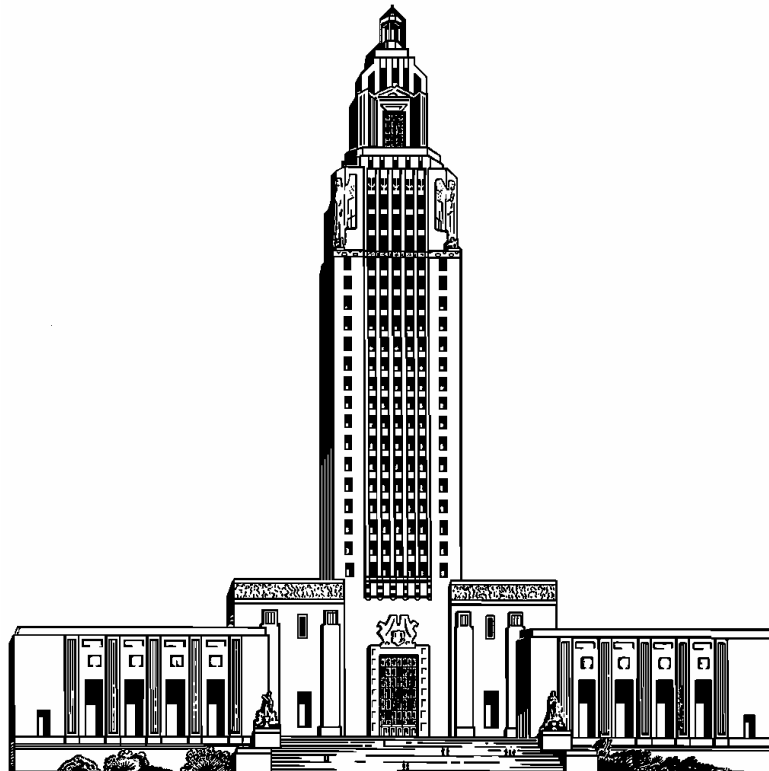


# HIGHLIGHTS

of the  
2005 Regular Session  
of the  
Louisiana Legislature



Prepared by:  
House Legislative Services  
June, 2005

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# ADMINISTRATION OF CRIMINAL JUSTICE

## CONTROLLED SUBSTANCES

### **HB 20 by Strain** (*Last Action – Sent to Governor*)

Creates the crime of unlawful production, manufacture, distribution, or possession of a material, compound, mixture, or preparation intended for human consumption which contains an hallucinogenic plant.

### **SB 24 by Cain** (*Last Action - Sent to Governor*)

### **HB 29 by LaFleur** (*Last Action - Senate Committee*)

Prohibits the sale and possession of certain substances used in the manufacture of methamphetamine. Provides for the unauthorized possession of anhydrous ammonia for use in the manufacture of a controlled dangerous substance. Restricts the sale of ephedrine, pseudoephedrine, or phenylpropanolamine or their salts, optical isomers and salts of optical isomers used in the manufacture of methamphetamines. Requires that pharmacies and other retail establishments maintain records on purchases of certain restricted substances used to manufacture methamphetamine.

### **HB 544 by Schneider** (*Last Action – Act No. 25*)

Enacts the "Pain Management Clinic Drug Abuse and Overdose Prevention Act". Provides that it shall be unlawful for a physician, other licensed health care practitioner, or any other person to knowingly or intentionally commit certain proscribed fraudulent acts to assist a patient or other person in obtaining a controlled dangerous substance.

## CRIMES AND CRIMINAL PROCEDURE

### **HB 17 by T. Powell** (*Last Action – Sent to Governor*)

Increases the time period for instituting prosecutions from 10 to 30 years for the following sex offenses when the victim is under seventeen years of age: sexual battery, second degree sexual battery, oral sexual battery, felony carnal knowledge of a juvenile, indecent behavior with juveniles, molestation of a juvenile, crime against nature, aggravated crime against nature, incest, and aggravated incest. Provides that this 30-year period begins to run when the victim attains the age of 18 years.

### **HB 56 by Katz** (*Last Action – Sent to Governor*)

Creates the crime of human trafficking. Provides that it is unlawful to intentionally recruit, harbor, transport, provide, solicit, or obtain another person through fraud, force, or coercion to provide services. Defines "fraud, force or coercion" to include causing or threatening

## ADMINISTRATION OF CRIMINAL JUSTICE

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serious bodily injury, physically restraining or threatening to physically restrain a person, destroying or confiscating a passport or other government documents, and extortion.

Criminal penalties include a fine up to \$10,000 and imprisonment at hard labor for not more than 10 years. Provides for enhanced penalties when the services include commercial sexual activity or criminal sexual conduct or when the trafficking involves a person under the age of 18 years.

### **HB 88 by Jane Smith** (*Last Action - Sent to Governor*)

Requires registration of offenders who commit certain violent crimes against peace officers. Provides that these offenders shall register with local law enforcement within ten days of release from confinement, and provides that the local law enforcement agency shall transfer this information to the Bureau of Criminal Identification and Information. Requires the bureau to establish and maintain a central registry to collect and disseminate information regarding those offenders who commit certain violent crimes against peace officers.

Requires a period of registration for ten years and provides for criminal penalties for failure to register including a fine of up to \$500, imprisonment for 30 to 90 days, or both.

### **HB 106 by Jane Smith** (*Last Action - Act No. 38*)

Authorizes the issuance of a search warrant to search a person for deoxyribonucleic acid (DNA). Provides that these search warrants remain in effect for 180 days after issuance and may be executed any place where the person is found.

### **HB 330 by Hunter** (*Last Action - Sent to Governor*)

Provides that multiple convictions obtained on the same day prior to October 19, 2004 shall be counted as one conviction for purposes of the habitual offender law.

### **HB 492 by Morrish** (*Last Action - Senate Committee*)

### **HB 736 by LaFleur** (*Last Action - Failed House Final Passage*)

### **SB 306 by Hines** (*Last Action - Senate Committee*)

Would have prohibited the cloning of human beings, although addressed the issue differently with respect to definitions and the activities prohibited.

### **HB 451 by Geymann** (*Last Action – Sent to Governor*)

Provides that prior to setting bail for a person in custody who is charged with a sex offense, when the victim is under the age of 13, and who has been previously convicted of a sex offense a contradictory bail hearing shall be held within five days of receiving notice of the prior conviction, exclusive of weekends and legal holidays. Only applies to a person arrested

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## ADMINISTRATION OF CRIMINAL JUSTICE

for a sex offense who has been previously convicted of a sex offense and less than 10 years have elapsed between the date of the commission of the current offense and the expiration of the maximum sentence of the previous conviction.

### **HB 525 by Heaton** (*Last Action – Act No. 67*)

Provides that offenders who have violated the Uniform Controlled Dangerous Substances Law and have been sentenced to life imprisonment and have served at least seven years of their sentence in actual custody may be eligible for review by the Louisiana Risk Review Panel.

### **HB 547 by Greene** (*Last Action- Sent to Governor*)

Creates the crime of computer-aided solicitation of minor. Makes it unlawful for a person 18 years of age or older to knowingly contact or communicate, through the use of electronic textual communication, with a person under the age of 18 years for the purpose of soliciting that person to engage in sexual conduct or a crime of violence.

Criminal penalties include a fine up to \$10,000 and imprisonment at hard labor for not less than two nor more than ten years, without benefit of probation, parole or suspension of sentence. Provides for enhanced penalties upon a subsequent conviction.

### **HB 663 by Glover** (*Last Action - Sent to Governor*)

Provides for an application process for compensation based upon wrongful conviction and imprisonment. Provides that a person who has served in whole or in part a sentence of imprisonment for a crime for which he was convicted is entitled to compensation when:

- (1) The conviction has been reversed or vacated; and
- (2) The applicant has proven by clear and convincing scientific or non-scientific evidence that he is factually innocent of the crime.

Requires all applications to be filed in the 19<sup>th</sup> Judicial District Court, civil division. Provides that the court may consider all relevant evidence regardless of whether it was admissible in, or excluded from, the criminal trial in which the applicant was convicted.

Provides that the compensation shall be calculated at a rate of \$15,000 per year incarcerated, not to exceed a maximum of \$150,000. Requires the court to review requests for loss of life opportunities including the costs of job-skills training for one year, medically necessary medical and counseling services for three years, if such services are not available at a state or other public facility, and tuition and fees for a community college or public university.

Creates the Innocence Compensation Fund and provides that monies in fund shall be used exclusively by the court to compensate applicants who are found to be factually innocent.



## ADMINISTRATION OF CRIMINAL JUSTICE ---

**SB 157 by Chaisson** (*Last Action - Sent to Governor*)

**HB 53 by Lafleur** (*Last Action - House Committee*)

Amends the criminal penalties for third and subsequent offenses of operating a vehicle while intoxicated. Retains the 30 days mandatory imprisonment for 3<sup>rd</sup> offenses and 60 days mandatory imprisonment for 4<sup>th</sup> and subsequent offenses but provides for the judge's discretion in suspending any or all of the remainder of the sentence. Requires substance abuse treatment and home incarceration when the court places an offender on probation.

**SB 323 by Jackson** (*Last Action - Sent to Governor*)

Requires each district indigent defense board to submit an annual report to the Indigent Defense Assistance Board regarding its workload, resources, employees, and expenditures, as well as information on the number on Families in Need of Services petitions, Child in Need of Care petitions, and child support petitions. The district boards are subject to a \$100 per day penalty for failing to file a report, filing a report late, filing a false report, or failing to disclose the required information. Defines "case" for the purposes of filing this report.

Provides that every court of original criminal jurisdiction, except in the town of Jonesville, city of Plaquemine, and mayors courts in municipalities having a population of less than five thousand, shall assess costs in the amount of \$35 to the district indigent defender fund.

Revises the membership of the Indigent Defense Assistance Board to include 15 members. Excludes from membership those persons who have received compensation as judges, elected officials, judicial officers, prosecutors, law enforcement officials, indigent defense providers or employees of such persons for a period of two years prior to appointment to the board.

Provides for a definition of "indigent".

## GAMING

**HB 114 by Martiny** (*Last Action - Failed Senate Final Passage*)

Would have authorized the conducting of gaming on certain domestic cruiseships. Would have created the Domestic Cruiseship Gaming Control Assistance District as a special taxing district with boundaries coterminous with the parish of Orleans.

**HB 453 by Martiny** (*Last Action - Act No. 61*)

Amends provisions of the Video Draw Poker Devices Control Law to provide for the issuance of civil penalties, denial, conditioning, suspension, or revocation of video draw poker devices and permits, the adoption of a schedule of civil penalties through rules, criteria

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## ADMINISTRATION OF CRIMINAL JUSTICE

for restaurants, bars, taverns, clubs, and cocktail lounges, defines administrative action, provides for a maximum civil penalty of \$50,000 and a maximum suspension of 30 days.

**HB 762 by Strain** (*Last Action - Sent to Governor*)

Amends riverboat gaming provisions to provide for inspections of riverboats which are "non-certificated vessels".

**HB 799 by Richmond** (*Last Action - Failed Senate Final Passage*)

Would have authorized the conducting of slot machine gaming at the New Orleans International Airport.



# AGRICULTURE

## **HB 232 BY BOWLER**

**Constitutional Amendment** (*Last Action – House Committee*)

Would have removed the power of the commissioner of agriculture to exercise the functions of the state relating to the promotion, protection, and advancement of agriculture.



# APPROPRIATIONS

## APPROPRIATION BILLS

### **HB 1 by Alario** (*Last Action – Sent to Governor*)

The total budget as enacted by the legislature totals approximately \$18.7 billion, of which \$7.3 billion is State General Fund and \$6.7 billion is from federal funds.

When the executive budget was submitted to the Joint Legislative Committee on the Budget in March, the continuation budget deficit of \$686 million had been adjusted through a variety of cuts and other measures in order to submit the constitutionally mandated budget. The budget as submitted was \$18.1 billion, of which \$7.1 billion was State General Fund and \$6.4 billion was from federal funds. In addition, there was a supplementary budget recommendation of some \$183 million.

The submitted budget did not provide funding for a number of unmet needs including the following:

Higher Education mandated costs	\$	40 million
Judgments	\$	15 - 20 million
Medicaid shortfall	\$	45 million
TOPS tuition match	\$	3 million

The Revenue Estimating Conference met on May 16, 2005. At this meeting the conference increased the forecast for both the current year (FY 04-05) and the succeeding year (FY 05-06).

### **FY 04-05**

The forecast of State General Funds increased by \$192 million over the forecast from December. The forecast increased by \$134 million in corporate taxes, \$57 million in severance taxes, \$48 million in sales taxes, and \$88 million in royalties. Individual income taxes decreased by \$1 million. This forecast reflects a \$47.42 per barrel oil price and a \$5.35 per mcf natural gas price.

