

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

FIFTEENTH DAY'S PROCEEDINGS

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

House of Representatives
State Capitol
Baton Rouge, Louisiana

Monday, June 22, 2020

The House of Representatives was called to order at 1:30 P.M., by the Honorable Clay Schexnayder, Speaker of the House of Representatives.

Morning Hour

ROLL CALL

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

PRESENT

Mr. Speaker	Freiberg	McKnight
Adams	Frieman	McMahen
Amedee	Gadberry	Miguez
Bacala	Gaines	Miller, D.
Bagley	Garofalo	Miller, G.
Beaullieu	Goudeau	Mincey
Bishop	Green	Moore
Bourriaque	Harris	Nelson
Brass	Henry	Newell
Brown	Hilferty	Owen, C.
Bryant	Hodges	Phelps
Butler	Horton	Pierre
Carpenter	Hughes	Pressly
Carrier	Huval	Riser
Carter, G.	Ivey	Romero
Carter, R.	James	Schamerhorn
Carter, W.	Jefferson	Seabaugh
Cormier	Jenkins	Selders
Coussan	Johnson, M.	St. Blanc
Crews	Johnson, T.	Stagni
Davis	Jones	Stefanski
Deshotel	Jordan	Tarver
DeVillier	Kerner	Thomas
DuBuisson	LaCombe	Thompson
Duplessis	Landry	Turner
Dwight	Larvadain	Villio
Echols	Lyons	Wheat
Edmonds	Mack	White
Emerson	Magee	Willard
Farnum	Marcelle	Wright
Firment	Marino	Zeringue
Fontenot	McCormick	
Freeman	McFarland	

Total - 97

The Speaker announced that there were 97 members present and a quorum.

Prayer

Prayer was offered by Rep. McMahan.

Pledge of Allegiance

Rep. Riser 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. Huval, the reading of the Journal was dispensed with.

On motion of Rep. Huval, the Journal of June 18, 2020, was adopted.

**Petitions, Memorials, and
Communications**

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

Message from the Senate

**ASKING CONCURRENCE IN
SENATE CONCURRENT RESOLUTIONS**

June 19, 2020

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. 19 and 20

Respectfully submitted,

YOLANDA J. DIXON
Secretary of the Senate

**Senate Concurrent Resolutions
Lying Over**

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

SENATE CONCURRENT RESOLUTION NO. 19—

BY SENATORS CATHEY, ALLAIN, LUNEAU, MCMATH, MILLIGAN,
MORRIS AND REESE

A CONCURRENT RESOLUTION

To create the Louisiana Sales Tax Simplification Task Force to make recommendations for changes to the state's state and local sales tax laws in an effort to modernize and simplify the sales tax code and enhance the efficiency of the state's sales tax policies for taxing authorities, tax collectors, and businesses, and to submit its final report to the legislature by February 1, 2022.

Read by title.

Lies over under the rules.

SENATE CONCURRENT RESOLUTION NO. 20—

BY SENATOR CATHEY

A CONCURRENT RESOLUTION

To urge and request the state Department of Education to encourage and assist any public school board identified as "financially at

risk" to enter into cooperative agreements with other public school boards for the provision of essential services.

Read by title.

Lies over under the rules.

Suspension of the Rules

On motion of Rep. Deshotel, the rules were suspended in order to take up and consider Introduction of Resolutions, House and House Concurrent at this time.

Introduction of Resolutions, House and House Concurrent

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

HOUSE RESOLUTION NO. 40— BY REPRESENTATIVE DESHOTEL A RESOLUTION

To urge and request the House Committee on Commerce to meet and study the current effects that railroads have on broadband deployment and to report its findings to the legislature.

Read by title.

Lies over under the rules.

HOUSE RESOLUTION NO. 41— BY REPRESENTATIVE ECHOLS A RESOLUTION

To express the condolences of the House of Representatives upon the death of Philip Andrew "Andy" Trahan, Jr., and to posthumously commend him for his lung cancer advocacy.

Read by title.

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

House and House Concurrent Resolutions Lying Over

The following House and House Concurrent Resolutions lying over were taken up and acted upon as follows:

HOUSE RESOLUTION NO. 36— BY REPRESENTATIVE MAGEE A RESOLUTION

To authorize and direct the House Committee on Insurance, or a subcommittee thereof, to meet and to study and make recommendations regarding the effects of changing the position of commissioner of insurance from an elected position to an appointed position, including the effects it may have on Louisiana's insurance market and the cost of insurance to Louisiana consumers, and to report the findings to the House of Representatives no later than February 1, 2021.

Read by title.

Under the rules, the above resolution was referred to the Committee on Insurance.

HOUSE RESOLUTION NO. 37— BY REPRESENTATIVE HODGES A RESOLUTION

To commend General Troy H. Middleton posthumously for his contributions to his state and nation.

Read by title.

