

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

FIFTH 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 14, 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	Gallot	Mills
Abramson	Geymann	Monica
Anders	Gisclair	Montoucet
Armes	Greene	Morrell
Arnold	Guillory, E.	Morris
Aubert	Guillory, M.	Norton
Badon, A.	Guinn	Nowlin
Badon, B.	Hardy	Pearson
Baldone	Harrison	Perry
Barras	Hazel	Peterson
Barrow	Henderson	Ponti
Billiot	Henry	Pope
Burford	Hill	Pugh
Burns, H.	Hines	Richard
Burns, T.	Hoffmann	Richardson
Burrell	Honey	Richmond
Carter	Howard	Ritchie
Cazayoux	Hutter	Robideaux
Champagne	Jackson G.	Roy
Chandler	Jackson M.	Schroder
Chaney	Johnson	Simon
Connick	Jones, R.	Smiley
Cortez	Jones, S.	Smith, G.
Cromer	Katz	Smith, J.
Danahay	Kleckley	Smith, P.
Dixon	LaBruzzo	St. Germain
Doerge	Lambert	Talbot
Dove	LeBas	Templet
Downs	Leger	Trahan
Edwards	Ligi	Waddell
Ellington	Little	White

Fannin
Foil
Franklin
Total - 102

Lopinto
Lorusso
McVea

Williams
Willmott
Wooton

ABSENT

LaFonta
Total - 2

Marchand

The Speaker announced that there were 102 members present and a quorum.

Prayer

Prayer was offered by Rep. Anders.

Pledge of Allegiance

Rep. Armes 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. Waddell, the reading of the Journal was dispensed with.

On motion of Rep. Waddell, the Journal of February 13, 2008, was adopted.

Senate Bills and Joint Resolutions on
Second Reading to be Referred

The following Senate Bills and Joint Resolutions on second reading to be referred were taken up, read, and referred to committees, as follows:

SENATE BILL NO. 5—

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

AN ACT

To amend and reenact R.S. 42:1112(A), the introductory paragraph of R.S. 42:1112(B), and 1120, relative to recusal from voting for certain elected officials; to eliminate authorization for certain elected officials to vote upon certain matters which would otherwise present a conflict of interest; to require filing of a statement of recusal; and to provide for related matters.

Read by title.

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

House 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. 7—

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

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.

Read by title.

Reported favorably by the Committee on House and Governmental Affairs.

Page 2 HOUSE

5th Day's Proceedings - February 14, 2008

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 43—

BY REPRESENTATIVE PETERSON

AN ACT

To amend and reenact R.S. 18:1505.2(O), relative to campaign finance; to provide for the payment of campaign finance fines, fees, and penalties; and to provide for related matters.

Read by title.

Reported favorably by the Committee on House and Governmental Affairs.

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 52—

BY REPRESENTATIVE PETERSON

AN ACT

To amend and reenact R.S. 42:1124.1(A)(2)(b) and 1157(A)(4)(a) and to enact R.S. 42:1124.2, relative to financial disclosure; to require certain disclosures by certain public servants; to require certain disclosures by members of the Board of Ethics and the ethics administrator; to provide for the content of such disclosures; to provide for procedures by the Board of Ethics relative to such disclosures; to provide for penalties; and to provide for related matters.

Read by title.

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

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Original House Bill No. 52 by Representative Peterson

AMENDMENT NO. 1

Delete pages 2 through 5 and on page 6, delete lines 1 through 4 and insert the following:

"§1124.2. Disclosure; Board of Ethics; ethics administrator

A. Each member of the Board of Ethics and the ethics administrator shall file a disclosure statement as provided in this Section.

B. The disclosure statement required by this Section shall be filed by May fifteenth of each year during which the person is a member of the Board of Ethics or holds the position of ethics administrator and by May fifteenth of the year following the termination of the holding of such office or position.

C. The disclosure statement required by this Section shall include the following information for the preceding calendar year:

(1) The full name and residence address of the individual who is required to file.

(2) The full name of the individual's spouse, if any, and the spouse's occupation and principal business address.

(3) The name of the employer, job title, and a brief job description of each full-time or part-time employment position held by the individual or spouse.

(4) The name, address, brief description of, and nature of association with and the amount of interest in each business in which the individual or spouse is a director, officer, owner, partner, member, or trustee, or in which the individual or spouse owns any interest, excluding a publicly traded corporation.

(5) The name, address, type, and amount of each source of income received during the immediately preceding calendar year by the individual or spouse, or by any business in which the individual or spouse owns an interest, excluding a publicly traded corporation, which is received from the state or any political subdivision as defined in Article VI of the Constitution of Louisiana.

(6) The name of each governmental entity from whom the individual or his spouse derives any thing of economic value through any contract or subcontract involving a governmental entity, including the Louisiana Insurance Guaranty Association, the Louisiana Health Insurance Guaranty Association, Louisiana Citizens Property Insurance Corporation, the Property Insurance Association of Louisiana, and any other quasi public entity; the nature of the contract or subcontract; and the value of thing of economic value derived."

AMENDMENT NO. 2

On page 6, delete line 12 and insert the following:

"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.

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 58—

BY REPRESENTATIVE MORRELL

AN ACT

To enact Part VIII of Chapter 11 of Title 18 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 18:1601 through 1603, relative to campaign finance; to provide relative to certain expenditures for certain political activities; to provide for certain required content; to provide for certain required reports; to provide for penalties; and to provide for related matters.

Read by title.

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

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Original House Bill No. 58 by Representative Morrell

AMENDMENT NO. 1

On page 1, line 20, change "communication or poll" to "poll or communication"

AMENDMENT NO. 2

On page 2, at the end of line 3, delete "communication" and at the beginning of line 4 delete "or poll" and insert "poll or communication"

AMENDMENT NO. 3

On page 2, line 7, after "If the" and before "communication" insert "poll or"

AMENDMENT NO. 4

On page 2, delete line 10, and insert "whom the poll or communication is paid for by including the name, address,"

AMENDMENT NO. 5

On page 2, line 12, change "communication or poll" to "poll or communication"

AMENDMENT NO. 6

On page 2, line 13, after "that the" and before "communication" insert "poll or"

AMENDMENT NO. 7

On page 2, line 24, change "communications or poll." to "poll or communication."

AMENDMENT NO. 8

On page 2, line 26, change "communications or poll." to "poll or communication."

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 62—

BY REPRESENTATIVE HARDY

AN ACT

To amend and reenact R.S. 42:1155, relative to the Board of Ethics; to require the board to order the payment of certain penalties for certain violations of the Code of Governmental Ethics; to require the board to order the forfeiture of certain gifts and payments; and to provide for related matters.

Read by title.

Reported favorably by the Committee on House and Governmental Affairs.

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 65—

BY REPRESENTATIVE GREENE

AN ACT

To amend and reenact R.S. 18:463(A)(2) and 491(C) and to enact R.S. 18:492(A)(6), relative to qualifying for primary elections; to require a candidate to certify that he does not owe any ethics fines as a condition of qualification; to provide relative to objections to candidacy based on false certification regarding ethics fines; and to provide for related matters.

Read by title.

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

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Original House Bill No. 65 by Representative Greene

AMENDMENT NO. 1

On page 3, after line 24, insert the following:

"Section 2. This Act shall become effective on January 1, 2009."