### **FY 05-06**

The forecast of State General Funds increased by \$168.6 million over the forecast in December. Corporate taxes increased by \$115 million, severance taxes increased by \$162 million, sales taxes increased by \$48 million, and royalties increased by \$33 million. The forecast for individual income taxes decreased by \$1 million. This forecast reflects a \$40.44 per barrel oil price and a \$5.75 per mcf natural gas price.

# Appropriations

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## **Budget Stabilization Fund**

These forecasts provide for \$75 million additional revenues to be deposited in the Budget Stabilization Fund in FY 05-06. Since the forecast increased for FY 05-06 over the current year, monies in the fund are not available for appropriation.

The following is a summary of major funding items in various areas of the state budget.

### **GENERAL GOVERNMENT**

Office of Urban Affairs and Development	\$	8.5 million
Office of Rural Development	\$	7.6 million
LA Indigent Assistance Board for the District Assistance Program (additional funding)	\$	1.0 million
Emergency Preparedness Program for the Southern Anti-Terrorist Regional Training Academy	\$	500,000
Funding for various domestic violence prevention programs in the Office on Women's Policy	\$	275,000
Funding for various Parish Councils on Aging programs and senior centers in the Office of Elderly Affairs	\$	1.4 million
Federal funding for election costs from the Help America Vote Act	\$	48.3 million
Restoration of State General Fund for operational costs in Agriculture and Forestry	\$	1.0 million
Formosan Termite Initiative	\$	200,000
Hodges Garden State Park	\$	800,000

### **ECONOMIC DEVELOPMENT**

Louisiana Technology Park	\$	2.8 million
State General Fund support for the following sporting events:		
Sugar Bowl	\$	1.0 million
New Orleans Bowl	\$	335,000
Independence Bowl	\$	359,000
Governor's Rapid Response Program	\$	10.0 million
National Center for Security Research and Training	\$	500,000
Wet lab expenses	\$	2.0 million
Louisiana Gene Therapy Research Consortium	\$	1.8 million
Northrup-Grumman Ship Systems-Avondale Operations (Stat. Ded.)	\$	3.5 million
UNO Research and Technology-Avondale (Stat. Ded.)	\$	4.3 million
Marketing Initiative	\$	4.2 million

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## Appropriations

Regional economic development entities	\$	1.8 million
Union Tank Car	\$	1.0 million
Small Business Development Centers	\$	600,000

### PUBLIC SAFETY AND CORRECTIONS

#### **Department of Public Safety**

Financing for replacement vehicles for State Police	\$	2.9 million
Funding for gasoline increases and debt service on new state police helicopters	\$	2.8 million
Aviation maintenance for State Police	\$	411,250
Technology upgrades for State Police	\$	7.7 million
State Police (increase in retirement contributions)	\$	7.1 million

#### **Department of Corrections**

Sheriffs Housing of State Inmates	\$	156.2 million
Operating costs for a new 220-bed trustee dormitory at Dixon Correctional Institute	\$	759,154
Operating costs for 50 beds for geriatric inmates at David Wade Correctional Center	\$	1.5 million

#### **Youth Services**

Funding in Contract Services for 20 community-based residential slots for female youth	\$	1.3 million
For increased salaries and related benefits for the reclassification of correctional officer positions to youthcare worker positions	\$	676,526
Community-based services for juvenile offenders	\$	900,000

### HEALTH AND HOSPITALS

#### **Medicaid**

The Medicaid budget for FY 05-06 will be partially funded through a hospital provider fee, which will collect \$87 million from hospitals. The state will use the fee to draw down federal matching funds for a total of nearly \$300 million that will go towards state healthcare spending.



# Appropriations

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## Funding increases to the Medicaid Program included:

Utilization increases to allow for expenditures as projected	\$	157 million (\$47 million SGF)
Dental services	\$	1.3 million (\$400,000 SGF)
100 New Opportunity Waiver (NOW) slots	\$	2.6 million (\$800,000 SGF)
Uncompensated Care Cost payment increases for rural hospitals	\$	9.8 million (\$3 million SGF)

## **Public Health**

Additional funding for smoking and tobacco prevention programs	\$	1.5 million
Additional funding and positions for operating costs for public health service programs	\$	2.3 million

## **Mental Health**

Funding and positions to avoid closure of rural mental health clinics and other mental health services throughout the state	\$	9.0 million
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## **Developmental Disabilities**

Additional funding and positions for operating costs in the developmental centers throughout the state	\$	3.0 million
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## **LSU - HCSD Charity Hospitals**

LSU HCSD (SGF)*	\$	50.4 million
LSU HCSD (UCC)	\$	43.4 million
LSU HCSD (Medicaid)	\$	34.3 million
L. J. Chabert Medical Center (UCC)	\$	2.5 million
Hospital Equipment Purchases (SGF)**	\$	9.0 million

\*New state general fund replaces monies reduced due to loss of Uncompensated Care Cost overpayments.

\*\*Equipment funds were appropriated for HCSD hospitals as well as LSU HSC-Shreveport and E. A. Conway. Note: Allocations of new funding to LSU HCSD hospitals will be devised and approved by the LSU Board of Supervisors at a later date.

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# Appropriations

## SOCIAL SERVICES

Temporary Assistance for Needy Families (TANF) Initiatives funding for FY 04-05 was \$57.7 million. FY 05-06 funding is \$52.0 million.

### **TANF Initiatives**

Public Early Childhood Education*	\$	69.0 million
Private Early Childhood Education	\$	8.5 million
After-School Enrichment	\$	9.5 million
Teen Pregnancy Prevention	\$	5.5 million
Drug Courts	\$	5.0 million
CASA	\$	3.0 million
Early Childhood Prevention/Intervention (SGF for maintenance of effort)	\$	2.8 million
Non-medical Substance Abuse (SGF for maintenance of effort)	\$	4.2 million
Individual Development Accounts	\$	1.0 million
Microenterprise	\$	750,000
Abortion Alternatives	\$	500,000
Truancy	\$	700,000
Foster Care Developmental and Socialization Activities	\$	325,000
Earned Income Tax Credit Awareness Initiative	\$	315,000

\*( \$17 million TANF, \$38 million SGF, \$14 million 8g funds)

### **Other Social Services**

Restores 50 positions and provides additional funding for Support Enforcement Services	\$	6.8 million
Residential care reimbursement	\$	3.5 million
Safe Haven Initiative	\$	75,000

## TRANSPORTATION AND DEVELOPMENT

As part of a reorganization plan to consolidate functional areas and facilitate shorter communication lines between supervisors and administration, the FY 05-06 operating budget has moved 216 positions from the Office of Highways and the Office of Planning and Programming, to the Operations Program and to Administration. The Operations Program is responsible for the field activities of the department. Administration is made up of the Office of the Secretary and the Office of Management and Finance.

The Department of Transportation and Development operating budget also includes \$1,075,000 State General Fund (Direct) for the following "pass-through" appropriations to local public works authorities:

## Appropriations

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Zachary Taylor Parkway Commission	\$	125,000
Lafayette Expressway Commission	\$	250,000
Fifth Levee District	\$	150,000
Poverty Point Reservoir Commission	\$	50,000
Amite River Basin Commission	\$	50,000
Louisiana Airport Authority	\$	450,000

### HIGHER EDUCATION

Performance Incentives and College Growth Pool (Hied Init Fund)	\$	10.0 million
Health Care Workforce Development - Nursing and Allied Health (SGF)	\$	3.0 million
Endowed Chairs and Professorships (Hied Init Fund & 8g Support Fund)	\$	14.6 million
Louisiana Optical Networks Initiative (SGF and Stat. Ded.)	\$	4.0 million
Mandated Costs (Retirement, Group Ins., Merit Increases) (SGF)	\$	21.9 million
Truancy Assessment and Services Centers (SGF)	\$	4.5 million
LSU Fire and Emergency Training Institute (SGF and Stat. Ded.)	\$	650,000
Faculty recruitment for LSUHSC-New Orleans (SGF)	\$	750,000
LSU HSC-Shreveport (SGF)	\$	24.1 million
E. A. Conway Medical Center (SGF)	\$	11.7 million
LSU Agricultural Center (SGF)	\$	2.0 million
Pennington Biomedical Research Center (SGF)	\$	500,000
ULM School of Pharmacy (SGF)	\$	2.0 million
Library, Scientific & Instructional Acquisitions (SGF and Bonds)	\$	16.0 million
3% Tuition Increase (Act 1117 of 2001 R.S.) (Self-gen.)	\$	17.5 million

### ELEMENTARY AND SECONDARY EDUCATION

Minimum Foundation Program	\$	2.7 billion
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The legislature approved SCR 125 as the new MFP for FY 05-06 and appropriated an increase of \$48 million bringing the total FY 05-06 MFP appropriation to \$2.7 billion. Included in the FY 05-06 MFP appropriation is \$31 million for certificated pay raises. Because many school systems would have received insufficient or no funds at all to provide an average \$530 pay raise, the legislature appropriated \$12.5 million to the TEACH (Teacher Educational Aid for Children) Fund to provide a one-time salary supplement in FY 05-06 of \$530 to those public school systems needing those funds for the salary supplement. Some of the additions to SCR 125 are:

- Funding for the Recovery School District is included in the MFP.

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## Appropriations

- A 20% cap on increases in the sales tax base for purposes of calculating the local wealth factor is included. Five school districts are expected to benefit from this item in FY 05-06.
- Limits MFP state funds to expenditure for educational purposes.
- Excludes local revenues dedicated to a Tax Increment Financing (TIF) District in Level 2 of the MFP.
- Prohibits MFP funding to School Improvement 6 schools that do not have a BESE-approved and implemented reconstitution plan.

LA4 \$ 55.0 million

LA4 Early Childhood grew by an additional \$20 million. LA4 is expected to serve almost 13,000 four-year olds in at least 41 public school districts.

Nonpublic Educational Assistance \$ 29.6 million

Jobs For America's Graduates Louisiana (JAG-LA) \$ 1.0 million

TOPS \$ 122.6 million

The Tuition Opportunity Program for Students (TOPS) will provide more than 42,000 awards valued at more than \$122 million for FY 05-06.

TOPS-Tech Early Start Award \$ 1.0 million

The TOPS-Tech Early Start Award is a new program providing post-secondary education tuition awards for public high school juniors and seniors.

### **HB 842 by Alario - Supplemental Appropriations** *(Last Action – Sent to Governor)*

Appropriates supplemental funding, and provides for means of financing substitutions and other budgetary adjustments for the operation of various departments for FY 04-05. Provides for net changes in appropriations as follows: State General Fund (Direct) increases by \$356,275,131; Interagency Transfers decrease by \$13,596,024; Fees & Self-generated Revenues decrease by \$50,079,268; Statutory Dedications increase by \$53,011,453; and Federal Funds increase by \$127,574,648.

### **HB 836 by Alario - Judicial Expense Act** *(Last Action – Sent to Governor)*

Appropriates total funding of \$123,093,795 for FY 05-06 from the following sources: \$107,045,241 out of the State General Fund (Direct), \$8,000,000 through Interagency Transfers from the Department of Social Services, and \$7,926,123 from Statutory Dedications out of the Judges' Supplemental Compensation Fund, Trial Court Case Management Fund, and the Patient's Compensation Fund.

Funding for the ordinary operating expenses of the judicial branch of government is provided as follows:

(1) Louisiana Supreme Court	\$ 53,916,344
(2) Courts of Appeal	\$ 34,443,723
(3) District Courts	\$ 25,809,494

## Appropriations

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(4) Criminal Court, Parish of Orleans	\$ 4,442,794
(5) Juvenile and Family Courts	\$ 1,821,249
(6) Other Courts (Required by Statute)	\$ 2,150,252
(7) Other Courts (Not Required by Statute)	<u>\$ 509,939</u>
<b>TOTAL</b>	<b><u>\$ 123,093,795</u></b>

### **HB 858 by Salter** *(Last Action – Sent to Governor)*

Provides for expenses of the legislature and its service agencies for FY 05-06 including:

House of Representatives	\$ 26,060,435
Senate	\$ 16,335,151
Auditor	\$ 7,614,486
Legislative Fiscal Office	\$ 2,063,094
Louisiana State Law Institute	\$ 894,429
Legislative Budgetary Control Council	<u>\$ 7,198,445</u>
<b>TOTAL</b>	<b><u>\$ 60,166,040</u></b>

## SPECIAL FUNDS

### **HB 238 by St. Germain** *(Last Action – Sent to Governor)*

Increases the portion of revenues collected from the sale of lifetime hunting or fishing licenses that are to be deposited into the Conservation Fund from \$50 from the sale of each license to 50% of the revenues collected from the sale of the licenses. Residual monies continue to be deposited into the Lifetime License Endowment Fund. Further, authorizes and provides for investment of monies in the Lifetime License Endowment Fund for the purpose of achieving perpetual financing of the fund.

### **HB 393 by Bruneau** *(Last Action – Enrolled)*

Dedicates annual state revenues from slot machine gaming conducted at the licensed eligible racing facility in Orleans Parish remaining after deposit of 5% of such revenues to the Orleans Parish Excellence Fund as follows:

- (1) 30%, not to exceed \$1.3 million, for deposit into the Beautification and Improvement of the New Orleans City Park Fund to be used for beautification and improvements to New Orleans City Park.