Motion

On motion of Rep. Hodges, the resolution was returned to the calendar.

HOUSE CONCURRENT RESOLUTION NO. 21— BY REPRESENTATIVE MARCELLE A CONCURRENT RESOLUTION

To commend the Black Lives Matter movement for its dedication to nonviolent civil action that focuses on systemic racism and gun violence meted out to black people and for shedding light on the issue of racial inequality embedded within the fibers of the United States.

Read by title.

Motion

On motion of Rep. Marcelle, the resolution was returned to the calendar.

Senate Concurrent Resolutions Lying Over

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

SENATE CONCURRENT RESOLUTION NO. 12— BY SENATOR WARD A CONCURRENT RESOLUTION

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

Read by title.

Under the rules, the above resolution was referred to the Committee on Judiciary.

House and House Concurrent Resolutions Reported by Committee

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

HOUSE RESOLUTION NO. 9— BY REPRESENTATIVES LYONS, GREEN, AND MARCELLE A RESOLUTION

To urge and request the Jefferson Parish Sheriff's Office to adopt policies and procedures relative to the use, storage, and maintenance of body-worn cameras and the storage, retention, and release of audio and video data recorded by body-worn cameras, and to request that a status report on the adoption of these policies and procedures be provided to the House of Representatives of the Legislature of Louisiana by January 1, 2021.

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 Original House Resolution No. 9 by Representative Lyons

AMENDMENT NO. 1

On page 1, line 4, after "cameras" and before the period "." insert a comma "," and insert the following:

"and to request that a status report on the adoption of these policies and procedures be provided to the House of Representatives of the Legislature of Louisiana by January 1, 2021"

AMENDMENT NO. 2

On page 2, line 5, after "cameras" and before the period "." insert a comma "," and insert the following:

"and does hereby further request that a status report on the adoption of these policies and procedures be provided to the House of Representatives of the Legislature of Louisiana by January 1, 2021"

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

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

HOUSE CONCURRENT RESOLUTION NO. 18—

BY REPRESENTATIVE SEABAUGH

A CONCURRENT RESOLUTION

To suspend until sixty days after final adjournment of the 2021 Regular Session of the Legislature of Louisiana R.S. 32:295.1(E), relative to the exclusion of evidence of failure to wear a safety belt.

Read by title.

Reported favorably by the Committee on Civil Law and Procedure.

On motion of Rep. Gregory Miller, the resolution was ordered engrossed and passed to its third reading.

HOUSE CONCURRENT RESOLUTION NO. 19—

BY REPRESENTATIVE SEABAUGH

A CONCURRENT RESOLUTION

To suspend until sixty days after final adjournment of the 2021 Regular Session of the Legislature of Louisiana R.S. 22:333(E) and 1269(B), relative to the right of direct action against an insurer in certain circumstances.

Read by title.

Reported favorably by the Committee on Civil Law and Procedure.

On motion of Rep. Gregory Miller, the resolution was ordered engrossed and passed to its third reading.

HOUSE CONCURRENT RESOLUTION NO. 20—

BY REPRESENTATIVE SEABAUGH

A CONCURRENT RESOLUTION

To suspend until sixty days after final adjournment of the 2021 Regular Session of the Legislature of Louisiana Code of Civil Procedure Article 1732(1), relative to the jury trial threshold for a petitioner's cause of action.

Read by title.

Reported with amendments by the Committee on Civil Law and Procedure.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Civil Law and Procedure to Original House Concurrent Resolution No. 20 by Representative Seabaugh

AMENDMENT NO. 1

On page 1, line 3, change "1732(A)(1)" to "1732(1)"

AMENDMENT NO. 2

On page 1, line 7, change "1732(A)(1)" to "1732(1)"

AMENDMENT NO. 3

On page 1, line 10, change "1732(A)(1)" to "1732(1)"

AMENDMENT NO. 4

On page 1, line 15, change "1732(A)(1)" to "1732(1)"

AMENDMENT NO. 5

On page 1, line 17, change "1732(A)(1)" to "1732(1)"

On motion of Rep. Gregory Miller, the amendments were adopted.

On motion of Rep. Gregory Miller, the resolution, as amended, was ordered engrossed and passed to its third reading.

Motion

On motion of Rep. Zeringue, the Committee on Appropriations was discharged from further consideration of House Resolution No. 19.

HOUSE RESOLUTION NO. 19—

BY REPRESENTATIVE WILLARD

A RESOLUTION

To direct the Louisiana Department of Health and the Department of Veterans Affairs to implement certain policies to protect the health and safety of long-term care facility residents.

Read by title.

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

**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. 3—

BY SENATOR ROBERT MILLS AND REPRESENTATIVE MCFARLAND

A CONCURRENT RESOLUTION

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

Read by title.

Reported favorably by the Committee on Insurance.

Under the rules, the above resolution was ordered recommitted to the Committee on House and Governmental Affairs.