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 72—

BY REPRESENTATIVE BARROW

AN ACT

To enact R.S. 18:1505.2(I)(4), relative to campaign finance; to allow for certain uses of contributions; to provide relative to penalties; 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 Enrolled House Bill No. 72 by Representative Barrow

AMENDMENT NO. 1

On page 1, line 11, after "wedding." delete the remainder of the line and delete line 12, and insert the following:

"a milestone or extraordinary birthday or anniversary, or for the purchase of flowers for"

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 73—

BY REPRESENTATIVE WHITE

AN ACT

To enact R.S. 18:1485(E), relative to certain campaign reporting requirements; to require certain reports to be filed electronically; to provide relative to procedures for the filing of such reports; to provide for penalties; and to provide for related matters.

Read by title.

Page 4 HOUSE

5th Day's Proceedings - February 14, 2008

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

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Original House Bill No. 73 by Representative White

AMENDMENT NO. 1

On page 1, delete lines 19 and 20 and on page 2, delete lines 1 through 3 and insert the following:

"Section 2. This Act shall become effective on July 1, 2009."

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 74—

BY REPRESENTATIVE CONNICK
AN ACT

To amend and reenact R.S. 42:1142(A) and to enact R.S. 42:1141.1, relative to the Board of Ethics; to provide for a process of declaratory opinions of the board; to provide procedures for obtaining such opinions; to provide for matters on which the board may render declaratory opinions; to provide for circumstances in which the board may refuse to issue such decisions; and to provide for related matters.

Read by title.

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

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Original House Bill No. 74 by Representative Connick

AMENDMENT NO. 1

On page 1, line 2, after "To" and before "enact" insert "amend and reenact R.S. 42:1142(A) and to"

AMENDMENT NO. 2

On page 1, line 8, after "Section 1." and before "R.S. 42:1141.1" insert "R.S. 42:1142(A) is hereby amended and reenacted and"

AMENDMENT NO. 3

On page 2, after line 23, insert the following:

"§1142. Appeals

A. Whenever action is taken against any public servant or person by the board or panel or by an agency head by order of the board or panel, or whenever any public servant or person is aggrieved by any action taken by the board or panel, he may appeal therefrom to the Court of Appeal, First Circuit, if application to the board is made within thirty days after the decision of the board becomes final.

~~Any advisory opinion issued to any person or governmental entity by the board or panel or any refusal by the board or panel to issue a declaratory opinion or any preliminary, procedural, or intermediate action or ruling by the board or panel is subject to the supervisory jurisdiction of the appellate court as provided by Article V, Section 10 of the Constitution of Louisiana. The Court of Appeal, First Circuit, shall promulgate rules of procedure to be followed in taking and lodging such appeals.~~

* * *

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 78—

BY REPRESENTATIVE LEGER
AN ACT

To amend and reenact R.S. 18:1485(C), relative to certain campaign finance reporting requirements; to require certain reports to be filed electronically; to provide relative to procedures for the filing of such reports; and to provide for related matters.

Read by title.

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

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Original House Bill No. 78 by Representative Leger

AMENDMENT NO. 1

On page 1, line 10, after "office" delete "that" and delete lines 11 through 13 and insert "shall"

AMENDMENT NO. 2

On page 1, after line 17, insert the following:

"Section 2. This Act shall become effective on July 1, 2009."

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 80—

BY REPRESENTATIVES MORRELL, ABRAMSON, LEGER, AND PETERSON
AN ACT

To enact Chapter 44 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9611 through 9615, relative to certain local entities; to provide relative to certain powers of a local ethics entity, ethics review board, or office of inspector general in certain municipalities; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Municipal, Parochial and Cultural Affairs.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Municipal, Parochial and Cultural Affairs to Original House Bill No. 80 by Representative Morrell

AMENDMENT NO. 1

On page 2, at the beginning of line 5, insert "A."

AMENDMENT NO. 2

On page 2, line 7, after "entity" and before "ethics review" delete the comma", and insert "or"

AMENDMENT NO. 3

On page 2, line 8, after "board" delete the comma", and delete "or office of inspector general"

AMENDMENT NO. 4

On page 2, line 9, after "local ethics" delete the remainder of the line and insert "entity or ethics review board"

AMENDMENT NO. 5

On page 2, line 14, after "and Information." delete the remainder of the line and delete lines 15 through 17 in their entirety and insert the following:

"B. A local ethics review board granted powers pursuant to Subsection A of this Section is authorized to confer all such powers upon a local office of inspector general located within its jurisdiction. The local office of inspector general shall make application in writing for such powers to the local ethics review board. The chairman of the local ethics review board shall review such application and issue a written decision within seventy-two hours of receipt of such application. In the absence of a local ethics review board, the local office of inspector general shall make application in writing for such powers to a judge of a district court for the district within which the office of inspector general is located. The judge shall issue a written decision within seventy-two hours of receipt of such application.

C. As a law enforcement agency, no person shall have a cause of action against a local ethics entity, ethics review board, or office of inspector general or an officer or employee thereof for any loss or damage caused by any act or omission resulting from the implementation of the provisions of this Chapter."

AMENDMENT NO. 6

On page 2, line 19, after "local ethics" delete the remainder of the line and insert "entity or ethics review board may"

AMENDMENT NO. 7

On page 2, delete line 23 in its entirety and insert "ethics entity or ethics review board may administer oaths."

AMENDMENT NO. 8

On page 2, line 25, after "local ethics" delete the remainder of the line and insert "entity or ethics review board"

AMENDMENT NO. 9

On page 4, line 6, after "in local" delete "or state"

AMENDMENT NO. 10

On page 4, line 8, after "appropriations of" and before "local public" delete "state or"

AMENDMENT NO. 11

On page 4, line 11, after "from any" and before "agency or" change "public" to "municipal"

AMENDMENT NO. 12

On page 4, line 17, after "local ethics" delete the remainder of the line and insert "entity or ethics review board may"

AMENDMENT NO. 13

On page 4, line 18, after "local ethics" delete the remainder of the line and at the beginning of line 19, delete "inspector general" and insert "entity or ethics review board"

AMENDMENT NO. 14

On page 4, between lines 20 and 21, insert the following:

"F. A local ethics review board granted powers pursuant to this Section is authorized to confer all such powers upon a local office of inspector general located within its jurisdiction. The local office of inspector general shall make application in writing for such powers to the local ethics review board. The chairman of the local ethics review board shall review such application and issue a written decision within seventy-two hours of receipt of such application. In the absence of a local ethics review board, the local office of inspector general shall make application in writing for such powers to a judge of a district court for the district within which the office of inspector general is located. The judge shall issue a written decision within seventy-two hours of receipt of such application."

AMENDMENT NO. 15

On page 4, line 28, after "B." and before "A subpoena" insert "(1)"

AMENDMENT NO. 16

On page 5, line 1, after "local ethics" delete the remainder of the line and at the beginning of line 2, delete "or office of inspector general" and insert "entity or ethics review board"

AMENDMENT NO. 17

On page 5, line 8, after "such ethics" delete the remainder of the line and delete line 9 in its entirety and insert the following:

"entity or ethics review board.

(2) A local ethics review board granted powers pursuant to this Section is authorized to confer all such powers upon a local office of inspector general located within its jurisdiction. The local office of inspector general shall make application in writing for such powers to the local ethics review board. The chairman of the local ethics review board shall review such application and issue a written decision within seventy-two hours of receipt of such application. In the absence of a local ethics review board, the local office of inspector general shall make application in writing for such powers to a judge of a district court for the district within which the office of inspector general is located. The judge shall issue a written decision within seventy-two hours of receipt of such application."