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## Appropriations

- (2) 20%, not to exceed \$350,000, for deposit into the Greater New Orleans Sports Foundation Fund to be used for purposes of the Greater New Orleans Sports Foundation.
- (3) 20%, not to exceed \$100,000, for deposit into the Algiers Economic Development Foundation Fund to be used for purposes of the Algiers Economic Development Foundation.
- (4) 20%, not to exceed \$100,000, for deposit the New Orleans Urban Tourism and Hospitality Training in Economic Development Foundation Fund to be used for purposes of the New Orleans Tourism Hospitality Training and Economic Development, Inc.
- (5) 5%, not to exceed \$100,000 for deposit into the Beautification Project for New Orleans Neighborhoods Fund to be used for purposes of the Beautification Project for New Orleans Neighborhoods, Inc.
- (6) 5%, not to exceed \$100,000 for deposit into the Friends of NORD Fund to be used for purposes of the Friends of NORD, Inc.
- (7) After deposits as required above, monies will be deposited into the New Orleans Sports Franchise Assistance Fund to be used by the Louisiana Stadium and Exposition District for use only to fund contractual obligations of the state to any National Football League or National Basketball Association franchise located in Orleans Parish.

### **HB 460 by Alario** *(Last Action – Sent to Governor)*

Establishes the Rapid Response Fund as a special fund in the state treasury. Beginning July 1, 2005, directs the state treasurer to deposit into the fund at the beginning of each fiscal year an amount sufficient to bring the unencumbered balance in the fund to \$10 million. Monies in the fund are to be appropriated to the Department of Economic Development to be used for funding for economic development projects which may be necessary to secure the creation or retention of jobs by a business entity under circumstances as may be determined by the secretary of the department and the governor. Provides for investment of monies in the fund and retention of unexpended balances. The secretary of the Department of Economic Development is required to submit a report on expenditures of monies appropriated from the fund to the Joint Legislative Committee on the Budget twice a year.

### **HB 531 by Thompson** *(Last Action – Sent to Governor)*

Establishes the Broadband Infrastructure and Informational Technology Fund as a special fund in the state treasury. Monies in the fund shall be available for use by the governor's

# Appropriations

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Office of Rural Development and the Louisiana Broadband Advisory Council for the purpose of carrying out the duties and goals of the council, which include developing a coordinated statewide broadband access and usage policy, developing a statewide plan to encourage cost-effective broadband access, and making recommendations for increase usage, with a particular focus on rural and underserved areas.

## **HB 840 by Alario** *(Last Action – Sent to Governor)*

Increases the annual cap (currently \$17.5 million) on the proceeds of the sales tax collected by the Louisiana Tourism Promotion District which are dedicated to the Department of Culture, Recreation and Tourism for out- of-state tourism promotion purposes as follows:

(1) FY 2005-2006	\$ 17.9 million
(2) FY 2006-2007	\$ 18.3 million
(3) FY 2007-2008	\$ 18.7 million
(4) FY 2008-2009	\$ 19.1 million
(5) FY 2009-2010 and thereafter	\$ 19.5 million

Further, authorizes up to ten percent of monies used for advertising to be used for the purchase of in-state advertisements.

## **HB 654 by Montgomery** *(Last Action – Sent to Governor)*

Authorizes the securitization of unclaimed property revenues to provide funds for Interstate 49 North and South projects. Establishes the Unclaimed Property Leverage Fund within the state treasury and provides that up \$15 million per year may be transferred from the fund to the Louisiana Transportation Authority (LTA). Such monies shall be expended by the authority for purposes including the funding or securitization of revenue bonds, to be used exclusively to match federal funds to be used 50% for the costs associated with the construction of Interstate 49 North from Interstate 20 in the city of Shreveport to the Louisiana/Arkansas border and 50% for Interstate 49 South from Interstate 10 in the city of Lafayette to the West Bank Expressway in the city of New Orleans.

## **SB 187 by Dupre - Constitutional Amendment** *(Last Action – Sent to Governor)*

## **SB 195 by Dupre** *(Last Action – Sent to Governor)*

Provides that, subject to the requirements of the Louisiana Education Quality Trust Fund and the Bond Security and Redemption Fund, the first \$600 million of federal revenues received by the state which are generated from Outer Continental Shelf oil and gas activity and eligible, under the provisions of federal law, to be used for the purposes of the coastal wetland conservation and restoration shall be deposited in and credited to the Wetlands

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## Appropriations

Conservation and Restoration Fund. Such federal revenues are to be used only for the purposes of coastal wetlands conservation, coastal restoration, and infrastructure directly impacted by coastal wetland losses.

### MEDICAID

**SB 270 by McPherson** *(Last Action – Sent to Governor)*

**HB 565 by Durand** *(Last Action – Senate Committee)*

Expands current authority for the Department of Health and Hospitals to apply for a (Medicaid) HIFA waiver demonstration initiative to include an initiative to assist uninsured persons in families earning below 200% of the federal poverty level. This includes provisions for disposition of state receipts of federal disproportionate share payment allotments into a pool to be used for funding disproportionate share payments to certain hospitals, expansion of medical care for the uninsured and Medicaid eligibles, health insurance coverage for certain uninsureds, and achievement of the state's disease management goals.

### STATE CONTRACTS AND PROCUREMENT

**HB 628 by Quezaire** *(Last Action – Sent to Governor)*

Establishes the Louisiana Initiative for Small Entrepreneurships (the Hudson Initiative) to encourage the participation of small entrepreneurships in state contracting. The provisions of the proposed legislation do not apply to contracts for sole-source items, contracts with other governmental entities, and those contracts which are prohibited by federal law from governance by state law. Sets eligibility requirements for an entity to be certified as a small entrepreneurship, and provides for such certification by the secretary of the Department of Economic Development. Authorizes the department to develop the application process for entities seeking certification through the promulgation of administrative law. Requires the commissioner of administration to set annual goals for the use of small entrepreneurships in state procurements and public contracting and to establish policies for and assist state agencies with the implementation of the initiative. Provides for methods of source selection which may be utilized by state agencies for contracting with small entrepreneurships.

**SB 132 by McPherson** *(Last Action – Sent to Governor)*

**SB 286 by Dardenne** *(Last Action – House Committee)*

The State Resources Accountability Act requires the reporting of certain information on cooperative endeavor and litigation settlement agreements to the Joint Legislative Committee



## Appropriations

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on the Budget (JLCB). Any state agency seeking to enter into a new cooperative endeavor that may result in any non-public party to the agreement generating or expending revenue of \$1 million or more per year from the operation, management, or control of a state resource is required to inform the JLCB of the essential elements of such agreement not less than 30 days before it is confected. The JLCB is authorized to conduct a hearing with respect to the agreement, which may be undertaken in executive session. The attorney general is required to report at least quarterly to the litigation subcommittee of the JLCB on the status of any claims against the state which could be expected to result in a litigation settlement in excess of \$1 million.

# CIVIL LAW AND PROCEDURE

## PROCEDURE

### **HB 181 by Pitre** *(Last Action – House Committee)*

On recommendation of the Louisiana State Law Institute and in response to the report issued pursuant to HCR No. 138 of the 2001 Regular Session, would have provided for the abrogation of the single business enterprise doctrine employed for piercing the corporate veil by recognizing separate legal personalities among affiliated corporations and other business entities.

## LIMITATION OF LIABILITY

### **SB 258 by Kostelka and Representative Johns** *(Last Action – Act No. 1)*

Provides that the total liability of the state and political subdivisions for all damages for personal injury to any one person, including all claims and derivative claims, exclusive of property damages, medical care and related benefits and loss of earnings, and loss of future earnings shall not exceed \$500,000, regardless of the number of suits filed or claims made for the personal injury to that person, and that the total liability for all damages for wrongful death of any one person, including all claims and derivative claims, exclusive of property damages, medical care and related benefits and loss of earnings or loss of support, and loss of future support shall not exceed \$500,000, regardless of the number of suits filed or claims made for the wrongful death of that person.

Further provides that the provisions of new law are interpretative of R.S. 13:5106(B)(1) and (2) and are intended to explain its original intent, notwithstanding the contrary interpretation in *Lockett v. the State of Louisiana, Department of Transportation and Development*, 2003-1767 (La. 2/25/04) 869 So.2nd 87 and all cases consistent therewith.

## PROPERTY

### **SB 196 by Barham and Representative Greene** *(Last Action – Sent to Governor)*

Provides revisions to the definition of "component parts" of immovable property in order to enact into law the "societal expectations" test which preceded the Louisiana Supreme Court Case of *Willis-Knighton Medical Center v. Caddo Shreveport Sales*, 2005 WL 767063, 2004-0473 (La. April 6, 2005)(No. 04-C-0473).

## CIVIL LAW

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### CHILDREN

#### **HB 92 by Bowler** (*Last Action – Senate Committee*)

Would have clarified that shared custody is a type of joint custodial arrangement and that there is no mandate for shared custodial arrangements or a presumption that a shared custodial arrangement is in the best interest of the child.

# COMMERCE

## CONSUMER PROTECTION

### **HB763 by Townsend** (*Last Action – Sent to Governor*)

Exempts the retail sale of motor fuel from the Unfair Sales Law and provides that it shall be unlawful to sell motor fuel below cost when the intent or effect is to impair or injure competition. Provides definitions of "competition", "cost", and "cost of acquiring the product". Also provides various exemptions from having to sell at cost, including when motor fuel is sold in a good faith effort to meet the legal price of a competitor.

### **HB 183 by Daniel** (*Last Action – House Committee*)

Would have exempted the sale of motor fuel from the Unfair Sales Law.

### **HB 690 by Pinac** (*Last Action – House Committee*)

Would have repealed the mandatory six percent markup of the Unfair Sales Law and also repeals the authority of the commissioner of agriculture to promulgate regulations regarding the retail sale of petroleum products.

### **SB 205 by Duplessis** (*Last Action – Sent to Governor*)

Creates the "Database Security Breach Notification Law" which requires any person or agency that owns or licenses computerized data that includes personal information to notify any resident of the state upon the discovery or belief that such residents personal information was acquired by an unauthorized person. Provides that any agency or person that maintains computerized personal information that the agency or person does not own must give notice to the owner or licensee of the information upon discovery or belief that such personal information was acquired by an unauthorized person. Requires that such notice must be given in the most expedient time possible and without unreasonable delay.

## DEPARTMENT OF ECONOMIC DEVELOPMENT

### **HCR 210 by Pinac** (*Last Action – Adopted*)

Urges and requests the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs to meet and function as a joint committee for the purpose of conducting a study of existing and past programs of the state of Louisiana that encourage and assist the capital investment in Louisiana businesses and to study programs in other states that also encourage and assist in the capital investment in businesses and to make recommendations regarding legislation.

## COMMERCE

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### ELECTRIC UTILITIES

#### **HB 381 by Johns** (*Last Action – Failed to Pass/Senate*)

Would have provided that state monopoly laws shall not apply to any action or transaction of an electric or gas utility company which is subject to the jurisdiction of the Louisiana Public Service Commission or any other public utility regulatory body with ratemaking or general authority over such utility. Also provides that nothing prohibits the attorney general from bringing an action on behalf of the people of the state pursuant to state monopoly laws.

#### **HR 101 by Pinac** (*Last Action – Adopted*)

Urges and requests the Louisiana Public Service Commission to continue to work with the Louisiana Association of Community Action Partnerships to develop and implement an Energy Efficiency Fund that will benefit the people of the state of Louisiana.

### TOURISM

#### **HB 332 by Pinac** (*Last Action – Act No. 20*)

Repeals the requirement that tax proceeds dedicated to the Department of Culture, Recreation and Tourism for promotion of the state's tourism industry be used only for out-of-state media advertisement. Provides that funds used by the department for the purchase of in-state media advertisement shall not exceed ten percent of all funds used for advertisement.

### STATE BUILDING CODE

#### **HCR 135 by Johns** (*Last Action – Adopted*)

Creates the Uniform Building Code Task Force to study current laws and regulations related to the construction of buildings and structures throughout the state and to make recommendations regarding legislation.

# EDUCATION

## MINIMUM FOUNDATION PROGRAM (MFP)

(For teacher pay, see SCR 125 below and Significant K-12 Funding in HB 1 in Appropriations section.)

### **SCR 125 by Ullo** (*Last Action - Adopted* )

Provides for legislative approval of the formula for FY 05-06 to determine the cost of a minimum foundation program (MFP) of education in all public elementary and secondary schools as well as to equitably allocate the funds to local public school systems as developed and adopted by the State Board of Elementary and Secondary Education (BESE). MFP costs for FY 04-05 are \$2.62 billion. HB 1 appropriates \$2.67 billion to implement SCR 125 for FY 05-06.