SENATE CONCURRENT RESOLUTION NO. 7—
BY SENATORS FIELDS, ABRAHAM, ALLAIN, BARROW, BERNARD, BOUIE, CARTER, CATHEY, CONNICK, CORTEZ, FOIL, HARRIS, HENRY, HENSGENS, JACKSON, JOHNS, LAMBERT, LUNEAU, MILLIGAN, FRED MILLS, ROBERT MILLS, MIZELL, PEACOCK, PETERSON, POPE, PRICE, REESE, SMITH, TALBOT, TARVER, WARD AND WOMACK

A CONCURRENT RESOLUTION

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

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 Engrossed Senate Concurrent Resolution No. 7 by Senator Fields

AMENDMENT NO. 1

On page 2, line 18, after "Enforcement" and before the comma "," insert "and Administration of Criminal Justice"

AMENDMENT NO. 2

On page 2, at the end of line 26, change "Attorneys" to "Lawyers"

AMENDMENT NO. 3

On page 3, line 9, change "Sheriffs" to "Sheriffs"

AMENDMENT NO. 4

On page 4, line 7, after "Enforcement" and before the comma "," insert "and Administration of Criminal Justice"

AMENDMENT NO. 5

On page 4, at the beginning of line 11, change "Attorneys" to "Lawyers"

AMENDMENT NO. 6

On page 4, at the beginning of line 15, change "Sheriffs" to "Sheriffs"

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

Under the rules, the above resolution, as amended, was ordered recommitted to the Committee on House and Governmental Affairs.

House Bills and Joint Resolutions on Second Reading Reported by Committee

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

HOUSE BILL NO. 59—

BY REPRESENTATIVE MINCEY
AN ACT

To enact R.S. 17:439.1 and 3391, relative to limitations of liability; to provide for the limitation of liability during declared states of emergency or public health emergencies; to provide relative to

the liability of public schools, public school districts, and charter school governing boards under certain circumstances; to provide for liability related to school sponsored events; to provide relative to the liability of public postsecondary education systems and institutions; to provide for an effective date; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Civil Law and Procedure.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Civil Law and Procedure to Original House Bill No. 59 by Representative Mincey

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 17:439.1" and before the comma "," insert "and 3391"

AMENDMENT NO. 2

On page 1, line 4, after "of" and before "under" delete "public schools and public school districts" and insert "public schools, public school districts, and charter school governing boards"

AMENDMENT NO. 3

On page 1, line 5, after "events;" and before "to provide" insert "to provide relative to the liability of public postsecondary education systems and institutions;"

AMENDMENT NO. 4

On page 1, line 8, change "R.S. 17:439.1 is" to "R.S. 17:439.1 and 3391 are"

AMENDMENT NO. 5

On page 1, line 12, after "authorities," and before "and" insert "charter school governing authorities."

AMENDMENT NO. 6

On page 2, between lines 4 and 5, insert the following:

"§3391. Immunity from claims or causes of action related to a declared state of emergency or public health emergency for an infectious disease

A. Notwithstanding any other provision of law to the contrary, public postsecondary education systems, public postsecondary education institutions, and public postsecondary education management boards, and the officers, employees, and agents thereof shall not be held liable for any civil damages for injury or death resulting from or related to actual or alleged exposure to an infectious disease or acts undertaken in the effort to respond or adapt to a declared state of emergency or public health emergency related to an infectious disease.

B. There shall be no cause of action related to a person contracting an infectious disease at a public postsecondary education institution, other public postsecondary education facility, or at a public postsecondary education institution sponsored event, which is based on the actions or failure to act by the institution's officers, employees, or agents in response to the declared state of emergency or public health emergency.

C. This Section shall not affect the right of any person to receive benefits provided under the Louisiana Workers' Compensation Law."

On motion of Rep. Gregory Miller, the amendments were adopted.

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

HOUSE BILL NO. 66—
BY REPRESENTATIVE NELSON

AN ACT

To amend and reenact the heading of Section 1 of Chapter 4 of Title XXIV of Book III of the Civil Code, the heading of Section 1-A of Chapter 4 of Title XXIV of Book III of the Civil Code, and Civil Code Article 3493.10, Code of Civil Procedure Articles 1732(1) and 1761(A), Code of Evidence Article 411, and R.S. 22:1454(A), to enact Civil Code Article 2323(D) and Section 1 of Chapter 4 of Title XXIV of Book III of the Civil Code, to be comprised of Civil Code Articles 3492 through 3493, Code of Civil Procedure Article 1733(D), R.S. 9:2800.27, and R.S. 22:1269(B)(3) and (4), and to repeal Civil Code Article 2323(D) and Section 1 of Chapter 4 of Title XXIV of Book III of the Civil Code, Code of Civil Procedure Article 1733(D), R.S. 9:2800.27, and R.S. 22:1269(B)(3) and (4), relative to civil actions; to provide for comparative fault and the recovery of damages; to extend the prescriptive period for delictual actions; to provide relative to jury trials; to provide relative to the jury trial threshold; to provide for a six-person jury by default; to allow a party to request a twelve-person jury; to provide relative to the right of direct action against an insurer; to provide relative to certain insurance rating standards and methods; to provide for the admissibility of evidence of liability insurance; to prohibit the jury from receiving evidence of the insurance contract in certain circumstances; to provide for recoverable medical expenses; to provide for expenses paid by a collateral source; to provide for effectiveness; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Civil Law and Procedure.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Civil Law and Procedure to Original House Bill No. 66 by Representative Nelson