AMENDMENT NO. 18

On page 6, line 22, change "may" to "shall"

AMENDMENT NO. 19

On page 6, line 25, change "may" to "shall"

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

Page 6 HOUSE

5th Day's Proceedings - February 14, 2008

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 89—

BY REPRESENTATIVE RICHARD
AN ACT

To enact R.S. 18:1505.2(I)(4) and to repeal R.S. 18:1505.2(O), relative to the use of campaign funds to pay certain fines, fees, and penalties; to prohibit the use of such funds to pay fines, fees, and penalties assessed pursuant to the Campaign Finance Disclosure Act; to provide for penalties; to repeal provisions that authorize the supervisory committee to prohibit the use of campaign funds to pay fines, fees, or penalties assessed for violations of the Campaign Finance Disclosure Act; and to provide for related matters.

Read by title.

Reported favorably by the Committee on House and Governmental Affairs.

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 90—

BY REPRESENTATIVES DIXON AND TUCKER
AN ACT

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

Read by title.

Reported favorably by the Committee on House and Governmental Affairs.

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 91—

BY REPRESENTATIVE MORRELL
AN ACT

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

Read by title.

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

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Original House Bill No. 91 by Representative Morrell

AMENDMENT NO. 1

On page 2, after line 17, insert the following:

"Section 2. The provisions of this Act shall be null and of no effect if House Bill No. 41 of this 2008 First Extraordinary Session is enacted."

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

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

Under the rules, placed on the regular calendar.

House 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:

Regular Calendar

HOUSE BILL NO. 1—

BY REPRESENTATIVES TUCKER, PETERSON, BARRAS, BARROW, BILLIOT, TIM BURNS, CAZAYOUX, CONNICK, DANAHAY, DOERGE, DOVE, GALLOT, GISCLAIR, HENRY, HILL, HINES, LABRUZZO, LIGI, PEARSON, PONTI, PUGH, RICHARD, ROY, SCHRODER, SMILEY, JANE SMITH, AND WILLIAMS

AN ACT

To amend and reenact R.S. 42:1124, 1124.1, 1157(A)(4)(a), and 1167, to enact R.S. 18:1495.7 and R.S. 42:1124.2, and to repeal R.S. 18:463(B) and R.S. 42:1114.1, relative to financial disclosure; to require certain disclosures by certain public servants; to require certain disclosures by candidates for certain offices; to provide for the content of such disclosures; to provide for certain actions by the Board of Ethics relative to such disclosures; to remove certain specific financial disclosure provisions applicable to members of the legislature; to provide for penalties; to provide relative to the application of certain provisions of the Code of Governmental Ethics; to provide for effectiveness; and to provide for related matters.

Read by title.

Suspension of the Rules

On motion of Rep. Peterson, and under a suspension of the rules, consideration of the above bill was deferred at this time.

Speaker Pro Tempore Peterson in the Chair

HOUSE BILL NO. 2—

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

AN ACT

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

Read by title.

Suspension of the Rules

On motion of Rep. Gallot, and under a suspension of the rules, consideration of the above bill was deferred at this time.

HOUSE BILL NO. 3—

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

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

Read by title.

Suspension of the Rules

On motion of Rep. Gallot, and under a suspension of the rules, consideration of the above bill was deferred at this time.

Speaker Tucker in the Chair**HOUSE BILL NO. 6—**

BY REPRESENTATIVES TUCKER, PETERSON, GALLOT, BARROW, BILLIOT, TIM BURNS, CHAMPAGNE, DOERGE, DOVE, HENRY, HINES, LABRUZZO, LIGI, NOWLIN, PEARSON, RICHARD, SCHRODER, SMILEY, JANE SMITH, TALBOT, WILLIAMS, ABRAMSON, ANDERS, ARMES, ARNOLD, AUBERT, AUSTIN BADON, BOBBY BADON, BALDONE, BARRAS, BURFORD, HENRY BURNS, BURRELL, CARTER, CHANDLER, CHANEY, CORTEZ, CROMER, DANAHAY, DIXON, DOWNS, EDWARDS, ELLINGTON, FOIL, FRANKLIN, GISCLAIR, GREENE, ELBERT GUILLORY, MICKEY GUILLORY, HARDY, HARRISON, HAZEL, HENDERSON, HOFFMANN, HOWARD, HUTTER, ROSALIND JONES, KATZ, LAMBERT, LEBAS, LEGER, LORUSSO, MILLS, MONICA, MONTOUCET, MORRELL, MORRIS, PERRY, PONTI, POPE, PUGH, RICHARDSON, RITCHIE, ROBIDEAUX, ROY, SIMON, GARY SMITH, PATRICIA SMITH, TEMPLET, TRAHAN, WADDELL, WHITE, AND WILLMOTT

AN ACT

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

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Peterson to Engrossed House Bill No. 6 by Representative Tucker

AMENDMENT NO. 1

On page 1, line 15 after "office," insert the following:

"All newly elected officials shall receive the required one hour of education training on the Code of Governmental Ethics within the first ninety days after taking the oath of office."

AMENDMENT NO. 2

On page 2, line 6, after "office," insert the following:

"All newly elected officials shall receive the required one hour of education training on the Code of Governmental Ethics within the first ninety days after taking the oath of office."

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

Rep. Jane Smith moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Gallot	McVea
Abramson	Geymann	Mills
Anders	GISclair	Monica
Armes	Greene	Montoucet
Arnold	Guillory, E.	Morrell
Aubert	Guillory, M.	Morris
Badon, A.	Guinn	Nowlin
Badon, B.	Hardy	Pearson
Baldone	Harrison	Perry
Barras	Hazel	Peterson
Barrow	Henderson	Ponti
Billiot	Henry	Pope
Burford	Hill	Pugh
Burns, H.	Hines	Richard
Burns, T.	Hoffmann	Richardson
Burrell	Honey	Ritchie
Carter	Howard	Robideaux
Champagne	Hutter	Roy
Chandler	Jackson G.	Schroder
Chaney	Johnson	Simon
Cortez	Jones, R.	Smiley
Cromer	Jones, S.	Smith, G.
Danahay	Katz	Smith, J.
Dixon	Kleckley	Smith, P.
Doerge	LaBruzze	St. Germain
Dove	Lambert	Talbot
Downs	LeBas	Trahan
Edwards	Leger	Waddell
Ellington	Ligi	White
Fannin	Little	Willmott
Foil	Lopinto	Wooton
Franklin	Lorusso	
Total - 95		

NAYS

Total - 0

ABSENT

Cazayoux	LaFonta	Richmond
Connick	Marchand	Templet
Jackson M.	Norton	Williams
Total - 9		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

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

HOUSE BILL NO. 8—

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

Page 8 HOUSE

5th Day's Proceedings - February 14, 2008

ST. GERMAIN, TEMPLET, TRAHAN, WADDELL, WHITE, WILLMOTT,
AND WOOTON

AN ACT

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

Read by title.

Rep. Waddell, on behalf of the Legislative Bureau, sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Waddell on behalf of the Legislative Bureau to Engrossed House Bill No. 8 by Representative Tucker

AMENDMENT NO. 1

On page 2, line 9, before "dismissed" delete "or"

AMENDMENT NO. 2

On page 2, line 9, following "dismissed" and before "or" insert ","

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Gallot to Engrossed House Bill No. 8 by Representative Tucker

AMENDMENT NO. 1

On page 2, line 4, between "reprisal" and "for reporting" insert "by the public employer"

AMENDMENT NO. 2

On page 2, line 5, after "hire" delete "and fire," and insert a comma "," and insert "fire, or discipline employees."

