain information to candidates or committees; to provide for an effective date; 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 Reengrossed Senate Bill No. 47 by Senator Adley

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 18:1501.1(A)" insert a comma "," and insert "1505.2(O),"

AMENDMENT NO. 2

On page 1, line 2, after "R.S. 18:1483(9.1)," insert "1505.2(I)(4),"

AMENDMENT NO. 3

On page 1, line 7, after "committees;" insert "to provide relative to the use of campaign funds; to provide for the payment of campaign finance fines, fees, and penalties;"

AMENDMENT NO. 4

On page 1, line 10, after "R.S. 18:1501.1(A)" insert a comma "," and insert "1505.2(O),"

AMENDMENT NO. 5

On page 1, line 11, after "R.S. 18:1483(9.1)," insert "1505.2(I)(4),"

AMENDMENT NO. 6

On page 2, between lines 16 and 17, insert the following:

"§1505.2. Contributions; expenditures; certain prohibitions and limitations

* * *

I.

* * *

(4) No candidate, political committee, person required to file reports under this Chapter, nor any other person shall use a contribution, loan, or transfer of funds to pay a fine, fee, or penalty imposed pursuant to the provisions of Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950.

* * *

O.(1) The A fine, fee, or penalty assessed for a violation of this Chapter shall be paid only by the person against whom the fine, fee, or penalty was assessed. All such fines, fees, or penalties may be paid only with the personal funds of such person or with contributions in accordance with Subsection I of this Section; however, the supervisory committee may prohibit a candidate or elected official from using contributions received by, or other campaign funds of, such candidate or elected official or the principal or a subsidiary campaign committee of such candidate or elected official to pay a fine, fee, or penalty, assessed for a violation of this Chapter upon a finding that the violation was intentional or egregious.

(2) "Intentional" for the purposes of this Subsection shall mean actions which, in the considered opinion of the supervisory committee, were designed to avoid full and accurate compliance with the provisions of this Chapter. "Egregious" for the purposes of this Subsection shall mean actions which, in the considered opinion of the supervisory committee, significantly injured the public's right to full and accurate disclosure of the financing of election campaigns.

* * *

Reported without amendments by the Legislative Bureau.

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 53—
BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 14:120, relative to offenses affecting organized government; to provide relative to the crime of corrupt influencing; to provide for the increase of penalties for such crime; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Administration of Criminal Justice.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Wooton, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 58—BY SENATORS MARTINY, MURRAY AND N. GAUTREAUX
AN ACT

To enact R.S. 14:134.3, relative to official misconduct and corrupt practices; to provide for the crime of abuse of office; to provide for the prosecution of such crime; to provide penalties; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Administration of Criminal Justice.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Administration of Criminal Justice to Reengrossed Senate Bill No. 58 by Senator Martiny

AMENDMENT NO. 1

On page 1, line 3, change "prosecution" to "elements"

AMENDMENT NO. 2

On page 1, at the beginning of line 4, insert "for criminal"

AMENDMENT NO. 3

On page 1, line 10, after "officer" and before "or" insert a comma and "public employee,"

AMENDMENT NO. 4

On page 1, line 11, after "officer" and before "is" insert "or employee"

AMENDMENT NO. 5

On page 2, at the end of line 1, after "state" add "or any political subdivision of the state or any governmental entity"

AMENDMENT NO. 6

On page 2, at the end of line 3, add "Nothing in this Section shall prohibit or limit the ability of a public officer or public employee from performing his duties as authorized by law or as a condition of his employment or office."

Reported without amendments by the Legislative Bureau.

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 65—BY SENATORS SCALISE AND WALSWORTH
AN ACT

To amend and reenact R.S. 18:1505.2(C), relative to campaign finance; to provide for the receipt of campaign contributions; and to provide for related matters.

Read by title.

Reported favorably by the Committee on House and Governmental Affairs.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

Petitions, Memorials and Communications

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

Message from the Senate**SIGNED SENATE CONCURRENT RESOLUTIONS**

February 21, 2008

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

I am directed to inform your honorable body that the President of the Senate has signed the following Senate Concurrent Resolutions:

Senate Concurrent Resolution Nos. 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, and 24

and ask the Speaker of the House of Representatives to affix his signature to the same.

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

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

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 CONCURRENT RESOLUTION NO. 22—

BY REPRESENTATIVE PATRICIA SMITH

A CONCURRENT RESOLUTION

To commend Malavika Balachandran as a winner of the Siemens Award for Advanced Placement.

Read by title.

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

Ordered to the Senate.

Privileged Report of the Committee on Enrollment

February 21, 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 Resolutions have been properly enrolled:

HOUSE RESOLUTION NO. 16—
BY REPRESENTATIVE LABRUZZO

A RESOLUTION

To amend and readopt House Rule 2.10(A)(12) and (B)(2) of the Rules of Order of the House of Representatives, to discontinue the daily distribution of paper copies of the Journal and the order of the day to the members.