Also, the formula:

- (1) Increases the base per pupil amount from \$3,459 to \$3,554.
- (2) Retains prior formula weights for add-on units for at-risk students, vocational education units, special education, gifted and talented, and economy of scale, using the same definitions.
- (3) Retains provisions for annual adjustments in the per pupil amount.
- (4) Continues Level 3 funding for the "hold harmless" school systems and for the FY 2001-2002 certificated staff pay raise and FY 2002-2003 support worker pay raise.
- (5) Retains requirement that 70% of all school system general fund expenditures be for instruction and retains guidelines for defining instruction.
- (6) Retains provision specifying that 50% of a school district's increase in Level 1 and Level 2 state funds over the prior year (after adjusting for increases in student membership) shall be used for supplements and enhancements of full-time certificated staff salaries and retirement benefits. The MFP appropriation includes \$31 million for certificated pay raises.
- (7) Uses the October 1, 2004, student count to calculate FY 05-06 Level 1 costs.
- (8) Retains provision that if any district's October 1 student count exceeds the previous year's audited October 1 membership by either 50 students or one percent, a mid-year adjustment to provide additional per pupil funding shall be made for each additional

## EDUCATION

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student based on the final MFP allocation per pupil amount for that district as approved by BESE.

- (9) Adds funding provisions for the Recovery School District.
- (10) Adds provision placing a 20% cap on increases in the sales tax base for purposes of calculating the local wealth factor.
- (11) Excludes local revenues dedicated to a Tax Increment Financing (TIF) District from Level 2 calculations that provide an incentive for local effort.
- (12) Adds requirement that state MFP funds shall be expended only for educational purposes. Specifies that such expenditures are those related to the operational and instructional activities of a school system and references certain terms as defined by BESE's Bulletin 1929 (La. Accounting and Uniform Governmental Handbook).

Relative to school and district accountability:

- (1) Provides that any district that includes in its October 1 membership a student who transferred from a school in school improvement levels 2 through 6 in another district, attended such school in the other district in the immediate preceding year before transferring, and transferred to an academically acceptable school in accordance with BESE accountability transfer policy will receive additional funding equal to the current year MFP state-average local share per pupil for each such student as long as the student is enrolled, limited to a maximum of three years.
- (2) Provides for a report to be submitted to the House and Senate education committees by June 1 of each year on each school with a school performance score below 80 and a growth of less than two points in such score. Requires that the report include certain school data, accountability data, fiscal data, student demographic data, teacher data, and staffing data.
- (3) Specifies that any student attending an academically unacceptable school in School Improvement Level 5 that does not have a BESE-approved reconstitution plan shall not be considered in the MFP formula calculations. Also specifies that any student attending an academically unacceptable school in School Improvement Level 6 that does not have a BESE-approved and implemented reconstitution plan shall not be considered in the MFP formula calculations
- (4) Specifies that any staff assigned to a school in School Improvement Level 5 that does not have a BESE-approved reconstitution plan shall not be considered in the MFP for any purpose. Also specifies that any staff assigned to a school in School Improvement Level 6 that does not have a BESE-approved and implemented reconstitution plan shall not be considered in the MFP for any purpose.

**HR 126 by Crane** *(Last Action – Adopted)*

Requests the House education committee, jointly with the State Board of Elementary and Secondary Education, to study issues relative to the minimum foundation program formula and to submit a written report of study findings and recommendations to the House of Representatives prior to the 2006 R.S. Further provides that such study shall include but not be limited to an examination of the ways in which the formula could be simplified thereby alleviating some of the confusion and misunderstanding associated with the formula.

**HCR 77 by Powell, M.** *(Last Action – Adopted)*

Requests BESE to make funding for La. teachers and classrooms a priority by developing, adopting, and submitting to the legislature for its approval and funding a MFP formula for the 06-07 school year that requires at least 70% of local school system general fund monies to be expended at the school building level for instructional services and further requires at least 65% of the general fund monies to be spent at the classroom level for the instruction of students by teachers and instructional staff members.

Provides also for BESE, based on information for the most recently completed school year for which data is available, to report to the House and Senate education committees by not later than January 13, 2006, on the percent of local school system general fund monies that each local public school system expended at the school building level for instructional services and on the percent of general fund monies spent by such system at the classroom level for the instruction of students by teachers and instructional staff members.

**SCR 36 by Adley** *(Last Action – Adopted)*

Requests BESE to develop and adopt a MFP formula that provides, relative to a public secondary school student who also is enrolled in a technical college, for the reallocation from the local school system to the technical college of the amount of funds attributable to such student's public secondary school enrollment that are payable by the state.

**SCHOOLS/HIGH SCHOOLS****HB 434 by Crane** *(Last Action – Sent to Governor)*

Creates the High School Redesign Commission for the purpose of making recommendations for the development of statewide policies, guiding principles, and programs that address the current and future economic needs of the state and promoting student success in high school and in life beyond high school. Provides for commission membership, vacancies, and compensation. Requires the governor to convene the first meeting of the commission and to designate staff for the commission. Provides for duties and responsibilities of the commission and requires the commission annually to submit a written report of its findings



## EDUCATION

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and recommendations to the governor, the House and Senate education committees, the State Board of Elementary and Secondary Education, and the Board of Regents by not later than January 31.

### SCHOOL CHOICE/VOUCHERS

#### **HB 613 by Burns** *(Last Action – Senate Committee)*

Would have established the Vouchers for Students in Failing Schools Pilot Program as a four-year program beginning with the 2005-2006 school year for participating students in kindergarten through grade five in parishes with a population of at least 475,000 persons. Would have provided for eligibility requirements for participating students and nonpublic schools. Would have provided for receipt of vouchers by parents or guardians to pay tuition and fees of eligible students who enroll in eligible nonpublic schools and would have limited such voucher amount to the average per pupil allocation of state funds to the school system that the student otherwise would have attended. Would have further provided for program administration and implementation by the state Dept. of Education.

### SCHOOLS/EMPLOYEES

#### **HB 178 by Hutter** *(Last Action – Sent to Governor)*

Prohibits, except under certain circumstances, city, parish, and other local public school boards and nonpublic schools and school systems from hiring specified persons who have been convicted of or pled nolo contendere to certain crimes as provided in present law. Provides that such specified persons also shall include any person employed by any person or entity that contracts with a school or school system for cafeteria, transportation, or janitorial or maintenance services and a temporary, part-time, or permanent school employee of any kind. Provides that such prohibition shall not apply to any nonpublic school or school system which contracts for the provision of cafeteria, transportation, or janitorial or maintenance services when such school or school system determines that a contractor's employee will have limited contact with students based on the totality of the circumstances, including specified factors. Requires, when such determination is made, that certain precautionary steps be taken to protect the safety of the students.

### STUDENTS/SCHOOL ATTENDANCE

#### **HB 651 by Carter** *(Last Action – Sent to Governor)*

Provides that principals of public elementary and secondary schools shall provide information on LaCHIP on the free and reduced-priced meal application as well as the option for a student's parent or guardian to indicate that he does not want the information on such application to be shared with LaCHIP. Requires that administrators having control of such

applications shall make information on them available to public health insurance programs providing health insurance to children except for when the option not to share information has been checked. Provides that no public school, public school system, or public school board and no teacher, principal, or school administrator in any public elementary or secondary school shall be liable for any act or failure to act in sharing the health insurance eligibility status of a student with LaCHIP, unless such act was malicious, willful, or deliberately intended to cause harm.

## **STUDENTS/ASSESSMENT**

### **SB 214 by Barham** *(Last Action – Sent to Governor)*

Relative to the La. Educational Assessment Program (LEAP) and in addition to the alternate assessment accommodations for students with certain disabilities as provided pursuant to present law, requires the state Dept. of Education (by no later than September 1, 2005, and with approval of the State Board of Elementary and Secondary Education) to develop modified achievement standards and to use alternative assessments to accommodate students with persistent disabilities but who are likely to make significant progress. Provides that such students be allowed to take academic assessments that are sensitive to measuring progress in their learning and that recognize their individual needs. Specifies that such accommodations shall not breach test security or invalidate the meaning of the test score or the purpose of the test. Requires that at each Individual Education Plan meeting, a list of accommodations shall be discussed and provided to the parent of each student with a disability.

## **STUDENTS/NUTRITION**

### **SB 146 by Bajoie** *(Last Action – Sent to Governor)*

For summary of SB 146, please refer to the Health and Welfare section of this publication.

## **LOCAL PUBLIC SCHOOL BOARDS/FINANCIAL CRISIS**

### **SB 307 by Murray** *(Last Action – Act No. 7)*

Relative to present law provisions authorizing the appointment of a fiscal administrator for political subdivisions determined to be reasonably certain to fail to make a debt service payment, expands such authority by requiring the attorney general to file a rule to appoint a fiscal administrator whenever it is unanimously determined by the attorney general, legislative auditor, and state treasurer that a political subdivision will have insufficient revenue to pay current expenditures, civil judgments, or fail to make a debt service payment. Adds as a further cause of such intervention, in the case of school boards, when the state superintendent of education provides notice that a school system is financially at risk as

## EDUCATION

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defined by the State Board of Elementary and Secondary Education (BESE). Requires BESE to define "financially at risk" as it relates to all school boards and authorizes BESE to direct the state superintendent to notify the three officials that a school board is reasonably likely to fail to resolve its status as financially at risk. Further requires BESE to keep all school systems informed of their status with regard to being financially at risk. Revises provisions regarding action of the courts, duties of a fiscal administrator, adoption of budget amendments, and termination of a fiscal administrator to be applicable to the additional circumstances under which a fiscal administrator may be appointed.

Other bills relative to school boards in financial crisis and the appointment of a fiscal administrator that did not proceed through the legislature are: **HB 677 by Crane, HB 776 by Richmond, and SB 312 by Ullo.**

### LOCAL PUBLIC SCHOOL BOARDS/PUBLIC MEETINGS

#### **HB 252 by Arnold** *(Last Action – Sent to Governor)*

Exempts any school board in a parish containing a municipality with a population of 400,000 or more from the requirement that the school board allow public comment prior to taking any vote and preceding each agenda item at board meetings. Provides instead that such school board shall provide opportunity for public comment at each meeting, subject to reasonable rules and restrictions adopted by the school board. Retains application of provisions relative to a comment period for all comments at the beginning of the meeting not being sufficient for all school boards, including a school board in a parish containing a municipality with a population of 400,000 or more.

### LOCAL PUBLIC SCHOOL BOARDS/TERM LIMITS

#### **HB 405 by Alexander** *(Last Action – Sent to Governor)*

Authorizes the Lafayette Parish School Board, by adoption of a resolution, to limit the terms of office for school board members to three consecutive four-year terms. Provides that such resolution may be adopted by the board only after the question of such term limitation has been submitted to and approved by a majority of the qualified electors of Lafayette Parish who vote on the proposition at a regularly scheduled election held in accordance with the Louisiana Election Code.

### LOCAL PUBLIC SCHOOL BOARDS/SUPERINTENDENTS

#### **HB 429 by Honey** *(Last Action – Enrolled)*

Relative to the employment and removal of a superintendent of schools by a local public school board, provides for such employment pursuant to a written employment contract that

includes specific performance objectives. Grants certain rights under specified circumstances to a superintendent who chooses not to enter into a subsequent contract. Provides relative to termination of employment, including specifying grounds for such removal during the term of a contract, time lines, and guidelines for the giving of notice of termination, and the use of certain due process procedures. Provides guidelines for the negotiation and offering by a school board of a new contract at the expiration of an existing contract.

### **TUITION OPPORTUNITY PROGRAM FOR STUDENTS (TOPS)**

#### **HB 120 by Hill** *(Last Action – Sent to Governor)*

Relative to initial eligibility for a TOPS award for a student certified by a parent (or court-ordered custodian) to have successfully completed at the 12th grade level a home study program approved by BESE, provides that such student shall have a composite ACT score (or equivalent SAT score) which is two points higher (instead of three points higher) than that required for a student graduating from a La. public high school or BESE-approved nonpublic school. Effective for the 2005-06 award year through the 2007-08 school year.

#### **HB 103 by Frith** *(Last Action – Sent to Governor)*

Permits (for initial awards for the 2005-2006 award year and thereafter) the recipient of a TOPS Opportunity, Performance, or Honors award to use it at an accredited out-of-state nonpublic college or university under specified conditions. Such conditions include that: (1) all programs and services at the institution are specifically designed to accommodate deaf and hard-of-hearing students; (2) deaf and hard-of-hearing students comprise the majority of students enrolled at the institution at the undergraduate level; (3) the award recipient meets the institution's admission requirements that are applicable to deaf and hard-of-hearing students; and (4) the institution provides necessary information to the administering agency as would otherwise be required of a La. college or university. Specifies benefit amounts for when the awards are used at an out-of-state nonpublic college or university to pursue an academic undergraduate degree that are the same as provided currently for use at an eligible La. nonpublic institution.