AMENDMENT NO. 1

On page 1, delete line 5 in its entirety and insert the following:

"1732(1) and 1761(A), Code of Evidence Article 411, and R.S. 22:1454(A), to enact Civil Code Article"

AMENDMENT NO. 2

On page 1, line 13, after "trials;" and before "the jury" delete "to eliminate" and insert "to provide relative to"

AMENDMENT NO. 3

On page 1, line 15, after "provide" and before "the right" delete "for establishing" and insert "relative to"

AMENDMENT NO. 4

On page 1, line 15, after "insurer;" and before "to provide" insert "to provide relative to certain insurance rating standards and methods;"

AMENDMENT NO. 5

On page 2, line 1, after "Articles" and before "and 1761(A)" change "1732" to "1732(1)"

AMENDMENT NO. 6

On page 2, delete lines 6 through 29 in their entirety and on page 3, delete lines 1 through 5 in their entirety and insert the following:

"(1) A suit, other than one brought pursuant to Chapter 3 of Title V of Book III of the Civil Code, where the amount of no individual petitioner's cause of action exceeds ~~fifty thirty-five~~ thousand dollars exclusive of interest and costs, except as follows:

(a) If an individual petitioner stipulates or otherwise judicially admits sixty days or more prior to trial that the amount of the individual petitioner's cause of action does not exceed ~~fifty thirty-five~~ thousand dollars exclusive of interest and costs, a defendant shall not be entitled to a trial by jury.

(b) If an individual petitioner stipulates or otherwise judicially admits for the first time less than sixty days prior to trial that the amount of the individual petitioner's cause of action does not exceed ~~fifty thirty-five~~ thousand dollars exclusive of interest and costs, any other party may retain the right to a trial by jury if that party is entitled to a trial by jury pursuant to this Article and has otherwise complied with the procedural requirements for obtaining a trial by jury.

(c) Notwithstanding Subsubparagraphs (a) and (b) of this Subparagraph, if, as a result of a compromise or dismissal of one or more claims or parties which occurs less than sixty days prior to trial, an individual petitioner stipulates or otherwise judicially admits that the amount of the individual petitioner's cause of action does not exceed ~~fifty thirty-five~~ thousand dollars exclusive of interest and costs, a defendant shall not be entitled to a trial by jury.

* * *

AMENDMENT NO. 7

On page 4, line 29, after "paid" and before the comma " ," insert "to a healthcare provider"

AMENDMENT NO. 8

On page 5, line 8, after "Section 6." and before "R.S. 22:1269(B)(3)" insert "R.S. 22:1454(A) is hereby amended and reenacted and"

AMENDMENT NO. 9

On page 5, between lines 19 and 20, insert the following:

"§1454. Rating standards and methods

A. Rates shall not be inadequate or unfairly discriminatory in a competitive market. Rates shall not be excessive, inadequate, or unfairly discriminatory in a noncompetitive market. Risks may be classified using any criteria except that no risk shall be classified on the basis of race, gender of an insured over the age of twenty-five, color, creed, or national origin.

* * *

AMENDMENT NO. 10

On page 6, line 22, after "Articles" and before "and 1761(A)" change "1732" to "1732(1)"

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AMENDMENT NO. 11

On page 6, delete lines 26 through 29 in their entirety and on page 7, delete lines 1 through 25 in their entirety and insert the following:

"(1) A suit, ~~other than one brought pursuant to Chapter 3 of Title V of Book III of the Civil Code,~~ where the amount of no individual petitioner's cause of action exceeds ~~thirty-five fifty~~ thousand dollars exclusive of interest and costs, except as follows:

(a) If an individual petitioner stipulates or otherwise judicially admits sixty days or more prior to trial that the amount of the individual petitioner's cause of action does not exceed ~~thirty-five fifty~~ thousand dollars exclusive of interest and costs, a defendant shall not be entitled to a trial by jury.

(b) If an individual petitioner stipulates or otherwise judicially admits for the first time less than sixty days prior to trial that the amount of the individual petitioner's cause of action does not exceed ~~thirty-five fifty~~ thousand dollars exclusive of interest and costs, any other party may retain the right to a trial by jury if that party is entitled to a trial by jury pursuant to this Article and has otherwise complied with the procedural requirements for obtaining a trial by jury.