HOUSE RESOLUTION NO. 18—

BY REPRESENTATIVES WADDELL, HENRY BURNS, AND JANE SMITH
A RESOLUTION

To commend Dr. Jere M. McBride upon his retirement as resident director of the Red River Research Station and Pecan Research and Extension Station at the Louisiana State University Agricultural Center in Bossier City, Louisiana.

HOUSE RESOLUTION NO. 19—

BY REPRESENTATIVES TUCKER, ELBERT GUILLORY, ABRAMSON, ANDERS, ARMES, ARNOLD, AUBERT, AUSTIN BADON, BOBBY BADON, BALDONE, BARRAS, BARROW, BILLIOT, BURFORD, HENRY BURNS, TIM BURNS, BURRELL, CARTER, CAZAYOUX, CHAMPAGNE, CHANDLER, CHANEY, CONNICK, CORTEZ, CROMER, DANAHAY, DIXON, DOERGE, DOVE, DOWNS, EDWARDS, ELLINGTON, FANNIN, FOIL, FRANKLIN, GALLOT, GEYMANN, GISCLAIR, GREENE, MICKEY GUILLORY, GUINN, HARDY, HARRISON, HAZEL, HENDERSON, HENRY, HILL, HINES, HOFFMANN, HONEY, HOWARD, HUTTER, GIROD JACKSON, MICHAEL JACKSON, JOHNSON, ROSALIND JONES, SAM JONES, KATZ, KLECKLEY, LABRUZZO, LAFONTA, LAMBERT, LEBAS, LEGER, LIGI, LITTLE, LOPINTO, LORUSSO, MARCHAND, MCVEA, MILLS, MONICA, MONTOUCET, MORRELL, MORRIS, NORTON, NOWLIN, PEARSON, PERRY, PETERSON, PONTI, POPE, PUGH, RICHARD, RICHARDSON, RICHMOND, RITCHIE, ROBIDEAUX, ROY, SCHRODER, SIMON, SMILEY, GARY SMITH, JANE SMITH, PATRICIA SMITH, ST. GERMAIN, TALBOT, TEMPLET, TRAHAN, WADDELL, WHITE, WILLIAMS, WILLMOTT, AND WOOTON
A RESOLUTION

To commend Pierre Vimont, Ambassador of France to the United States of America, and to welcome him to Louisiana.

Respectfully submitted,

WAYNE WADDELL
Chairman

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

Privileged Report of the Committee on Enrollment

February 21, 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 Bills have been properly enrolled:

HOUSE BILL NO. 7—

BY REPRESENTATIVES TUCKER, PETERSON, GALLOT, BILLIOT, TIM BURNS, CARTER, CHAMPAGNE, DOERGE, DOVE, HENRY, HINES, KATZ, LABRUZZO, LIGI, NOWLIN, PEARSON, RICHARD, SCHRODER, SMILEY, JANE SMITH, TALBOT, AND WILLIAMS AND SENATORS MARIONNEAUX, NEVERS, SCALISE, AND WALSWORTH
AN ACT

To amend and reenact R.S. 42:1125(A), relative to gubernatorial transition and inauguration; to provide contribution limits; to provide relative to contribution reports; and to provide for related matters.

HOUSE BILL NO. 8—

BY REPRESENTATIVES TUCKER, PETERSON, GALLOT, ABRAMSON, ANDERS, ARMES, ARNOLD, BALDONE, BARRAS, BILLIOT, BURFORD, HENRY BURNS, TIM BURNS, BURRELL, CHAMPAGNE, CHANDLER, CONNICK, CORTEZ, CROMER, DIXON, DOERGE, DOVE, DOWNS, FANNIN, FRANKLIN, GISCLAIR, GREENE, ELBERT GUILLORY, MICKEY GUILLORY, HARRISON, HAZEL, HENRY, HINES, HOFFMANN, HOWARD, HUTTER, JOHNSON, ROSALIND JONES, KATZ, LABRUZZO, LAMBERT, LEGER, LIGI, LOPINTO, LORUSSO, MCVEA, MILLS, MONICA, MORRELL, NOWLIN, PEARSON, PONTI, POPE, PUGH, RICHARD, RITCHIE, ROBIDEAUX, ROY, SCHRODER, SIMON, SMILEY, GARY SMITH, JANE SMITH, PATRICIA SMITH, ST. GERMAIN, TALBOT, TEMPLET, TRAHAN, WADDELL, WHITE, WILLIAMS, WILLMOTT, AND WOOTON AND SENATORS NEVERS, SCALISE, AND WALSWORTH
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.

Respectfully submitted,

WAYNE WADDELL
Chairman

The above House Bills contained in the report were signed by the Speaker of the House and taken to the Senate by the Clerk and were signed by the President of the Senate and taken by the Clerk of the House to the Governor for executive approval.

Adjournment

On motion of Rep. Trahan, at 7:18 P.M., the House agreed to adjourn until Friday, February 22, 2008, at 10:00 A.M.

The Speaker of the House declared the House adjourned until 10:00 A.M., Friday, February 22, 2008.

ALFRED W. SPEER
Clerk of the House