#### **SB 355 by Ullo** *(Last Action – Sent to Governor)*

Establishes the TOPS-Tech Early Start Award for eligible 11<sup>th</sup> and 12<sup>th</sup> grade students attending La. public high schools. Provides that the award may be used at a La. public postsecondary education institution for the purpose of pursuing an industry-based occupational or vocational education credential as defined by the Bd. of Regents when such credential also meets certain specified criteria, including that it is identified as a credential for an occupation in top demand in La. and is approved by BESE and by the Bd. of Supervisors of Community and Technical Colleges.

## EDUCATION

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Specifies that an eligible recipient may receive the award for two semesters during the 11<sup>th</sup> grade and two semesters during the 12<sup>th</sup> grade, excluding summer sessions.

Provides for the state to pay to the La. postsecondary education institution in which the student is enrolled in an eligible program of studies an amount of \$150 for each three credit-hour (or equivalent time) course taken by the student, not to exceed two such courses per high school semester for an 11<sup>th</sup> grade student and two such courses per high school semester for a 12<sup>th</sup> grade student.

Relative to initial eligibility, provides, in part, that a student shall meet each of the following conditions:

- (1) Be in the 11<sup>th</sup> or 12<sup>th</sup> grade in a La. public school.
- (2) Have prepared a five-year education and career plan, including a sequence of related courses with a career focus as provided by law relative to the La. high school career option program.
- (3) Have a cumulative high school grade point average on all courses attempted of not less than 2.0 when calculated on a 4.0 scale.
- (4) Have at least the minimum scores required to pass the mathematics and English portions of the graduation exit exam established by BESE.
- (5) Score at least 15 on the English subsection and 15 on the mathematics subsection of the ACT PLAN assessment administered as part of Louisiana's Educational Planning and Assessment System.

Relative to continuing eligibility for an award, provides, in part, that a student must meet each of the following conditions:

- (1) Be a student in good standing in a La. public high school.
- (2) Maintain a cumulative high school grade point average on all courses attempted of not less than 2.0 when calculated on a 4.0 scale.
- (3) Be a student in good standing while enrolled in a La. public postsecondary education institution and continue to pursue one or more courses leading to an industry-based credential.

Specifies that implementation of the TOPS-Tech Early Start Award is subject to the appropriation of funds.

**SB 19 by Theunissen** *(Last Action – Act No. 105)*

Relative to the 17 ½ units high school core curriculum requirement for TOPS Opportunity, Performance, and Honors awards applicable to students who graduate from high school during the 07-08 school year and thereafter:

- (1) Changes the provision that, in addition to meeting the other specified curriculum requirements for math and science, the student must have at least one unit as a elective from among the other math or science subjects comprising the core curriculum. Now specifies that such elective unit must be selected from among the following courses: Geometry, Calculus or approved advanced math substitute, Biology II, Chemistry II, Physics, or Physics II.
- (2) Provides that Trigonometry no longer will be included in the specified core curriculum for students graduating after the 04-05 school year.

**HR 108 by Faucheux** *(Last Action – Adopted)*

Requests BESE, in consultation with the La. Student Financial Assistance Commission, to study the need for and benefits of BESE developing and implementing a uniform grading scale and system in public and state-approved nonpublic high schools for calculating a student's cumulative high school grade point average to determine eligibility for TOPS awards. Provides that BESE shall report study findings and recommendations in writing to the House education committee at least 60 days prior to the 06 R.S.

**POSTSECONDARY EDUCATION/TUITION****HB 619 by Salter** *(Last Action – House Calendar)*

Would have authorized postsecondary education management boards to increase tuition and mandatory attendance fees consistent with the tuition and fee policy adopted by the Board of Regents on April 28, 2005. Would have provided that a favorable vote of 2/3 of the elected members of both houses of the legislature on the bill would constitute compliance with the requirements of the state constitution for any increases in tuition and fees made pursuant to the authority provided in HB 619. Would have provided that any increase in tuition or mandatory attendance fees adopted pursuant to an amendment to such Board of Regents policy that increased the authorization relative to the amount of tuition and mandatory attendance fees contained in the policy would not become effective and would not be implemented until approved by an Act of the legislature.

## EDUCATION

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### **HB 775 by Barrow** (*Last Action – Sent to Governor*)

Relative to the La. National Guard tuition exemption program:

- (1) Grants, for students serving in the guard pursuant to six-year re-enlistment agreements, an additional exemption from tuition charges imposed by La. public colleges and universities. Provides conditions, limitations, and requirements for initial and continuing eligibility for such exemption. Permits the exemption to be claimed for four separate academic years or until the receipt of a degree at the associate, baccalaureate, masters, or professional degree level, whichever occurs first. Provides that the exemption is from all tuition charges (except specifies that the credit against tuition at an institution that confers a professional degree, in addition to other use restrictions, is limited to the average undergraduate tuition amount charged to certain students attending La. public colleges and universities which offer baccalaureate degrees).
- (2) Relative to the existing program for students serving in the active La. National Guard that permits a tuition exemption to be claimed for five separate academic years or until the receipt of a bachelor's degree, whichever occurs first, provides instead for five separate academic years or until receipt of a degree at the associate, baccalaureate, masters, or professional level, whichever occurs first. Provides that the exemption is from all tuition charges (except specifies that the credit against tuition at an institution that confers a professional degree, in addition to other use restrictions, is limited to the average undergraduate tuition amount charged to certain students attending La. public colleges and universities which offer baccalaureate degrees).

Also provides eligibility for the existing program for a guardsman who is a member in good standing of the inactive La. National Guard and who also meets other specified conditions.

## **POSTSECONDARY EDUCATION/TECHNICAL DIVISION**

### **HB 505 by Jack Smith** (*Last Action – Sent to Governor*)

Provides for and requires the reorganization of vocational and technical education services within the La. Community and Technical College System (LCTCS). Requires the commissioner of higher education, not later than August 16, 2005, to appoint or assign a person with appropriate expertise and background to prepare and propose a plan for the organization of the technical division for presentation to and consideration and action by the LCTCS board of supervisors. Requires the plan proposer, in preparing such plan, to consider certain specified factors and to consult with certain persons and entities, including the members of the legislature in each region. Requires that the plan include a proposal to reconfigure the state level technical resources to become the technical division of the LCTCS and further requires that the function of the state level unit include certain specified components. Requires that the technical division define regions based on certain factors and

that the administrative and operational leadership structure for each region be established according to certain specified elements. Provides that such structure shall include providing for regional coordinating authority that will bring about the greatest efficiency in administering technical services within the region including the preparation and submission to the LCTCS board of supervisors for approval an annual operational and capital outlay budget proposal for each institution based on a budget submitted by the head of each such institution in the region and a proposed budget for the operation of his office. Requires the LCTCS board of supervisors, by not later than February 15, 2006, to take action on the proposed plan and that the technical division and the requirements of HB 505 be operational not later than March 15, 2006.





# ENVIRONMENT

## WASTE TIRES

**HB 473 by McDonald** (*Last Action – Conference Committee*)

**SB 309 by Marionneaux** (*Last Action – House Committee*)

As it was introduced, House Bill No. 473 would have required that DEQ's rules for the waste tire program provide that tires from a La. titled vehicle that were sold by scrap or salvage yard be exempt from the waste tire disposal fee. Senate Bill No. 309 would have required that funds to cover disputed tire processing payments be placed in escrow until final resolution of the dispute. It also would have required that certain Waste Tire Management Fund monies that are set aside for research and development be used to pay unpaid tire processing reimbursements. The Senate added Senator Marionneaux's bill to Representative McDonald's bill by floor amendment, but the House rejected the amendment.

## MERCURY

**HB 600 by McDonald** (*Last Action – House Committee*)

**HCR 51 by Damico** (*Last Action – Adopted*)

House Bill No. 600 would have created a mercury switch, also known as "convenience switch," removal program whereby automobile scrap yards and recyclers would have been reimbursed at least \$5 for each switch that was removed from an automobile. The program would have been operated in accordance with a DEQ approved plan proposed and executed by automobile manufactures.

House Concurrent Resolution No. 51 requests DEQ to engage industry, the public, and other state agencies in the development of a Louisiana mercury action plan.



# HEALTH AND WELFARE

## CHILDREN

### **HCR96 by Doerge** (*Last Action – Adopted*)

Requests the Department of Social Services to promulgate rules and regulations to provide for the creation and licensure of an after-school enrichment program module within the Class B child care license. After-school enrichment programs offer enrichment activities such as drama, dance, and art instruction to school-age children during after-school hours only.

### **SB155 by Chaisson** (*Last Action – Sent to Governor*)

Allows the Department of Social Services to take additional action with regard to Class A child care facility licenses should the Louisiana Advisory Committee on Licensing of Child Day Care Facilities fail or refuse, within thirty days after receipt of a recommendation from DSS, to reach a decision on a recommendation to revoke or deny a Class A license. Provides that members of the Advisory Committee shall be replaced after two unexcused consecutive absences from committee meetings.

### **SB 146 by Bajoie** (*Last Action – Sent to Governor*)

Except for items sold as a part of the school food program, restricts the sale of food and beverages in public elementary and secondary schools and high schools.

Only fruit juices or drinks composed of 100% fruit juice or vegetable juice, unsweetened flavored drinking water or unflavored drinking water, and low-fat milk, skim milk, flavored milk and non-dairy milk, not to exceed 16 ounces, may be sold to students in *public elementary and secondary schools* during a period starting ½ hour before school and ending ½ hour after school

Restricts the selection of beverages offered for sale to students in *public high schools* during the last 10 minutes of the lunch period to consist of at least 50% fruit juices or drinks composed of 100% fruit juice or vegetable juice, unsweetened flavored drinking water or unflavored drinking water, and low-fat milk, skim milk, flavored milk or non-dairy milk.

Restricts the selection of food items in *public elementary and secondary schools* to exclude food of minimal nutritional value as defined in 7 CFR 220.2 and snacks or desserts that exceed 150 calories per serving, have more than 35% of their calories from fat, or have greater than 30 grams of sugar per serving, except for unsweetened or uncoated seeds or nuts during the period starting ½ hour before school and ending ½ hour after school.

The selection of food items offered for sale to students in *public high schools* during the last 10 minutes of the lunch period can consist of no more than 50% of food of minimal

## HEALTH AND WELFARE

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nutritional value as defined in 7 CFR 220.2 and snacks or desserts that exceed 150 calories per serving, have more than 35% of their calories from fat, or have greater than 30 grams of sugar per serving, except for unsweetened or uncoated seeds or nuts.

Fresh pastries cannot be offered for sale to students in *public elementary and secondary schools* during the period starting ½ hour before school and ending ½ hour after school.

This law is effective for schools beginning with the 2005-2006 school year and thereafter.

## DEATH AND DYING

### **HB 675 by Beard** (*Last Action – Sent to Governor*)

Provides a new definition of "spouse" for purposes of living wills for patient's whose condition is terminal and irreversible. A spouse is a person who is legally married to the qualified patient but specifically excludes a spouse:

- (1) Who is judicially separated from the qualified patient.
- (2) Who is cohabiting with another person in the manner of married persons.
- (3) Who has been convicted of any crime of violence as defined in R.S. 14:2(13) against the other spouse when it results in the terminal and irreversible condition from which the spouse suffers.
- (4) Who has violated any domestic abuse protective order affecting the other spouse.

Additionally, alters the illustrative form for the living will to specifically include or exclude nutrition and hydration by giving the declarant the opportunity to check one choice or the other. Provides that any declaration made prior to August 15, 2005, in which a declarant does not specifically indicate a choice with respect to nutrition and hydration shall not be held invalid for that reason nor presumed to mean that the declarant desires the invasive administration of nutrition and hydration. Requires any ambiguity of the law in this Part to be interpreted to preserve human life.

## HEALTH CARE FACILITIES

### **HB528 by Doerge** (*Last Action – Sent to Governor*)

Transfers licensing of certain long-term care providers, including providers of personal care attendant services, respite care services, supervised independent living services, adult day care services, and family support services from the Department of Social Services to the Department of Health and Hospitals.

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## HEALTH AND WELFARE

This bill retains current law relative to licensure of these long-term care providers with a few exceptions. In addition to the transfer of licensing authority from DSS to DHH, the following provisions were added to the bill:

- (1) Financial viability was added as a qualification for licensure for community-based services. Financial viability is defined as the ability of the provider seeking licensure to provide one of the following:
  - (a) Verification of sufficient assets equal to \$100,000.00 or the cost of 3 months operation, or both.
  - (b) A letter of credit equal to \$100,000.00 or the cost of 3 months operation, or both.
- (2) DHH is authorized to include civil money penalties within the licensing standards promulgated by the department relative to home and community-based services. Such civil money penalties shall be similar to those relative to nursing facility and ICF/MR providers and shall be applied in a consistent manner.

### **HB 749 by Hutter** *(Last Action – Sent to Governor)*

Provides for licensure of pain management clinics and provides for the authority of DHH and the LSBME to promulgate necessary rules and regulations. Requires pain management clinics operating on or before June 15, 2005, pursuant to an occupational license or certificate of operation which has not been suspended or revoked, to meet certain criteria.