AMENDMENT NO. 3

On page 3, line 3, delete "Any person" and insert "Any employee with the authority to hire, fire, or discipline employees, supervisor, agency head, or elected official"

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	Geymann	Monica
Abramson	Gisclair	Montoucet
Anders	Greene	Morrell
Armes	Guillory, E.	Morris
Arnold	Guillory, M.	Norton
Aubert	Hardy	Nowlin
Badon, A.	Harrison	Pearson
Badon, B.	Hazel	Perry
Baldone	Henderson	Peterson

Barras	Henry	Ponti
Billiot	Hill	Pope
Burford	Hines	Pugh
Burns, H.	Hoffmann	Richard
Burns, T.	Honey	Richardson
Burrell	Howard	Ritchie
Carter	Hutter	Robideaux
Champagne	Jackson G.	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	Lambert	St. Germain
Dove	LeBas	Talbot
Downs	Leger	Templet
Edwards	Ligi	Trahan
Ellington	Little	Waddell
Fannin	Lopinto	White
Foil	Lorusso	Williams
Franklin	McVea	Willmott
Gallot	Mills	Wooton

Total - 96

NAYS

Total - 0

ABSENT

Barrow	Guinn	Marchand
Cazayoux	Jackson M.	Richmond
Chandler	LaFonta	

Total - 8

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

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.

HOUSE BILL NO. 22—

BY REPRESENTATIVE CHAMPAGNE

AN ACT

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

Read by title.

Rep. Champagne moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Gallot	McVea
Abramson	Geymann	Mills
Anders	Gisclair	Monica
Armes	Greene	Montoucet
Arnold	Guillory, E.	Morrell
Aubert	Guillory, M.	Morris
Badon, A.	Guinn	Norton
Badon, B.	Hardy	Nowlin
Baldone	Harrison	Pearson
Barras	Hazel	Perry
Barrow	Henderson	Peterson

Billiot	Henry	Ponti
Burford	Hill	Pope
Burns, H.	Hines	Pugh
Burns, T.	Hoffmann	Richard
Burrell	Honey	Richardson
Carter	Howard	Ritchie
Champagne	Hutter	Robideaux
Chandler	Jackson G.	Roy
Chaney	Jackson M.	Schroder
Connick	Johnson	Simon
Cortez	Jones, R.	Smiley
Cromer	Jones, S.	Smith, G.
Danahay	Katz	Smith, J.
Dixon	Kleckley	Smith, P.
Doerge	LaBruzzo	St. Germain
Dove	Lambert	Talbot
Downs	LeBas	Templet
Edwards	Leger	Trahan
Ellington	Ligi	White
Fannin	Little	Williams
Foil	Lopinto	Willmott
Franklin	Lorusso	Wooton

Total - 99

NAYS

Total - 0

ABSENT

Cazayoux	Marchand	Waddell
LaFonta	Richmond	

Total - 5

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

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

Speaker Pro Tempore Peterson in the Chair

HOUSE BILL NO. 1—

BY REPRESENTATIVES TUCKER, PETERSON, GALLOT, BARRAS, BARROW, BILLIOT, TIM BURNS, CAZAYOUX, CONNICK, DANAHAY, DOERGE, DOVE, GISCLAIR, HENRY, HILL, HINES, LABRUZZO, LIGI, PEARSON, PONTI, PUGH, RICHARD, ROY, SCHRODER, SMILEY, JANE SMITH, AND WILLIAMS

AN ACT

To amend and reenact R.S. 42:1124, 1124.1, 1157(A)(4)(a), and 1167, to enact R.S. 18:1495.7 and R.S. 42:1124.2, and to repeal R.S. 18:463(B) and R.S. 42:1114.1, relative to financial disclosure; to require certain disclosures by certain public servants; to require certain disclosures by candidates for certain offices; to provide for the content of such disclosures; to provide for certain actions by the Board of Ethics relative to such disclosures; to remove certain specific financial disclosure provisions applicable to members of the legislature; to provide for penalties; to provide relative to the application of certain provisions of the Code of Governmental Ethics; to provide for effectiveness; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Tucker to Engrossed House Bill No. 1 by Representative Tucker

AMENDMENT NO. 1

On page 1, line 3, change "R.S. 42:1124.2," to "R.S. 42:1124.2 and 1124.3,"

AMENDMENT NO. 2

On page 1, line 15, change "R.S. 42:1124 or 1124.2" to "R.S. 42:1124, 1124.2, or 1124.3"

AMENDMENT NO. 3

On page 2, line 1, change "R.S. 42:1124 or 1124.2" to "R.S. 42:1124, 1124.2, or 1124.3"

AMENDMENT NO. 4

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

"B.(1) Whoever fails to file a financial 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 pursuant to R.S. 42:1157 for each day until such statement or the required accurate information is filed.

(2) The amount of such penalty shall be:

(a) Five hundred dollars per day for statements required for candidates for governor.

(b) One hundred dollars per day for statements required for candidates for any other public office other than those offices covered by R.S. 42:1124.3.

(c) Fifty dollars per day for statements required for candidates for offices covered by R.S. 42:1124.3.

C.(1) If the supervisory committee discovers that a candidate has failed to disclose or accurately disclose information required by R.S. 42:1124, 1124.2, or 1124.3, the supervisory committee shall mail by certified mail a notice of delinquency informing the person that the information must be disclosed or accurately disclosed no later than fourteen days after receipt of the notice of delinquency. The notice of delinquency shall include the deadline for disclosing or accurately disclosing the information. If the candidate discloses or accurately discloses the information prior to the deadline contained in the notice of delinquency, no penalties shall be assessed against the candidate.

(2) Whoever fails to disclose or accurately disclose the information by the deadline included in the notice of delinquency shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one thousand dollars nor more than ten thousand dollars or imprisoned in parish prison for not more than six months, or both. Any prosecution under this Subsection shall be tried before a jury of six persons, all of whom must concur to render a verdict.

AMENDMENT NO. 5

On page 3, line 7, change "R.S. 42:1124.2 is" to "R.S. 42:1124.2 and 1124.3 are"

AMENDMENT NO. 6

On page 3, line 8, after "disclosure;" insert "governor;"

AMENDMENT NO. 7

On page 3, line 15, after "(1)" delete the remainder of the line and delete line 16, and insert "The governor and each person holding statewide elected office."

Page 10 HOUSE

5th Day's Proceedings - February 14, 2008

AMENDMENT NO. 8

On page 3, delete line 17 in its entirety

AMENDMENT NO. 9

On page 3, at the beginning of line 18, change "(3)" to "(2)"

AMENDMENT NO. 10

On page 4, at the beginning of line 2, change "(4)" to "(3)"

AMENDMENT NO. 11

On page 4, at the beginning of line 3, change "(5)" to "(4)"

AMENDMENT NO. 12

On page 4, at the beginning of line 5, change "(6)" to "(5)"

AMENDMENT NO. 13

On page 4, at the beginning of line 7, change "(7)" to "(6)"

AMENDMENT NO. 14

On page 4, at the beginning of line 9, change "(8)" to "(7)"

AMENDMENT NO. 15

On page 4, at the beginning of line 10, change "(9)" to "(8)"

AMENDMENT NO. 16

On page 8, delete lines 16 and 17 in their entirety

AMENDMENT NO. 17

On page 8, at the beginning of line 18, change "(4)" to "(3)"

AMENDMENT NO. 18

On page 8, delete lines 19 through 21 in their entirety

AMENDMENT NO. 19

On page 8, at the beginning of line 22, change "I." to "H."