(c) Notwithstanding Subsubparagraphs (a) and (b) of this Subparagraph, if, as a result of a compromise or dismissal of one or more claims or parties which occurs less than sixty days prior to trial, an individual petitioner stipulates or otherwise judicially admits that the amount of the individual petitioner's cause of action does not exceed ~~thirty-five fifty~~ thousand dollars exclusive of interest and costs, a defendant shall not be entitled to a trial by jury."

AMENDMENT NO. 12

On page 8, between lines 13 and 14, insert the following:

"Section 11. R.S. 22:1454(A) is hereby amended and reenacted to read as follows:

§1454. Rating standards and methods

A. Rates shall not be inadequate or unfairly discriminatory in a competitive market. Rates shall not be excessive, inadequate, or unfairly discriminatory in a noncompetitive market. Risks may be classified using any criteria except that no risk shall be classified on the basis of race, ~~gender of an insured over the age of twenty-five,~~ color, creed, or national origin.

* * *

AMENDMENT NO. 13

On page 8, at the beginning of line 14, change "Section 11." to "Section 12."

AMENDMENT NO. 14

On page 8, between lines 15 and 16, insert the following:

"Section 13. (A) On April 1 of each year through 2024, the commissioner of insurance shall report annually to the legislature the rate change of the statewide average private passenger automobile written premium for minimum limits from April 1 of the prior year.

(B) On August 1, 2023, the commissioner of insurance shall report to the legislature the rate change of the statewide average private passenger automobile written premium for minimum limits from January 1, 2020.

(C) In calculating the rate change as provided in Subsections A and B of this Section, the commissioner of insurance shall include

a measure of inflation which is based on any increase or decrease in medical expenses, wages, property damage expenses, and relevant costs and expenses over the reporting period commencing on April 1 of the prior year."

AMENDMENT NO. 15

On page 8, at the beginning of line 16, change "Section 12.(A)" to "Section 14.(A)"

AMENDMENT NO. 16

On page 8, line 16, after "7" and before "of this" insert "and 13"

AMENDMENT NO. 17

On page 8, line 18, after "Section" and before "of this" change "3" to "2"

AMENDMENT NO. 18

On page 8, delete lines 21 through 24 in their entirety and insert the following:

"(C) The provisions of Sections 8 through 12 of this Act are effective August 1, 2023, if no report required to be submitted on or before August 1, 2023, by the commissioner of insurance pursuant to Section 13 of this Act reflects that the statewide average private passenger automobile written premium for minimum limits decreased by at least fifteen percent compared to the average private passenger automobile written premium for minimum limits on January 1, 2020."

On motion of Rep. Gregory Miller, the amendments were adopted.

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

Senate Instruments on Second Reading Returned from the Legislative Bureau

The following Senate Instruments on second reading, returned from the Legislative Bureau, were taken up and acted upon as follows:

SENATE BILL NO. 6—

BY SENATOR ALLAIN

AN ACT

To enact R.S. 47:601.1, relative to suspension of the initial corporation franchise tax and the corporation franchise tax on the first three hundred thousand dollars of taxable capital; to provide the applicable tax periods of the suspension; to provide for eligibility; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Ways and Means.

Reported without amendments by the Legislative Bureau.

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

SENATE BILL NO. 13—

BY SENATORS WARD, BARROW, BERNARD, BOUIE, CARTER, CLOUD, CORTEZ, FIELDS, HARRIS, JACKSON, LUNEAU, MCMATH, MILLIGAN, ROBERT MILLS, MIZELL, PRICE, REESE, SMITH AND TARVER

AN ACT

To amend and reenact R.S. 47:6016.1(B), (C), (E)(5) and (7), (F), (G), (H)(1)(b), and (J)(1) and to enact R.S. 47:6016.1(E)(1)(f), relative to the Louisiana New Markets Jobs Tax Credit; to

provide relative to eligibility for the credit; to provide for definitions; to provide for an additional allocation of qualified equity investment authority; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Ways and Means.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Ways and Means to Reengrossed Senate Bill No. 13 by Senator Ward

AMENDMENT NO. 1

On page 2, line 3 after "means" delete the remainder of the line in its entirety and delete line 4 in its entirety and insert the following:

"fifteen percent for the fourth through sixth credit allowance dates and ten percent for the seventh credit allowance date for all qualified equity investments issued on or"

AMENDMENT NO. 2

On page 3, line 10, after "than" and before "million" delete "fifty" and insert "one hundred"

AMENDMENT NO. 3

On page 4, line 29, after "least" and before "million" delete "fifty" and insert "one hundred"

AMENDMENT NO. 4

On page 5, line 7, after "of" and before "million" delete "fifty" and insert "seventy-five"

AMENDMENT NO. 5

On page 5, line 10, after "to" and before "million" delete "fifty" and insert "seventy-five"

Reported without amendments by the Legislative Bureau.