Specifies exemptions to the requirements of licensure for medical or dental schools, outpatient clinics associated with a medical or dental school, hospitals, hospices or state or federal governmental facilities. Sets the annual licensing fee not to exceed \$1,000.

This law is effective on July 1, 2005.

## HEALTH PROFESSIONS

### **HB883 by Hebert** *(Last Action – Sent to Governor)*

Creates the Polysomnographic Practice Act to recognize polysomnography, the diagnosis and treatment of sleep disorders, as a separate and distinct profession. Provides for the licensure and regulation of polysomnographic technologists and technicians.

Creates the Advisory Committee on Polysomnography to assist the Louisiana State Board of Medical Examiners with carrying out the provisions of the Polysomnographic Practice Act and provides for the regulation of "individuals-in-training", those individuals just entering the field of polysomnography.

## HEALTH AND WELFARE

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### HEALTH CARE SERVICES

#### **HB538 by McVea** (*Last Action – Act No. 90*)

Provides relative to Jefferson Parish Human Services Authority, Capital Area Human Services District, Florida Parishes Human Services Authority, Metropolitan Human Services District, and other human services districts and authorities.

Provides for the development and implementation of a statewide human services and accountability framework for the delivery of mental health, developmental disabilities, and addictive disorders services by establishing a plan that sets forth guidelines for planning, monitoring, coordinating, as well as providing accountability and technical support.

Creates the Human Services Interagency Council to provide for development of the statewide human services and accountability framework plan and to implement, monitor, and act as the coordinating body for the statewide framework.

### NURSING HOMES

#### **HB121 by Odinet** (*Last Action – Senate Calendar*)

Would have provided for mandatory criminal background checks on nursing home and long-term care facility residents. This bill would have required that nursing and long-term care facilities submit the names of all potential new residents to an Internet criminal records search engine. Though new applicants would not be denied entry to a nursing facility based upon the results of the Internet criminal background search, the bill did provide for notice to be given to all current residents and their families of the past criminal activity, if any, of a resident living among them.

#### **SB272 by McPherson** (*Last Action – Sent to Governor*)

Revises moratorium on nursing home licenses in order to allow some new nursing homes to be constructed while continuing to reduce the number of unused nursing home beds and encouraging nursing home owners to diversify into long-term care options. Encourages nursing home owners to convert unused beds, which are being subsidized through Medicaid, into home and community-based care, specifically into apartment-like accommodations with nearby medical aid that would allow adult residents to live more independently. Allows the Department of Health and Hospitals to promulgate applicable rules.

Requires nursing home and ICF/MR facility residents to be notified at the time of admittance of sex offenders living on the premises.

### **PRESCRIPTION DRUGS**

#### **HB 558 by LaBruzzo** (*Last Action – Senate Rejected Conference Committee Report*)

Would have allowed all drugs dispensed on a prescription to a patient to be accepted for return, exchange, or redispensing by a penal institution pharmacy for relabeling and redispensing.





# HOUSE AND GOVERNMENTAL AFFAIRS

## ELECTIONS

### **SB 53 by Fields** *(Last Action – Sent to Governor)*

Prohibits the election of congressional candidates (U.S. senate or U.S. representative) in a primary election. Provides that, if after the close of qualifying for congressional candidates, only two candidates for such an office have qualified, the two candidates for that office shall appear on the ballot for the general election (in November on "federal election day"). Provides that the congressional candidates who qualify for a general election are those who received the two highest numbers of votes in the primary election. Provides that if a congressional candidate receives a majority of the votes cast in a primary election, the name of such candidate does not appear on the general election ballot, and such candidate is declared elected at the close of polls on the day of the general election.

### **HB 358 by Lancaster** *(Last Action – House Committee)*

Would have established a closed party primary election system for congressional offices with candidates and voters participating in a first and second primary or nominating convention according to party affiliation.

### **HB 40 by Pitre** *(Last Action – Failed to Pass/House)*

Would have provided for the two candidates with the highest numbers of votes not of the same political party to qualify for the general election in an election for U.S. senator or U.S. representative. Would have provided for the election of congressional candidates in the general election and prohibited the election of congressional candidates in a primary election.

### **HB 415 by M Powell** *(Last Action – Sent to Governor)*

Removes provisions for the January election date for bond, tax, and other proposition elections.

### **HB 336 by Waddell** *(Last Action – Sent to Governor)*

Removes the requirements for voting absentee in person and instead allows any qualified voter to vote absentee in person. Changes the terminology referring to "absentee in person voting" to "early voting" throughout the election code.

### **HB 537 by Jefferson-Bullock** *(Last Action – House Committee)*

Would have allowed any qualified voter to vote absentee in person. Would have provided for voter registration to close 15 days prior to election day instead of 30 days prior to the

## House and Governmental Affairs

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election. Would have changed the terminology referring to "absentee in person voting" to "early voting" throughout the election code.

### **SB 197 by Bajoie** *(Last Action – Sent to Governor)*

Authorizes the secretary of state to approve the allocation of additional commissioners or voting machines for overcrowded precincts upon the written request of the parish board of election supervisors, if the secretary of state determines that the allocation of additional commissioners or the provision of additional voting machines is necessary and feasible. Requires the parish board of election supervisors to submit its request in writing and set forth the number of additional commissioners or voting machines it is requesting and an explanation of the need for additional commissioners or voting machines.

### **HB 11 by Katz** *(Last Action – Failed to Pass/House)*

Would have changed the hours the polls are open on election day to be from 7 a.m. to 7 p.m. instead of 6 a.m. to 8 p.m.

### **HB 80 by Bruneau** *(Last Action – Senate Committee)*

A proposed constitutional amendment that would have moved the time of the election for all of the persons elected at the same time as the governor to the congressional elections in the year of the presidential election. The offices to be moved included governor, Lt. governor, secretary of state, attorney general, state treasurer, commissioner of agriculture, commissioner of insurance, the elected members of the Board of Elementary and Secondary Education, state senators, state representatives, sheriffs (except in Orleans), clerks of court (except in Orleans), assessors (except in Orleans), coroners (except in Orleans), parish presidents (except in East Baton Rouge and Plaquemines), parish governing authority members (except in East Baton Rouge, Orleans, and Plaquemines), and the offices of the municipality of Vienna. To accomplish the change in the election, the term for all of the affected offices, except the office of tax assessor, would have been extended for one year. Would have prohibited legislators from earning retirement credit for such extra year.

### **HB 105 by E Guillory** *(Last Action – House Committee)*

Would have increased compensation of certain commissioners and commissioners-in-charge who serve at the polls on election day.

### **HB 152 by E Guillory** *(Last Action – Failed to Pass/Senate)*

Would have prohibited a voter from using an electronic communication device while in a voting machine. Would have provided an exception for a voter eligible to vote with assistance using such an electronic communication device to communicate with the person assisting him.

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## House and Governmental Affairs

### CAMPAIGN FINANCE

#### **SB 186 by Boasso** *(Last Action – House Committee)*

Would have prohibited any candidate or the principal or subsidiary committee of a candidate from soliciting or accepting campaign contributions from any person who provides professional services to a state or statewide public retirement system board relative to the making or managing of trades in equities or other investments or who provides professional services regarding the performance, measurement, or management of the funds invested by the boards.

### ETHICS

#### **HB 694 by Dorsey** *(Last Action – House Committee)*

Would have required members of the legislature to disclose certain income, compensation, and financial transactions, including that of a spouse and would have additionally required candidates for the state legislature to file financial disclosure statements prior to the primary election.

#### **SB 82 by Dardenne** *(Last Action – House Committee)*

Would have removed the ethics exception which allows elected officials to accept anything of economic value as a gift or gratuity if it does not exceed \$100 per event and up to \$500 per year from one person and when the nature of the gift is limited to a cultural or sporting event.

### GOVERNMENT ORGANIZATION

#### **HB 37 by Scalise** *(Last Action – House Committee)*

Would have created an independent office of the state inspector general within the office of the governor and would have provided the reports of the state inspector general were subject to the laws relative to public records.

#### **SB 215 by Barham** *(Last Action – Sent to Governor)*

Establishes the Aviation and Military Museum of Louisiana, Inc., in Monroe within the Dept. of State as a charitable, historical, cultural, scientific, and technological educational institution with the purpose of preserving and promoting the aviation and military history of Louisiana and the legacy of those who contributed to it.

## House and Governmental Affairs

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### **HB 386 by Smiley** *(Last Action – Sent to Governor)*

Abolishes certain inactive boards, commissions, authorities, districts, and like entities and removes references to certain such abolished entities, including the La. Education Facilities Authority, the La. Motor Carrier Advisory Committee, the Advisory Committee on Pain, the Board of Certified Employee Assistance Professionals, the Southern Louisiana Drinking Water Study Commission, the La. Healthy People 2010 Planning Council, the Fatherhood Council, the La. Child Care Challenge Committee, the Council to Prevent Chemically Exposed Infants, the La. Infrastructure Bank and its board of directors, the La. High-Speed Rail Transportation Advisory Council, the La. Western Corridor Commission, the La. Hospitality Research Program, the La. International Trade Development Board, the executive committee of the Louisiana Economic Development Council, and the La. Imports and Exports Trust Authority. Transfers the powers, duties, functions, and responsibilities of the La. Litter Reduction and Public Action Commission to the secretary of the Dept. of Environmental Quality. Abolishes the La. Biomedical Research and Development Park Commission and provides that its powers, duties, functions, and responsibilities are transferred to the secretary of the Dept. of Economic Development. Abolishes the Interagency Recreation Board and provides that its powers, duties, functions, and responsibilities are transferred to the secretary of the Dept. of Public Safety and Corrections. Removes references to previously abolished entities including the La. Welfare Reform Coordinating Committee, the Coordinating Council on Telemedicine and Distance Education, the La. Historical Jazz Society, the Medicaid Drug Program Committee, the State Licensing Board for Locksmiths, the Stress Analysts Board, the Governor's Committee on Employment of Physically Handicapped, the La. Marine Recreational Fishing Development Board, the La. Alligator Market Development Authority, and the Council for Development of Spanish in La.

### **STATE EMPLOYEES/ADMINISTRATION**

### **HB 317 by LaFonta** *(Last Action – Failed to Pass/House)*

Would have prohibited state agencies, departments, offices, commissions, boards, entities, and officers of the state from harassing or discriminating on the basis of race, color, religion, sex, sexual orientation, national origin, political affiliation, or disabilities against any individual in any manner pertaining to employment or in the provision of any service or benefit by such entities.

### **HB 365 by Dorsey** *(Last Action – Sent to Governor)*

Authorizes each LSU HSC medical center to establish an unclassified health care professional employee pool composed of licensed registered nurses, licensed practical nurses, and such allied health professionals as agreed upon by the particular medical center and the State Civil Service Commission in order to meet staffing shortages and to supplement the core of permanent classified health care professionals. Prohibits persons employed in such

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## House and Governmental Affairs

pools from being or becoming a member of state retirement systems, earning or accruing leave, or being considered an employee for purposes of eligibility to participate in any health, life, or other programs sponsored by the Office of Group Benefits.

### **HR 3 by Schneider** *(Last Action – Adopted)*

Creates the Special Subcommittee of the Committees on Appropriations, House and Governmental Affairs, and Retirement with three members from each of those committees for the purpose of conducting studies and making recommendations concerning state employee compensation and benefits.

## **PUBLIC RECORDS**

### **HB 880 by Lancaster** *(Last Action – Sent to Governor)*

Relative to agencies involved in the treatment, care, and rehabilitation of children, requires the Children's Cabinet to facilitate the development of interagency agreements and cooperation regarding the sharing of specified data. Requires, through the Children's Cabinet, the Dept. of Social Services; the Dept. of Health and Hospitals; the Dept. of Education; Youth Services of DPS&C; the Dept. of Labor; courts exercising juvenile jurisdiction; district attorneys; law enforcement agencies; city, parish, and other local public school boards; truancy assistance service centers; and Families in Need of Services offices to develop policies to facilitate interagency information sharing in the most effective and expeditious manner. Specifies that the adoption of formal policies shall not be prerequisite to the implementation of information sharing. Requires interagency agreements to include the specific data to be shared among the agencies, the person(s) allowed by each party to have access to the data, and the security arrangements between parties to ensure the protection of the data from unauthorized access that may threaten the privacy of persons and the confidentiality of the data; to be in writing; and that a copy be furnished to the court exercising juvenile jurisdiction, the Children's Cabinet, and to each agency involved in the treatment, care, and rehabilitation of the child.

### **HB 115 by Gallot** *(Last Action – Sent to Governor)*

Prohibits the use of privately owned copying, reproducing, scanning, or other imaging equipment for the copying of public records within the offices of the clerk of court, unless otherwise ordered by a court of competent jurisdiction.

# House and Governmental Affairs

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## LEGISLATIVE PROCEDURE

### **HR 1 by Salter** *(Last Action – Adopted)*

Provides for the Parliamentarian of the House of Representatives to be appointed by the Speaker from among the members of the House, provides for the duties of the Parliamentarian, and provides that one of the duties of the Clerk of the House is to be the general counsel for the House of Representatives.