AMENDMENT NO. 20

On page 8, delete lines 26 through 29 and delete page 9 and on page 10, delete lines 1 through 11 and insert the following:

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

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

(2) The amount of such penalty shall be:

(a) Five hundred dollars per day for statements required by R.S. 42:1124 to be filed by the governor.

(b) One hundred dollars per day for statements required by R.S. 42:1114, ~~or 1114.1~~ for statements required by R.S. 42:1124 to be filed by persons other than the governor, and for statements required by R.S. 42:1124.2.

(c) Fifty dollars per day for statements required by R.S. 42:1124.3.

B.(1) If the board discovers that a person has failed to disclose or accurately disclose information required by R.S. 42:1124, 1124.2, or 1124.3, the board shall mail by certified mail a notice of delinquency informing the person that the information must be disclosed or accurately disclosed no later than fourteen days after receipt of the notice of delinquency. The notice of delinquency shall include the deadline for disclosing or accurately disclosing the information. If the person discloses or accurately discloses the information prior to the deadline contained in the notice of delinquency, no penalties shall be assessed against the person.

(2) Whoever fails to disclose or accurately disclose the information by the deadline included in the notice of delinquency shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one thousand dollars nor more than ten thousand dollars or imprisoned in parish prison for not more than six months, or both. Any prosecution under this Subsection shall be tried before a jury of six persons, all of whom must concur to render a verdict.

C. Whoever knowingly and willfully files a false report required by this Part, except for statements required by R.S. 42:1124, 1124.2, or 1124.3, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one thousand dollars nor more than ten thousand or imprisoned in parish prison for not more than six months, or both. Any prosecution under this Subsection shall be tried before a jury of six persons, all of whom must concur to render a verdict. ~~C. "Knowingly and willfully"~~ for purposes of this Section Subsection means conduct which could have been avoided through the exercise of due diligence.

§1124.2. Financial disclosure; certain elected officials; voting districts of five thousand or more

A. Each member of the state legislature, judges, and each person holding a public office who represents a voting district having a population of five thousand or more persons, except any person who is required to file a financial statement pursuant to R.S. 42:1124, shall annually file a financial statement as provided in this Section.

B.(1) The financial statement required by this Section shall be filed by May 15 of each year during which the person holds an office or position included in Subsection A of this Section and by May 15 of the year following the termination of the holding of such office or position.

(2) Notwithstanding the provisions of Paragraph (1) of this Subsection, the financial statement required by this Section may be filed within thirty days after the individual files his federal tax return for the year on which he is reporting, provided that he notifies the Board of Ethics that he intends to do so within five days after the deadline provided in Paragraph (1) of this Subsection.

C. The financial statement required by this Section shall be filed on a form prescribed by the Board of Ethics and shall include the following information for the preceding calendar year:

(1) The full name and residence address of the individual who is required to file.

(2) The full name of the individual's spouse, if any, and the spouse's occupation and principal business address.

(3) The name of the employer, job title, and a brief job description of each full-time or part-time employment position held by the individual or spouse.

(4) The name, address, brief description of, and nature of association with and the amount of interest in each business in which the individual or spouse is a director, officer, owner, partner, member, or trustee, or in which the individual or spouse, either individually or collectively, owns an interest which exceeds ten percent of that business.

(5)(a) The name, address, type, and amount of each source of income received during the immediately preceding calendar year by the individual or spouse, or by any business in which the individual or spouse, either individually or collectively, owns an interest which exceeds ten percent of that business, which is received from any of the following:

(i) The state or any political subdivision as defined in Article VI of the Constitution of Louisiana.

(ii) Services performed for or in connection with a gaming interest as defined in R.S. 18:1505.2(L)(3)(a).

(b) The name and address of any employer which provides income to the individual or spouse pursuant to the full-time or part-time employment of the individual or spouse, including a brief description of the nature of the services rendered pursuant to such employment and the amount of such income, excluding information required to be reported pursuant to Subparagraph (5)(a) of this Subsection.

(c) The name and address of all businesses which provide income to the individual or spouse, including a brief description of the nature of services rendered for each business or of the reason such income was received, and the aggregate amount of such income reported by category in accordance with Paragraph (D)(1) of this Section, excluding information required to be reported pursuant to Subparagraph (5)(a) or (b) of this Subsection.

(d) A description of the type of any other income exceeding one thousand dollars received by the individual or spouse, including a brief description of the nature of the services rendered for the income or the reason such income was received, and the amount of income reported by category pursuant to Paragraph (D)(1) of this Section, excluding information required to be reported pursuant to Subparagraph (5)(a), (b), or (c) of this Subsection.

(6) A brief description, value assessed for property taxes, location, and address of each parcel of immovable property in which the individual or spouse, either individually or collectively, has an interest, provided that the value assessed for property taxes for such parcel of immovable property exceeds two thousand dollars. However, no judge or law enforcement officer, including a district attorney, shall be required to disclose the address of his primary personal residence.

(7) The name and a brief description of each investment security having a value exceeding five thousand dollars held by the individual or spouse, excluding mutual funds, education investment accounts, retirement investment accounts, government bonds, and cash or cash equivalent investments.

(8) A brief description, amount, and date of any purchase or sale, in excess of five thousand dollars, of any immovable property and of any personally owned stocks, bonds, or commodities futures, including any option to acquire or dispose of any immovable property or of any personally owned stocks, bonds, or commodities futures.

(9) The name and address of each creditor, and name of each guarantor, if any, to whom the individual or spouse owes any liability which exceeds ten thousand dollars, excluding:

(a) Any loan secured by movable property, if such loan does not exceed the purchase price of the movable property which secures it.

(b) Any liability, secured or unsecured, which is guaranteed by the individual or spouse for a business in which the individual or spouse owns any interest, provided that the liability is in the name of the business and, if the liability is a loan, that the individual or spouse does not use proceeds from the loan for personal use unrelated to the business.

(10) A certification that such individual has filed his federal and state income tax returns, or has filed for an extension of time for filing such tax returns.

D.(1) When an amount is authorized to be disclosed by category pursuant to this Section, it shall be sufficient to report the amount by the following categories:

(a) Category I, less than \$5,000.

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

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

(d) Category IV, \$50,000-\$100,000.

(e) Category V, more than \$100,000.

(2) Amounts required to be disclosed shall be valued at actual or fair market value, whichever is greater.

E. The financial statement shall be filed with the Board of Ethics and shall be accompanied by the affidavit of the individual filing it certifying that the information contained in the financial statement is true and correct to the best of his knowledge, information, and belief. The financial statement shall be a public record, subject to the provisions of Chapter 1 of Title 44 of the Louisiana Revised Statutes of 1950.

F. For purposes of this Section, an individual or spouse shall not transfer any asset, interest, or liability required to be disclosed pursuant to this Section to any person or business for the purpose of avoiding disclosure, unless such transfer is irrevocable. A transfer shall not be irrevocable if there exists any contract, letter, counter letter, note, or any other legally enforceable agreement or authority which if exercised or enforced would require or authorize any asset, interest, or liability transferred by an individual or spouse to a person or business to revert back to such individual or spouse.

G. For purposes of this Section, the following words shall have the following meanings:

(1) "Business" and "income" shall have the same meanings as provided in R.S. 42:1124, except that "income" for purposes of Subparagraph (5)(a) shall not include expenses paid to third parties.

(2) "Judge" shall have the same meaning as provided in the Code of Judicial Conduct.