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

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

Suspension of the Rules

On motion of Rep. Ivey, the rules were suspended in order to take up and consider House and House Concurrent Resolutions on Third Reading for Final Consideration at this time.

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:

HOUSE RESOLUTION NO. 23—

BY REPRESENTATIVE IVEY

A RESOLUTION

To urge and request the Department of Economic Development to identify and study all potential data points that are collected or are capable of being collected by the Department of Economic Development and to provide a written report of its findings to

the House Committee on Ways and Means no later than February 1, 2021.

Read by title.

Rep. Ivey moved the adoption of the resolution.

By a vote of 91 yeas and 0 nays, the resolution was adopted.

Senate Concurrent Resolutions on Third Reading for Final Consideration

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

SENATE CONCURRENT RESOLUTION NO. 4—

BY SENATOR FOIL

A CONCURRENT RESOLUTION

To urge and request the Division of Administration, the Department of Economic Development, the Department of Insurance, the Department of Revenue, and the Department of Transportation and Development to study and make recommendations relative to the feasibility of establishing a funding mechanism for public-private partnership investment in Louisiana infrastructure projects, including the establishment of a public-private partnership investment tax credit program.

Read by title.

Rep. Freiberg moved the concurrence of the resolution.

By a vote of 94 yeas and 0 nays, the resolution was concurred in.

House Bills and Joint Resolutions on Third Reading and Final Passage

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

HOUSE BILL NO. 40—

BY REPRESENTATIVE IVEY

A JOINT RESOLUTION

Proposing to add Article VII, Section 9.1 of the Constitution of Louisiana, to create a category of dedicated funds in the state treasury and require the enactment of a law by two-thirds of the elected members of each house of the legislature to create or modify any fund designated as a protected fund; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Called from the calendar.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Ivey to Reengrossed House Bill No. 40 by Representative Ivey

AMENDMENT NO. 1

Delete the set of House Floor Amendments by Representative Ivey (#418)

AMENDMENT NO. 2

On page 1, line 12, change "Section 9.1.(A)" to "Section 9.1."

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AMENDMENT NO. 3

On page 1, delete lines 16 through 19 in their entirety and on page 2, delete lines 1 and 2 in their entirety

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Freeman	Lyons
Adams	Freiberg	Magee
Bagley	Gaines	Marcelle
Bishop	Green	Marino
Bourriaque	Harris	McKnight
Brass	Hilferty	McMahon
Brown	Hughes	Miller, D.
Carpenter	Ivey	Miller, G.
Carter, G.	James	Moore
Carter, R.	Jefferson	Newell
Cormier	Jenkins	Pierre
Coussan	Johnson, M.	Selders
Davis	Jones	St. Blanc
Deshotel	Jordan	Stagni
DuBuisson	Kerner	White
Duplessis	LaCombe	Willard
Dwight	Landry	Zeringue
Farnum	Larvadaïn	

Total - 53

NAYS

Amedee	Gadberry	Pressly
Bacala	Garofalo	Riser
Beaullieu	Goudeau	Romero
Butler	Henry	Schamerhorn
Carrier	Hodges	Seabaugh
Crews	Horton	Thomas
Echols	Huval	Thompson
Edmonds	Mack	Turner
Emerson	McFarland	Villio
Firment	Mincey	Wheat
Fontenot	Nelson	
Frieman	Owen, C.	

Total - 34

ABSENT

Bryant	Hollis	Owen, R.
Carter, W.	Illg	Phelps
Cox	Johnson, T.	Stefanski
DeVillier	McCormick	Tarver
Edmonston	Miguez	Wright
Glover	Muscarello	

Total - 17

The Chair declared the above bill, not having received a two-thirds vote of the elected members, failed to pass.

Consent to Correct a Vote Record

Rep. Amedee requested the House consent to record her vote on final passage of House Bill No. 40 as nay, which consent was unanimously granted.

Suspension of the Rules

On motion of Rep. Davis, the rules were suspended in order to take up and consider Reports of Committees at this time.

Reports of Committees

The following reports of committees were received and read:

Report of the Committee on
Commerce

June 22, 2020

To the Speaker and Members of the House of Representatives:

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

Senate Bill No. 10, by Mizell
Reported with amendments. (11-0)

PAULA P. DAVIS
Chairman

The above Senate Bills reported favorably or with amendments were referred to the Legislative Bureau.

Report of the Committee on
Ways and Means

June 22, 2020

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on Ways and Means to submit the following report:

Senate Bill No. 5, by Johns
Reported favorably. (11-0)

Senate Bill No. 16, by Abraham
Reported favorably. (12-1)

Senate Bill No. 17, by Hewitt
Reported favorably. (9-0)

Senate Bill No. 26, by Hewitt
Reported favorably. (10-0)

STUART J. BISHOP
Chairman

The above Senate Bills reported favorably or with amendments were referred to the Legislative Bureau.