### **HR 70 by Hebert** *(Last Action – Adopted)*

Provides that the motion for the previous question is not in order when offered by a member at the conclusion of speaking on the motion under debate.

### **HR 7 by Burns** *(Last Action – Adopted)*

Requires persons filing prepared statements with committees containing data or statistical information to include sufficient information to identify the source of the data or information.

### **HR 46 by White** *(Last Action – Adopted)*

Provides that a motion to otherwise refer a legislative instrument or a motion to discharge a committee from further consideration of a legislative instrument and to recommit such instrument to another committee is not in order unless the author of the instrument and the chairman of the committee of original referral are present in the chamber.

# INSURANCE

## HEALTH INSURANCE

### **HB 36 by Farrar** *(Last Action – Sent to Governor)*

Requires any health plan which is issued for delivery, delivered, renewed, or otherwise contracted for in Louisiana on or after January 1, 2006, to provide coverage of "routine colorectal cancer screenings". That term is defined as a fecal occult blood test, flexible sigmoidoscopy, or colonoscopy provided in accordance with the most recently published recommendations established by the American College of Gastroenterology, in consultation with the American Cancer Society, for the ages, family histories, and frequencies referenced in those recommendations. Specifically excluded from coverage are services deemed by a health plan to be experimental or investigational.

### **HB 203 by Faucheux and Walsworth** *(Last Action – Act No. 47)*

Requires group health plans to hold a special enrollment period for any dependent who was previously enrolled in the Louisiana Children's Health Insurance Program (LaCHIP) prior to requesting enrollment in the group health plan but who is no longer eligible to be covered under LaCHIP. The special enrollment period must be at least 30 days; enrollment of the dependent child during that period will provide for coverage by the group plan on the date when LaCHIP coverage ceases.

Effective upon signature of the governor or lapse of time for gubernatorial action.

### **HB 290 by Townsend and Sen. Marionneaux** *(Last Action – Sent to Governor)*

Provides for a 15-day time period for payment of electronic pharmacy claims and for interruption of this period during a declared state of emergency. Provides for applicability to certain pharmacy contracts. Also makes the Office of Group Benefits subject to state law relative to prompt payment of pharmacy claims.

Effective July 1, 2005.

### **HB 885 by K. Carter, et al.** *(Last Action – Sent to Governor)*

Provides relative to prompt payment of health insurance claims, including definitions; standards for receipt and processing of nonelectronic and electronic claims; limitations on claim filing and audit; the regulatory authority of the commissioner of insurance; and applicability. Specifically requires health plans to give health care providers access to electronic claim filing requirements, to issue an exception report (report of claims not accepted) within five days when an electronic claim is not accepted, and to pay, deny, or pend a claim within five days and to notify the provider when a claim is pending. Also



## INSURANCE

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includes language to clarify the responsibility of health plans and providers when clearinghouses are used to file claims electronically, establishes required data elements in an exception report and a remittance advice (explanation of provider payment), changes the interest rate payment for late payment of claims from one percent per month to twelve percent per annum, and holds health plans responsible for compliance by subcontractors with the prompt payment law.

Effective January 1, 2006.

### PROPERTY INSURANCE

**HB No. 687 by Karen Carter** (*Last Action - Sent to Governor*)

Changes the existing law that allows insurance companies to convert existing homeowners policies to new policy forms with the approval of the commissioner of insurance. It requires that any policy conversions to be subject to the rate change procedures under the Louisiana Insurance Rating Commission if, in fact, there was a change in rates due to the conversion.

**HB No. 319 by Moorish** (*Last Action - Sent to Governor*)

This Act changes the statutory rate formula for property insurance issued by the La. Citizens Property Insurance Corp according to committee testimony. It attempts to mitigate, according to committee testimony, the dramatic and excessive premium increases caused by the statutory rate by allowing the Citizens Property Insurance board to adopt the formula annually in concert with the actuaries of the Department of Insurance so that their rates remain non-competitive, but without the excessive increases.

### TITLE INSURANCE AGENTS

**HB No. 561 Lancaster & Jack Smith** (*Last Action - Senate Rejected Conference Committee Report*)

Would have required title insurance agents to complete six hours of approved continuing education for license renewal and that the title insurance agent who signs the title insurance policy must be domiciled in Louisiana.

**HB No. 653 by Erdey** (*Last Action - Sent to Governor*)

Similar to HB 561 it requires title insurance agents, beginning in 2006, to complete six hours of approved continuing education instruction prior to the license renewal.

### AUTOMOBILE INSURANCE

#### **HB No. 69 by Tucker** *(Last Action - Sent to Governor)*

The Act requires insurance companies to provide a discount of the premiums only on the liability insurance for automobiles owned by active military personnel based in Louisiana. The discount is 12½% for the period of July 1, 2005 to July 1, 2006 and 25% beginning July 1, 2006.

It is to be paid for by a credit against the premium taxes owed by the insurer in an amount equal to the discounts actually given, subject to approval by the commissioner of insurance.

#### **HB No. 188 by LaFleur** *(Last Action - Sent to Governor)*

Prohibits clauses in automobile insurance policies that do not allow for recovery by a family member when another family member is at fault. It allows the recovery of damages up to the limits of the policy for spouses and other family members in such situations. Any recovery is limited to actual damages sustained.

#### **HB No. 689 by Walsworth** *(Last Action - Sent to Governor)*

This bill requires that a person convicted of fraud involving automobile insurance pay restitution to the "victim company" for insurance payments obtained thru the fraud and for the cost associated with the investigation and defense of the fraudulent claim. This includes attorney fees and court costs. Also the Act provides that the restitution does not extinguish any civil right of action of the victim company; but requires that any civil judgment be reduced by the amount of restitution actually received.

#### **HB No. 700 by Tucker** *(Last Action - Sent to Governor)*

Provides that vehicle mechanical breakdown insurance (extended warranty) will also provide convenience services like towing when the mechanical breakdown occurs. This Act makes it clear that the insurance includes vehicle rental, towing, trip interruption, and roadside assistance.

#### **HB No. 761 by White** *(Last Action - Sent to Governor)*

This Act allows the insurance company to include the cost of the airbags, if the policy holder agrees in writing, when it is using the total loss provision in the policy that allows the insurance company to take title of the vehicle instead of paying the damages. It prohibits the insurer from being required to pay more than the actual cash value for the vehicle including the value of the airbags.

## INSURANCE

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### **HB No. 779 by McVea & McDonald** (*Last Action - Sent to Governor*)

Provides that the compulsory motor vehicle liability insurance laws apply to the operation of vehicles in privately owned parking lots used for commercial or retail activities. Exempts from the compulsory motor vehicle liability insurance laws:

1. Agricultural vehicles, while on agricultural land, that are not operated on public roads or highways.
2. Vehicles that are legally parked.

### **OTHER INSURANCE MATTERS**

### **HB 164 by M. Jackson** (*Last Action - Sent to Governor*)

Provides that when the commissioner of insurance determines that an approved unauthorized insurer is ineligible and is to be removed from the list of approved unauthorized insurers, the written notice to the insurer and all surplus lines brokers of such action may, at the option of the surplus lines broker, be sent by the commissioner via electronic mail.

### **HB 402 by Erdey** (*Last Action - Sent to Governor*)

Requires business entities that are insurance producers to give notice to the commissioner within 30 days of the change of status of any person registered under the business license. Also, requires notification to the commissioner within 30 days of the opening of any branch location. Requires the registration of a licensed insurance producer for each location. Provides for a fine of \$100 for each violation. The business entity is given due notice and is entitled to a hearing.

### **HB 638 by Kleckley** (*Last Action - Act 27*)

Provides that transacting life insurance does not include the granting of annuities or survivorship benefits and the acceleration of endowment or annuity benefits. Allows domestic stock insurers who sell life insurance and who apply for a certificate of authority after Sept. 1, 1989, to transact annuities and credit life, health, and accident insurance.

# JUDICIARY

## COURTS

### **HB 7 by M. Guillory** (*Last Action - Sent to Governor*)

Increases the jurisdictional amount in dispute in the City Court of Eunice to \$25,000.

### **HB 8 by Ritchie** (*Last Action - Act No. 31*)

Increases the jurisdictional amount in dispute in the City Court of Bogalusa to \$25,000.

### **HB 135 by Crowe** (*Last Action - Sent to Governor*)

Increases the jurisdictional amount in dispute for the City Court of Slidell to \$35,000.

### **SB 75 by Adley** (*Last Action - Act No. 109*)

Increases the jurisdictional amount in dispute for the City Court of Springhill to \$35,000.

### **HB 76 by Marchand** (*Last Action - Sent to Governor*)

In Orleans Parish, provides for a fee of \$3 for each one hundred dollars worth of liability underwritten by a commercial surety, with \$1 of the fee being allocated to the Criminal District Court for the Parish of Orleans.

## PAY RAISES

### **HB 343 by Toomy** (*Last Action - House Calendar*)

Would have provided that the actual salaries for judges of the supreme court shall be increased by 4 and ½%, judges of the courts of appeal by 4 and 6/10%, and judges of the district court by 4 and 9/10% on July 1, 2005 and again on July 1, 2006. The state-paid actual salary of a city court judge and a parish court judge would have been increased by 4 and 9/10% on July 1, 2005 and on July 1, 2006.

The present salaries are as follows:

Chief justice, supreme court	\$125,035
Justice, supreme court	\$119,624
Chief judge, court of appeal	\$118,462
Judge, court of appeal	\$113,364
Judge of a district, family, or juvenile court	\$107,103
Judge of a city court (state portion)	\$ 33,933

## JUDICIARY

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### **HB 633 by Hebert** *(Last Action - House Calendar)*

Would have provided for a 4% increase in the salary of each of the clerks of a district court on July 1, 2005 and on July 1, 2006.

## MILITARY AFFAIRS

### **HB 95 by Gary Smith** *(Last Action - Sent to Governor)*

Provides for tuition exemption survivors benefits for the surviving children and surviving spouse of a Louisiana National Guardsman who dies as a result of one or more wounds, injuries, or illnesses incurred while serving in federal active duty service or in an operation or area that the Secretary of Defense has designated in writing as a combat operation or combat zone. Provides that the surviving spouse and children of members of LANG in such cases shall be eligible to enroll in a public institution of higher learning of this state and shall be exempt from tuition charges.

### **HB 570 by LaFonta** *(Last Action - Act No. 69)*

Provides that any eligible member or veteran who returns to this state after service in an area designated as a combat zone by the president of the United States and who has been assigned a risk level I or II for depleted uranium exposure by his branch or service, or any other member or veteran who has reason to believe that he was exposed to depleted uranium during such service, shall have the right to a best practice health screening test for exposure to depleted uranium using specified tests.

### **SB 256 by Mount** *(Last Action - Sent to Governor)*

Provides for a college scholarship for a child whose parent was killed as a result of service in certain theaters of military operation and redefines "war period" for purposes of military benefits.

## LAW ENFORCEMENT

### **SB 35 by Barham and Representative Hill** *(Last Action - Sent to Governor)*

Provides that if a peace officer meets specified criteria, the qualification to serve as a peace officer is continued without further training being required for a period of five years from the date on which such person ceased to serve as a peace officer. A person may resume service as a qualified peace officer during the five-year period without the requirement of any further training prior to such resumption of service if the officer successfully re-qualifies with his or her firearm in accordance with the Peace Officer Standards and Training law.

**ALCOHOLIC BEVERAGES****HB 338 by Powell** *(Last Action - Sent to Governor)*

Authorizes a municipality to adopt an ordinance establishing an alternate method of measurement of the 300 foot limitation by measuring in a straight line from the nearest point of the property line of the church or synagogue, public library, school, or full-time day care center to the nearest point of the premises to be licensed.

Excepts a microbrewer, native winery, and direct shipment of wine from the requirement of selling only to a holder of a wholesale permit. Deletes the authorization for a native winery to sell the manufactured beverage at wholesale for consumption on or off the premises. Requires a wholesale permit for alcoholic beverages produced or manufactured inside this state and being sold, shipped, or transported within this state, except for microbrewers, native wineries, and the direct shipment of wine.

**HB 755 by Dartez** *(Last Action - Conference Committee)*

Would have required the office for addictive disorders of the Dept. of Health and Hospitals to provide information and referral services related to alcohol abuse and/or problem drinking, which services shall include a twenty-four hour, toll-free hotline, operated by persons with knowledge of programs and services available to assist person suffering from alcohol abuse or problem drinking behavior. Would have required the posting of signs at certain licensed premises.