(3) "Public office" shall have the same meaning as provided in R.S. 18:1483.

H. Relative to members of the legislature, the Board of Ethics shall promptly notify the clerical officer of the house of the legislature to which a member is elected of all violations of the provisions of this Section.

I. The Board of Ethics shall post on its web site on the World Wide Web a list of all persons who have failed to file or failed to timely file, or who have failed to disclose or accurately disclose any information required by this Section. A person shall be removed from the list upon filing or accurately disclosing the required information."

Page 12 HOUSE

5th Day's Proceedings - February 14, 2008

AMENDMENT NO. 21

On page 10, at the beginning of line 12, change "§1124.2." to "§1124.3."

AMENDMENT NO. 22

On page 10, line 15, change "R.S. 42:1124." to "R.S. 42:1124 or 1124.2."

AMENDMENT NO. 23

On page 11, line 26, change "R.S. 42:1124 or 1124.2" to "R.S. 42:1124, 1124.2, or 1124.3"

AMENDMENT NO. 24

On page 12, line 5, delete "42:1124, 1124.1," and insert "42:1124.1."

AMENDMENT NO. 25

On page 12, line 6, delete "42:1124, 1124.1," and insert "42:1124.1."

AMENDMENT NO. 26

On page 12, line 12, change "42:1124.2" to "42:1124.3"

AMENDMENT NO. 27

On page 12, line 13, after "to" and before "as enacted" change "R.S. 42:1124.2" to "R.S. 42:1124.3" and after "until" and before "becomes" change "R.S. 42:1124.2" to "R.S. 42:1124.3"

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

On motion of Rep. Tucker, the bill, as amended, was ordered reengrossed.

Motion

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

Notice of Intention to Call

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

HOUSE BILL NO. 2—

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

AN ACT

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

Read by title.

Motion

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

Notice of Intention to Call

Pursuant to House Rule No. 8.26(A), Rep. Tucker gave notice of his intention to call House Bill No. 2 from the calendar for future action.

HOUSE BILL NO. 3—

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

AN ACT

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

Read by title.

Motion

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

Notice of Intention to Call

Pursuant to House Rule No. 8.26(A), Rep. Tucker gave notice of his intention to call House Bill No. 3 from the calendar for future action.

Speaker Tucker in the Chair

Recess

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

After Recess

Speaker Tucker called the House to order at 1:30 P.M.

ROLL CALL

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

PRESENT

Mr. Speaker	Gallot	Mills
Abramson	Geymann	Monica
Anders	Gisclair	Montoucet
Armes	Greene	Morrell
Arnold	Guillory, E.	Morris
Aubert	Guillory, M.	Norton
Badon, A.	Guinn	Nowlin
Badon, B.	Hardy	Pearson
Baldone	Harrison	Perry
Barras	Hazel	Peterson
Barrow	Henderson	Ponti
Billiot	Henry	Pope
Burford	Hill	Pugh
Burns, H.	Hines	Richard
Burns, T.	Hoffmann	Richardson
Burrell	Honey	Richmond
Carter	Howard	Ritchie
Cazayoux	Hutter	Robideaux

Champagne	Jackson G.	Roy
Chandler	Jackson M.	Schroder
Chaney	Johnson	Simon
Connick	Jones, R.	Smiley
Cortez	Jones, S.	Smith, G.
Cromer	Katz	Smith, J.
Danahay	Kleckley	Smith, P.
Dixon	LaBruzzo	St. Germain
Doerge	Lambert	Talbot
Dove	LeBas	Templet
Downs	Leger	Trahan
Edwards	Ligi	Waddell
Ellington	Little	White
Fannin	Lopinto	Williams
Foil	Lorusso	Willmott
Franklin	McVea	Wooton
Total - 102		

ABSENT

LaFonta	Marchand
Total - 2	

The Speaker announced there were 102 members present and a quorum.

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:

Regular Calendar

HOUSE BILL NO. 23—

BY REPRESENTATIVES LEGER AND BALDONE
AN ACT

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

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Leger to Engrossed House Bill No. 23 by Representative Leger

AMENDMENT NO. 1

On page 1, line 3, after "services" delete "relative to the preparation of wills"

AMENDMENT NO. 2

On page 1, line 10, after "accepting" delete the remainder of the line and delete line 11 and insert the following:

"services donated by an attorney licensed to practice law in Louisiana pursuant to a program adopted by the Louisiana Bar Association to provide such services. Any such adopted program shall be certified by the Bar Association to the board and only donations made after the acceptance of such certification by the board shall be allowed."

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Gallot	Mills
Abramson	Geymann	Monica
Anders	Gisclair	Montoucet
Armes	Greene	Morrell
Arnold	Guillory, E.	Morris
Aubert	Guillory, M.	Norton
Badon, A.	Guinn	Nowlin
Badon, B.	Hardy	Pearson
Baldone	Harrison	Perry
Barras	Hazel	Peterson
Barrow	Henderson	Ponti
Billiot	Henry	Pope
Burford	Hill	Pugh
Burns, H.	Hines	Richard
Burrell	Hoffmann	Richardson
Carter	Honey	Ritchie
Cazayoux	Howard	Robideaux
Champagne	Hutter	Roy
Chandler	Jackson G.	Schroder
Chaney	Johnson	Simon
Connick	Jones, R.	Smiley
Cortez	Jones, S.	Smith, G.
Cromer	Katz	Smith, J.
Danahay	Kleckley	Smith, P.
Dixon	LaBruzzo	St. Germain
Doerge	Lambert	Talbot
Dove	LeBas	Templet
Downs	Leger	Trahan
Edwards	Ligi	Waddell
Ellington	Little	White
Fannin	Lopinto	Williams
Foil	Lorusso	Willmott
Franklin	McVea	Wooton
Total - 99		

NAYS

Total - 0

ABSENT

Burns, T.	LaFonta	Richmond
Jackson M.	Marchand	
Total - 5		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Leger 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.

HOUSE BILL NO. 56—

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

AN ACT

To amend and reenact R.S. 44:4.1(B)(31) and to enact R.S. 36:4(I) and Part VI of Chapter 2 of Title 49 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 49:220.21 through 220.25, relative to the creation of the office of the state inspector general; to provide for the appointment, powers, duties, and functions of the inspector general; to provide for the procedure for the appointment of the inspector general; to provide for staffing and funding of the office; to provide for the assistance and cooperation of entities in the executive branch of

Page 14 HOUSE

5th Day's Proceedings - February 14, 2008

state government and other covered entities; to provide for the confidentiality of certain records; to provide for referral of the results of investigations of criminal matters to the appropriate authorities for prosecution; to provide for reports by the inspector general; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Tucker to Engrossed House Bill No. 56 by Representative Tucker

AMENDMENT NO. 1

On page 3, line 17, after "the" and before "next" insert "holder of the"

AMENDMENT NO. 2

On page 3, at the beginning of line 18, change "be" to "become"

AMENDMENT NO. 3

On page 5, line 11, after "with" and before "United" change "the" to "a"

AMENDMENT NO. 4

On page 5, at the beginning of line 12, before "state" delete "general," and insert a comma "," and insert "the"

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Abramson to Engrossed House Bill No. 56 by Representative Tucker

AMENDMENT NO. 1

On page 5, line 22, after "subpoena" delete the semicolon ";" and delete "any" and insert a period "." and insert "However, such a subpoena or subpoena duces tecum shall be issued only upon approval of a judge of the district court of the parish in which the office of inspector general is domiciled upon application in writing by the inspector general. The judge shall issue a written decision within seventy-two hours after receipt of such application. Any"

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Downs to Engrossed House Bill No. 56 by Representative Tucker

AMENDMENT NO. 1

On page 1, line 5, between "appointment," and "powers," insert "term of office, removal,"

AMENDMENT NO. 2

On page 3, line 5, after "appointment," and before "vacancy," insert "term,"

AMENDMENT NO. 3

On page 3, at the end of line 5, after "compensation" insert a semicolon ";" and insert "removal"

AMENDMENT NO. 4

On page 3, between lines 18 and 19, insert the following:

"B. The inspector general shall serve a six-year term."