Privileged Report of the Legislative Bureau

June 22, 2020

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. 9
Reported without amendments.

Respectfully submitted,

DODIE HORTON
Chair

Privileged Report of the Committee on Enrollment

June 22, 2020

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. 6—

BY REPRESENTATIVES MCCORMICK, AMEDEE, ADAMS, BACALA, BAGLEY, BUTLER, CARRIER, CORMIER, COUSSAN, CREWS, DEVILLIER, DUBUISSON, EDMONDS, EDMONSTON, EMERSON, FARNUM, FIRMENT, FONTENOT, GADBERRY, HARRIS, HODGES, HORTON, MIKE JOHNSON, MACK, MCFARLAND, NELSON, CHARLES OWEN, PRESSLY, RISER, ROMERO, SCHAMERHORN, SEABAUGH, THOMAS, WHEAT, AND WRIGHT

A RESOLUTION

To urge and request the governor to ensure that the right to individual liberty, the right to freedom of religion, and the right of the citizens of Louisiana to peaceably assemble are protected at all times without restriction.

HOUSE RESOLUTION NO. 20—

BY REPRESENTATIVE MINCEY

A RESOLUTION

To amend and readopt House Rule 8.21 of the Rules of Order of the House of Representatives to provide relative to conference committee reports.

HOUSE RESOLUTION NO. 34—

BY REPRESENTATIVE ROMERO

A RESOLUTION

To commend Austin Trahan on achieving the rank of Eagle Scout.

HOUSE RESOLUTION NO. 35—

BY REPRESENTATIVE ILLG

A RESOLUTION

To commemorate the centennial of the founding of the city of Harahan and to congratulate its citizens as they celebrate this significant milestone.

HOUSE RESOLUTION NO. 38—

BY REPRESENTATIVE PHELPS

A RESOLUTION

To express the condolences of the House of Representatives upon the homegoing of Jerry Wayne Yarbrough.

HOUSE RESOLUTION NO. 39—

BY REPRESENTATIVES STEFANSKI AND DEVILLIER

A RESOLUTION

To express the condolences of the House of Representatives upon the death, on June 1, 2020, of William Leo Spaetgens.

Respectfully submitted,

STEPHANIE HILFERTY
Chair

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

June 22, 2020

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

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

The following House Concurrent Resolutions have been properly enrolled:

HOUSE CONCURRENT RESOLUTION NO. 11—

BY REPRESENTATIVES FONTENOT, ADAMS, AMEDEE, BACALA, BEAULLIEU, BOURRIAQUE, BROWN, BUTLER, CARRIER, ROBBY CARTER, WILFORD CARTER, COUSSAN, DESHOTEL, DEVILLIER, ECHOLS, EDMONDS, EMERSON, FARNUM, FIRMENT, FREEMAN, FREIBERG, GAROFALO, GOUDEAU, HARRIS, HORTON, HUGHES, HUVAL, MIKE JOHNSON, KERNER, LARVADAIN, MCCORMICK, MCMAHEN, MIGUEZ, GREGORY MILLER, MINCEY, MOORE, NEWELL, CHARLES OWEN, PRESSLY, ROMERO, SCHAMERHORN, SCHEXNAYDER, STEFANSKI, THOMAS, THOMPSON, TURNER, AND WHEAT AND SENATORS ABRAHAM, ALLAIN, BARROW, BERNARD, BOUDREAU, BOUIE, CARTER, CATHEY, CLOUD, CONNICK, CORTEZ, FESI, FIELDS, FOIL, HARRIS, HENRY, HENSGENS, JACKSON, LAMBERT, LUNEAU, MCMATH, MILLIGAN, ROBERT MILLS, MIZELL, MORRIS, PEACOCK, PETERSON, POPE, PRICE, REESE, SMITH, TARVER, WARD, WHITE, AND WOMACK

A CONCURRENT RESOLUTION

To memorialize the United States Congress and the Louisiana congressional delegation to remove the revenue sharing cap on the Gulf of Mexico Energy Security Act of 2006 (GOMESA) for Gulf producing states and to take such actions as are necessary to rectify the federal revenue sharing inequities between energy producing states.

HOUSE CONCURRENT RESOLUTION NO. 16—

BY REPRESENTATIVES BOURRIAQUE, ADAMS, AMEDEE, BROWN, BUTLER, CARRIER, WILFORD CARTER, CORMIER, COUSSAN, DESHOTEL, FARNUM, FREEMAN, HUVAL, JENKINS, MIKE JOHNSON, KERNER, LACOMBE, LYONS, MACK, MARCELLE, MCMAHEN, MIGUEZ, GREGORY MILLER, MINCEY, RISER, SCHEXNAYDER, THOMAS, THOMPSON, TURNER, AND VILLIO AND SENATORS HENSGENS AND LAMBERT

A CONCURRENT RESOLUTION

To memorialize the United States Congress and the Louisiana congressional delegation to take such actions as are necessary to clarify and provide guidance regarding the ability of freshwater fisheries affected by the COVID-19 pandemic to receive assistance funding from CARES Act dollars.

Respectfully submitted,

STEPHANIE HILFERTY
Chair

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

Suspension of the Rules

On motion of Rep. Zeringue, the rules were suspended to permit the Committee on Appropriations to meet on Tuesday, June 23, 2020, and consider the following legislative instruments that were not listed on the weekly committee schedule as required by House Rule 14.23:

House Bill No. 71

Senate Bill No. 19

Leave of Absence

Rep. Edmonston - 1 day

Rep. Illg - 1 day

Rep. Muscarello, Jr. - 1 day

Rep. Robert Owen - 1 day

Adjournment

On motion of Rep. Thompson, at 2:05 P.M., the House agreed to adjourn until Tuesday, June 23, 2020, at 1:00 P.M.

The Speaker of the House declared the House adjourned until 1:00 P.M., Tuesday, June 23, 2020.

MICHELLE D. FONTENOT
Clerk of the House

Committee Meeting Notices

The following committees posted notices as follows:

Committee on Appropriations

Will meet at: 9:00 a.m.

Date: Tuesday, June 23, 2020

Location: Committee Room 5

HB 71 DUPLESSIS (TBA) FUNDS/FUNDING Provides for a death benefit for certain public employees who die from COVID-19 (Item #11) (Subject to Rule Suspension)

SB 19 PEACOCK (TBA) FUNDS/FUNDING Provides for investment authority of the Treasurer for the Millennium Trust, the Rockefeller Wildlife Refuge Trust and Protection Fund, and the Russell Sage or Marsh Island Trust Fund. (Item #10) (7/1/20) (Subject to Rule Suspension)

OTHER BUSINESS:

COMMITTEE ROOM 6 TO BE USED FOR OVERFLOW

ANNOUNCEMENTS:

Persons who do not feel comfortable giving testimony in person at this time may submit a prepared statement in accordance with House Rule 14.33 in lieu of appearing before the committee:

A. Any interested person or any committee member may file with the committee a prepared statement concerning a specific instrument or matter under consideration by the committee or concerning any matter within the committee's scope of authority, and the committee records shall reflect receipt of such statement and the date and time thereof.

B. Any person who files a prepared statement which contains data or statistical information shall include in such prepared statement sufficient information to identify the source of the data or statistical information. For the purposes of this Paragraph, the term "source" shall mean a publication, website, person, or other source from which the data or statistical information contained in the prepared statement was obtained by the person or persons who prepared the statement.

NOTE: Only statements mailed to addressk@legis.la.gov and received prior to 6:00 p.m. on Monday, June 22nd, will be included in the record for this committee meeting. All persons desiring to participate in the meeting shall utilize appropriate protective health measures and observe the recommended and appropriate social distancing.

JEROME "ZEE" ZERINGUE
Chairman

Weekly Committee Schedules

The following committees posted weekly committee schedules as follows:

Committee on Insurance

Wednesday, June 24, 2020

Committee Room 3

11:00 AM

INSTRUMENTS TO BE HEARD:

HR 36 MAGEE INSURANCE COMMISSIONER
Requests the House Committee on Insurance to study and make recommendations regarding the effects of making the commissioner of insurance an appointed position

OTHER BUSINESS:

COMMITTEE ROOM 4 TO BE USED FOR OVERFLOW

Persons who do not feel comfortable giving testimony in person at this time may submit a prepared statement in accordance with House Rule 14.33 in lieu of appearing before the committee:

A. Any interested person or any committee member may file with the committee a prepared statement concerning a specific instrument or matter under consideration by the committee or concerning any matter within the committee's scope of authority, and the committee records shall reflect receipt of such statement and the date and time thereof.

B. Any person who files a prepared statement which contains data or statistical information shall include in such prepared statement sufficient information to identify the source of the data or statistical information. For the purposes of this Paragraph, the term "source" shall mean a publication, website, person, or other source from which the data or statistical information contained in the prepared statement was obtained by the person or persons who prepared the statement.

NOTE: Only statements mailed to russellc@legis.la.gov and received prior to 2:00 p.m. on Tuesday, June 23, 2020, will be included in the record for this committee meeting. All persons desiring to participate in the meeting shall utilize appropriate protective health measures and observe the recommended and appropriate social distancing.

LEGISLATIVE INSTRUMENTS MAY BE DELETED (DOES NOT REQUIRE HOUSE RULES SUSPENSION) OR ADDED (REQUIRES HOUSE RULES SUSPENSION) PRIOR TO THE MEETING DATE. (HOUSE RULES 14.23 AND 14.24) SEE THE DAILY NOTICE OF COMMITTEE MEETINGS POSTED PRIOR TO MEETING DATE.

CHAD BROWN
Chairman