AMENDMENT NO. 5

On page 3, at the beginning of line 19, change "B." to "C."

AMENDMENT NO. 6

On page 3, between lines 21 and 22, insert the following:

"D. Notwithstanding the provisions of Subsection B of this Section, any person appointed to the office of inspector general shall be subject to removal upon a two-thirds vote of each house of the legislature."

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Ligi to Engrossed House Bill No. 56 by Representative Tucker

AMENDMENT NO. 1

On page 3, line 14, after "within" and before "years" change "two" to "four"

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Morrell to Engrossed House Bill No. 56 by Representative Tucker

AMENDMENT NO. 1

On page 2, line 19, after "state government" delete the remainder of the line, and at the beginning of line 20, delete "port districts," and insert "as specifically provided in Title 36 of the Louisiana Revised Statutes of 1950."

On motion of Rep. Morrell, 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	Gallot	Monica
Abramson	Geymann	Montoucet
Anders	Gisclair	Morrell
Armes	Greene	Morris
Arnold	Guillory, E.	Norton
Aubert	Guillory, M.	Nowlin
Badon, A.	Guinn	Pearson
Badon, B.	Hardy	Perry

Baldone	Harrison	Peterson
Barras	Hazel	Ponti
Barrow	Henderson	Pope
Billiot	Henry	Pugh
Burford	Hill	Richard
Burns, H.	Hines	Richardson
Burns, T.	Hoffmann	Ritchie
Burrell	Honey	Robideaux
Carter	Howard	Roy
Cazayoux	Hutter	Schroder
Champagne	Jackson G.	Simon
Chandler	Johnson	Smiley
Chaney	Jones, R.	Smith, G.
Connick	Jones, S.	Smith, J.
Cortez	Katz	Smith, P.
Cromer	Kleckley	St. Germain
Danahay	LaBruzzo	Talbot
Dixon	Lambert	Templet
Doerge	LeBas	Trahan
Dove	Leger	Waddell
Downs	Ligi	White
Edwards	Little	Williams
Ellington	Lopinto	Willmott
Fannin	Lorusso	Wooton
Foil	McVea	
Franklin	Mills	
Total - 100		

NAYS

Total - 0

ABSENT

Jackson M.	Marchand
LaFonta	Richmond
Total - 4	

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

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

HOUSE BILL NO. 27—

BY REPRESENTATIVE WADDELL
AN ACT

To amend and reenact R.S. 44:5, relative to public records; to provide for the application of the laws relative to public records to the office of the governor; to provide that exemption from such laws applies solely to the executive office of the governor; to provide for definitions; and to provide for related matters.

Read by title.

Motion

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

Notice of Intention to Call

Pursuant to House Rule No. 8.26(A), Rep. Waddell gave notice of his intention to call House Bill No. 27 from the calendar for future action.

HOUSE BILL NO. 28—

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

AN ACT

To amend and reenact R.S. 24:57 and R.S. 49:77 and to enact R.S. 18:1505.6(D), R.S. 24:58(E), R.S. 42:1124.1(D), and R.S. 49:78(E), relative to criminal violations of laws within the jurisdiction of the Board of Ethics; to provide that conviction for the knowing filing of certain false documents pursuant to such laws makes the violator guilty of the crime of filing false public documents and subject to the penalties therefor; to require the board or panel to forward to the appropriate district attorney a copy of its findings when it finds probable cause to believe a criminal violation of laws under the board's jurisdiction has occurred and to provide for access to the board's records of such violations by the district attorney; and to provide for related matters.

Read by title.

Motion

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

HOUSE BILL NO. 29—

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

AN ACT

To amend and reenact R.S. 42:1132(B)(1)(a) and (4) and to enact R.S. 42:1132(B)(5), relative to the Board of Ethics; to provide for qualifications for selection and service on the Board of Ethics; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Peterson to Engrossed House Bill No. 29 by Representative Tucker

AMENDMENT NO. 1

On page 1, line 16, after "whom" and before "been licensed" change "has" to "shall have"

AMENDMENT NO. 2

On page 3, between lines 3 and 4, insert the following:

"(h) If, at any time after being selected to serve on the board, a member of the board becomes aware that he was ineligible to serve on the board at the time of his selection, he shall immediately resign his position on the board."

AMENDMENT NO. 3

On page 3, after line 11, insert the following:

"Section 2. If any member of the Board of Ethics serving on the effective date of this Act is aware that at the time of his selection to serve on the Board of Ethics he was ineligible to serve because he was a public employee, whether compensated or not, or because of any other provision of R.S. 42:1132, he shall immediately resign his position on the Board of Ethics.

Page 16 HOUSE

5th Day's Proceedings - February 14, 2008

Section 3. 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. Peterson, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 99

NAYS

Total - 0

ABSENT

Burns, T.	LaFonta	Richmond
Jackson M.	Marchand	

Total - 5

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

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

HOUSE BILL NO. 33—

BY REPRESENTATIVE PETERSON

AN ACT

To amend and reenact R.S. 42:1170(C), relative to ethics education; to provide for certain qualifications and requirements for ethics designees in certain agencies; to require certain training for such persons; to provide for the manner and procedure for designating such persons; to require certain notifications; and to provide for related matters.

Read by title.

Rep. Peterson moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 97

NAYS

Total - 0

ABSENT

Barras	Jones, S.	Richmond
Harrison	LaFonta	
Jackson M.	Marchand	

Total - 7

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

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

HOUSE BILL NO. 41—

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

AN ACT

To amend and reenact R.S. 42:1141(C), (D), (E), and (F) and to enact R.S. 49:992.1 and 994(E), relative to enforcement of laws within the jurisdiction of the Board of Ethics; to provide for proceedings related to such enforcement; to provide for the powers, functions, and duties of the board relative to such enforcement; to provide for the powers, functions, and duties of the division of administrative law relative to such enforcement; to provide for the conduct of hearings and procedures related thereto; to provide relative to appeals; to provide relative to effectiveness; and to provide for related matters.

Read by title.

Motion

On motion of Rep. Gallot, the bill 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 House Bill No. 41 from the calendar for future action.

Acting Speaker Arnold in the Chair**Speaker Tucker in the Chair****HOUSE BILL NO. 48—**

BY REPRESENTATIVES GREENE, CHAMPAGNE, HENRY, AND LIGI
A JOINT RESOLUTION

Proposing to amend Article X, Section 29(E)(5)(a) of the Constitution of Louisiana, to provide relative to state and statewide retirement systems and public officials and employees in such systems; to provide for the forfeiture of retirement benefits for such persons who are convicted of certain felonies; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representatives Greene and Henry to Engrossed House Bill No. 48 by Representative Greene

AMENDMENT NO. 1

On page 1, line 2, replace "amend Article X, Section 29(E)(5)(a)" with "adopt Article X, Section 29(F)"

AMENDMENT NO. 2

On page 1, line 3, replace "state and statewide" with "public"

AMENDMENT NO. 3

On page 1, at the beginning of line 10, replace "amend Article X, Section 29(E)(5)(a)" with "adopt Article X, Section 29(F)"

AMENDMENT NO. 4

On page 1, delete lines 14 through 20 in their entirety and on page 2, delete lines 1 through 6 in their entirety and insert in lieu thereof the following:

"(F) Forfeiture of retirement benefits; felony convictions. Notwithstanding any provision of this Constitution or of any home rule charter to the contrary, the legislature may provide for the forfeiture of benefits from a public retirement system in this state of any person who is convicted of a felony associated with his service in any public office or position."

AMENDMENT NO. 5

On page 2, at the end of line 16, insert "(Adds Article X, Section 29(F))"

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Downs to Engrossed House Bill No. 48 by Representative Greene

AMENDMENT NO. 1

On page 2, at the beginning of line 4, delete "benefits by" and insert "the portion of benefits that is attributable to employer contributions of"

AMENDMENT NO. 2

On page 2, line 14, before "retirement" insert "the employer-funded portion of"

AMENDMENT NO. 3

On page 2, at the end of line 16, insert "(Amends Article X, Section 29(E)(5)(a))"

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Downs to Engrossed House Bill No. 48 by Representative Greene

AMENDMENT NO. 1

On page 1, at the end of line 3, delete "public officials and" and at the beginning of line 4, delete "employees" and insert "certain public officials"

AMENDMENT NO. 2

On page 2, delete lines 4 and 5 in their entirety and insert the following:

benefits from a state or statewide public retirement system of any person who is convicted of a felony associated with his service in any elected office or in any office in any branch of state government which is created by law and filled by appointment."

AMENDMENT NO. 3

On page 2, delete lines 14 through 16 in their entirety and insert the following:

"To authorize the legislature to provide for the forfeiture of benefits from a state or statewide public retirement system of any person who is convicted of a felony associated with his service in any elected office or state appointed office. (Amends Article X, Section 29(E)(5)(a))"

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

Page 18 HOUSE

5th Day's Proceedings - February 14, 2008

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Downs to Engrossed House Bill No. 48 by Representative Greene

AMENDMENT NO. 1

On page 2, at the end of line 9, insert the following:

"However, this proposed amendment shall not be submitted to the voters if the legislature does not enact, prior to August 1, 2008, legislation that would be authorized by this proposed amendment if ratified by the state's electors."

AMENDMENT NO. 2

On page 2, at the end of line 16, insert "(Amends Article X, Section 29(E)(5)(a))"

Rep. Downs moved the adoption of the amendments.

Rep. Greene objected.

By a vote of 73 yeas and 23 nays, the amendments were adopted.

Motion

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

HOUSE BILL NO. 64—

BY REPRESENTATIVES ABRAMSON, BILLIOT, CROMER, HARDY, HAZEL, HENDERSON, HINES, LEGER, LORUSSO, MORRELL, PETERSON, AND ST. GERMAIN

AN ACT

To enact R.S. 42:1114.4, relative to financial disclosure; to require certain disclosures by certain elected officials; to provide for the content of such disclosures; to provide for penalties; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Morrell to Engrossed House Bill No. 64 by Representative Abramson

AMENDMENT NO. 1

On page 2, line 1, after "official" insert "or contribution as defined in R.S. 42:1125"

AMENDMENT NO. 2

On page 2, line 11, after "official" insert "or contribution as defined in R.S. 42:1125"

Rep. Morrell moved the adoption of the amendments.

Rep. Katz objected.

By a vote of 74 yeas and 22 nays, the amendments were adopted.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Peterson to Engrossed House Bill No. 64 by Representative Abramson

AMENDMENT NO. 1

On page 2, line 1, between "or loan" and "to a campaign" insert "in excess of five hundred dollars"

AMENDMENT NO. 2

On page 2, line 10, between "or loan" and "to" insert "in excess of five hundred dollars"

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Ligi to Engrossed House Bill No. 64 by Representative Abramson

AMENDMENT NO. 1

On page 2, line 14, after "Part" and before "and this" insert "and shall include only those persons who contributed or worked on a campaign during the period covered by the report."

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Franklin	Mills
Abramson	Geymann	Morrell
Anders	Gisclair	Morris
Armes	Greene	Pearson
Arnold	Hardy	Peterson
Aubert	Harrison	Ponti
Badon, A.	Hazel	Pugh
Badon, B.	Henderson	Richard
Baldone	Henry	Richmond
Barras	Hill	Ritchie
Barrow	Hines	Robideaux
Billiot	Honey	Roy
Burford	Hutter	Schroder
Burns, H.	Jackson G.	Simon
Burns, T.	Johnson	Smith, G.
Burrell	Jones, R.	Smith, J.
Carter	Jones, S.	St. Germain
Champagne	LaBruzzo	Talbot
Cromer	LeBas	Templet
Dixon	Leger	Waddell
Dove	Ligi	Williams
Foil	Lorusso	

Total - 65

NAYS

Cazayoux	Guillory, M.	Montoucet
Chandler	Guinn	Nowlin
Chaney	Hoffmann	Perry

Connick
Cortez
Danahay
Doerge
Downs
Edwards
Ellington
Fannin
Guillory, E.
Total - 35

Howard
Jackson M.
Katz
Kleckley
Lambert
Little
Lopinto
McVea
Monica

Pope
Richardson
Smiley
Smith, P.
Trahan
White
Willmott
Wooton

ABSENT

Gallot
LaFonta
Total - 4

Marchand
Norton

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Abramson 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.

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 14, 2008

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

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

Senate Concurrent Resolution No. 5

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

Message from the Senate

SENATE BILLS

February 14, 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 Senate Bills:

Senate Bill Nos. 2, 3, and 8

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

Senate Bills and Joint Resolutions on First Reading

The following Senate Bills and Joint Resolutions on first reading were taken up, read, and placed upon the calendar for their second reading:

SENATE BILL NO. 2—

BY SENATORS CHAISSON, ALARIO, AMEDEE, BROOME, CHEEK, CRAVINS, CROWE, DONAHUE, DORSEY, DUPLESSIS, DUPRE, ERDEY, B. GAUTREAUX, N. GAUTREAUX, HEBERT, HEITMEIER, JACKSON, KOSTELKA, LONG, MARIONNEAUX, 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.

SENATE BILL NO. 3—

BY SENATORS CHAISSON, ALARIO, AMEDEE, BROOME, CHEEK, CRAVINS, CROWE, DONAHUE, DORSEY, DUPLESSIS, DUPRE, ERDEY, B. GAUTREAUX, N. GAUTREAUX, HEBERT, HEITMEIER, JACKSON, KOSTELKA, LONG, MARIONNEAUX, 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.

SENATE BILL NO. 8—

BY SENATORS CHAISSON, ALARIO, AMEDEE, BROOME, CHEEK, CRAVINS, CROWE, DORSEY, DUPLESSIS, DUPRE, ERDEY, B. GAUTREAUX, N. GAUTREAUX, HEBERT, HEITMEIER, JACKSON, KOSTELKA, LONG, MARIONNEAUX, 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.

Adjournment

On motion of Rep. Trahan, at 3:40 P.M., the House agreed to adjourn until Friday, February 15, 2008, at 9:00 A.M.

The Speaker of the House declared the House adjourned until 9:00 A.M., Friday, February 15, 2008.

ALFRED W. SPEER
Clerk of the House