**DISTRICT ATTORNEYS****SB 320 by Heitmeier** *(Last Action - Sent to Governor)*

Provides for nine new additional assistant district attorneys for the following judicial district courts:

- 6<sup>th</sup> JDC (Parishes of East Carroll, Tensas, and Madison) - (from 6 to 7)
- 9<sup>th</sup> JDC (Rapides Parish) - (from 12 to 14)
- 12<sup>th</sup> JDC (Avoyelles Parish) - (from 6 to 7)
- 35<sup>th</sup> JDC (Grant Parish) - (from 3 to 4)
- Orleans Parish - (from 79 to 83)



# LABOR AND INDUSTRIAL RELATIONS

## EMPLOYMENT/WAGES

### **HB 275 by Marchand** (*Last Action – House Committee*)

As a constitutional amendment, HB 275 would have provided a minimum wage of one dollar more than the federal minimum wage. Would have required the minimum wage of this state to increase in an amount equal to one dollar above federal minimum wage should the federal minimum wage increase.

### **HB 444 by Hunter** (*Last Action – Failed to Pass/House*)

Would have created the Louisiana Equal Pay for Women Act. Would have made it unlawful for an employer to pay wages to an employee at a rate less than the rate at which the employer pays wages to another employee of the opposite sex for the same or substantially similar work. Provided relief under the Louisiana Employment Discrimination Law.

## UNEMPLOYMENT COMPENSATION

### **HB 610 by Gray** (*Last Action – House Committee*)

Would have provided unemployment compensation benefits to employees who are separated from work because of domestic abuse. Would have provided several options for an employee to demonstrate the existence of domestic abuse. Would have required that an employee be given reasonable accommodations regarding the requirement to pursue suitable work.

## EMPLOYMENT

### **SB 57 by Duplessis** (*Last Action – Sent to Governor*)

Requires employers of twenty or more full-time or part-time employees to provide new hire employees whose annual anticipated wages are \$35,000 or less with information on the federal Earned Income Tax Credit and the Advance Earned Income Credit. Requires employers to post a notice containing the information (to be provided by the Department of Labor) in the same location that other workplace notices are posted. Requires the Department of Labor to update the notice as it becomes necessary.



# LABOR AND INDUSTRIAL RELATIONS

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## CHILDREN

### **SB 158 by Dardenne** (*Last Action – Sent to Governor*)

Creates the "Child Performer Trust Act." For any contract in which a child actor is employed for compensation of \$500 or more in this state, this Act requires fifteen percent of a child actor's gross earnings be placed in a trust fund created for the benefit of the child. The funds may be withdrawn from the trust fund by the beneficiary only once the beneficiary attains eighteen years of age.

# MUNICIPAL, PAROCHIAL AND CULTURAL AFFAIRS

## LOCAL GOVERNMENT

### **HB 160 by Honey** *(Last Action – Sent to Governor)*

Provides that tax increment financing shall not include a tax increment involving the ad valorem or sales tax revenues of any city, parish, or other local public school system without the prior approval of such school system.

### **HB 368 by Marchand** *(Last Action – House Calendar)*

Would have authorized the governing authority of the city of New Orleans to use a traffic control photographic system to enforce any law, regulation, or ordinance that provides for a moving violation at a traffic light, stop sign, yield sign, or other traffic control device.

### **HB 398 by Hill** *(Last Action – Sent to Governor)*

Provides that an ordinance enlarging the boundaries of a municipality cannot be contested or attacked based on inadequacy of the notice after the passage of five years from the date of its enactment and that the implementation and operation of such an ordinance for that period shall be adequate notice of its existence. Further provides that the periods established by **HB 398** are preemptive and apply to any and all purported rights and causes of action to contest an ordinance enlarging the boundaries of a municipality, except for any rights or causes of action under the Voting Rights Act of 1965.

### **HB 481 by Arnold** *(Last Action – Sent to Governor)*

Removes authorization for the Orleans Parish Assessment District and removes authority of the Orleans Parish Assessment District to be funded from the levy of an ad valorem tax. Provides that the Orleans Parish Board of Assessors shall be funded annually no later than March 1 by the city of New Orleans with no less than 2% of the ad valorem taxes levied on property in Orleans Parish. Provides that such funding shall be the exclusive means of funding such board. Further provides that the millage currently being levied by the board of assessors for the 2005 tax year shall be transferred to and levied by the city of New Orleans, without the necessity of voter approval, for the 2006 and subsequent tax years.

### **HB 837 by Kennard** *(Last Action – House Calendar)*

### **SB 343 by Fontenot** *(Last Action – Act No. 10)*

Provides that upon the incorporation of Central in East Baton Rouge Parish the parish may continue to levy and collect the parish tax within the corporate limits of the municipality, pursuant to an intergovernmental agreement between the parish and municipality, for the purpose of providing essential public services to, or funding essential public services for, the

## MUNICIPAL, PAROCHIAL AND CULTURAL AFFAIRS \_\_\_\_\_

citizens of Central until cash flow can be developed through the levy and collection of municipal sales and use taxes to fund the expenses of municipal government. Creates the Central Transition District and authorizes such district to levy and collect a sales and use tax not to exceed two percent in order to provide funds for the purpose of assisting the municipality to fund the delivery of essential public services to its citizens. Provides however, that the district shall not levy and collect a tax if the rate thereof, when combined with the rate of the municipal sales and use taxes collected within the municipality exceed two percent. Provides for termination of the district.

### **HB 636 by Daniel** *(Last Action – Sent to Governor)*

Provides that when Central is incorporated in East Baton Rouge Parish pursuant to present law (R.S. 33:1 et seq.), on and after the date the Central Transition District ceases existence, the governing authority of the newly created municipality shall be responsible for the maintenance of any road or drainage maintained by or dedicated to East Baton Rouge Parish prior to the effective date of incorporation which is located within the boundaries of the municipality. Specifies certain roadways for which East Baton Rouge Parish shall be responsible.

### **HB 826 by Erdey** *(Last Action – Sent to Governor)*

Authorizes the governing authority of Livingston Parish to levy and collect a tax not to exceed \$300 on the execution of any instrument, act, writing, or document transferring or conveying immovable property located in the parish. Provides that the tax may be levied by ordinance only after the imposition of the tax has been approved by a vote of the people. Further provides that the ordinance may include provisions for the imposition, collection, and enforcement of the tax, including penalties for delinquencies.

### **SB 260 by Malone** *(Last Action – House Committee)*

Would have provided that no bonds shall be issued by the Louisiana Local Government Environmental Facilities and Community Development Authority, or no construction shall commence on a project for which bonds are issued by such authority, until the authority receives prior approval by a majority vote of the qualified electors of the participating political subdivisions on whose behalf or benefit the bonds will be issued. **SB 260** would have been applicable only in a municipality with a population of more than 200,000 but less than 220,000 according to the most recent federal decennial census.

### **SB 297 by Duplessis** *(Last Action – Sent to Governor)*

Provides for an annual application form for an exemption from ad valorem taxation granted to property pursuant to Art. VII, Sec. 21(B) of the Constitution of Louisiana, in the city of New Orleans. Provides that the form is to be provided by the assessor and the assessor must

## **————MUNICIPAL, PAROCHIAL AND CULTURAL AFFAIRS**

certify that the property qualifies for the exemption sought. The application form shall be designed and prepared by the board of assessors. Provides that the form shall:

- (1) Provide for gathering information regarding the portion or area of the property actually being used for a religious, dedicated place of burial, charitable, health, welfare, fraternal, or educational purpose, or for housing for homeless persons.
- (2) Require information as to whether any of the property is being used for commercial purposes unrelated to the exempt purposes of the nonprofit corporation or association.

Provides for a \$15 filing fee. Provides penalties for false statements and false information.

### **POLITICAL SUBDIVISIONS/FINANCIAL CRISIS**

**SB 307 by Murray** (*Last Action – Act No. 7*)

For summary of SB 307, please refer to the Education section of this publication.

### **FIRE AND POLICE**

**HB 30 by Smith** (*Last Action – Sent to Governor*)

Relative to law enforcement officers and firemen who suffer death as a result of any injury arising out of and in the course of the performance of their official duties, increases the payments to surviving spouses, or if there is no surviving spouse to the surviving child or children of such officers and firemen from \$50,000 to \$200,000 and removes parents from enumeration of persons eligible for payment of benefits. Further provides that if there is no surviving spouse nor a child or children, then the sum of \$200,000 shall be paid to the named beneficiary listed on the law enforcement officer's or fireman's designation form or, if there is no beneficiary designation form at the time of the officer's or fireman's death, and no surviving spouse nor a child or children, then the sum of \$200,000 shall be paid to the officer's estate. Retains present law provisions relative to \$25,000 payments to each dependent child.

**SB 51 by Cheek** (*Last Action – Sent to Governor*)

Relative to law enforcement officers and firemen who suffer death as a result of any injury arising out of and in the course of the performance of their official duties, increases the payments to surviving spouses, or if there is no surviving spouse to the surviving child or children of such officers and firemen from \$50,000 to \$100,000 and removes parents from enumeration of persons eligible for payment of benefits. Further provides that if there is no surviving spouse nor a child or children, then the sum of \$250,000 shall be paid to the named beneficiary listed on the law enforcement officer's or fireman's designation form or, if there

## MUNICIPAL, PAROCHIAL AND CULTURAL AFFAIRS \_\_\_\_\_

is no beneficiary designation form at the time of the officer's or fireman's death, and no surviving spouse nor a child or children, then the sum of \$250,000 shall be paid to the officer's estate. Retains present law provisions relative to \$25,000 payments to each dependent child.

### **HB 133 by Cazayoux** *(Last Action – Sent to Governor)*

Provides that an employee in the municipal fire and police civil service, except an entry level fireman and an entry level radio, fire alarm, or signal systems operator, may be removed from a position during a working test with only municipal fire and police civil service board approval if he has served less than six months of the test rather than at least three months and less than six months.

### **HB 305 by Honey** *(Last Action – House Committee)*

### **HB 760 by Badon** *(Last Action – House Committee)*

Would have provided that the development of any loss of hearing which develops during a period of employment in the classified fire service shall be classified as a disease or infirmity connected with employment. Would have entitled any such employee to all rights and benefits to which one suffering an occupational disease is entitled. Further would have provided that such loss of hearing shall be presumed, prima facie, to have developed during employment and to have been caused by or to have resulted from the nature of the work performed whenever such loss is manifested at any time after the first five years of employment in the classified fire service.

### **HB 757 by Damico** *(Last Action – House Committee)*

Would have provided that firemen suffering from work-related injuries or service-connected illness shall be entitled to full pay for a sick leave period not less than 52 calendar weeks when such medical conditions prevent the performance of duties. Would have provided that firemen suffering from injuries other than work-related injuries shall be entitled to accumulated sick leave benefits offered to other employees of the municipality, parish, or fire protection district. Additionally would have provided that firemen who did not receive accumulated sick leave benefits prior to the effective date of **HB 757** shall be entitled to a credit for accumulated sick leave based upon length of service, similar to other employees; however, the leave would have been subject to deductions for all off-duty sick leave actually used.

# **————MUNICIPAL, PAROCHIAL AND CULTURAL AFFAIRS**

## **OFFICIAL JOURNALS**

### **HB 493 by Farrar** *(Last Action – House Committee)*

Would have provided that the official website of the governing authority of Rapides Parish must be the official journal for the parish and any other political subdivision within such parish. Would have required the governing authority of the parish and each political subdivision within such parish to publish their proceedings and financial statements in the official journal. Would have additionally required that certain judicial advertisements and other legal notices be published in the official journal of the parish.

### **HB 652 by Wright** *(Last Action – House Committee)*

Would have authorized the governing authority of any parish which has a population of less than 16,000 according to the latest federal decennial census and the governing authority of any political subdivision within such parish to establish and maintain an official website as the official journal of the parish or any such political subdivision. Would have required the governing authority of any such parish or political subdivision within such parish to publish their proceedings and financial statements in the official journal of the parish or respective political subdivision.

## **JUVENILE SERVICES**

### **HB 870 by Gray** *(Last Action – Sent to Governor)*

Creates the Orleans Parish Juvenile Services Financing District as a political subdivision of the state for the purpose of providing funding for juvenile facilities, programs, and services in the parish of Orleans. Provides for the imposition and use of an ad valorem tax for district purposes.

## **HISTORIC PRESERVATION**

### **HB 598 by Lafonta** *(Last Action – Senate Calendar)*

Would have provided relative to procedures for approval of certificates of appropriateness for new construction in historic preservation districts. Would have applied only to historic preservation commissions and landmarks commissions of certain governmental units with authority over more than three historic preservation districts within a municipality. Prior to commission action on such an application, would have required appointment of a special committee in the district(s) affected and would have required such committee to hold a public hearing in the district(s).

## MUNICIPAL, PAROCHIAL AND CULTURAL AFFAIRS \_\_\_\_\_

### **HB 884(Substitute for HB 605) by Richmond** *(Last Action – Failed to Pass/House)*

Would have provided relative to historic preservation district commissions created or authorized by the 1921 constitution for which authority is retained in the 1974 constitution and those created or established in the 1974 constitution. Would have provided relative to the balancing of historic preservation with economic development through restoration, renovation, rehabilitation, and adaptive reuse of historic structures or properties. Would have provided relative to appeals of a decision, recommendation, act, or proceeding of a commission, governing body, or other agency with authority in the district. Would have additionally provided relative to stays, stop orders, restraining orders, and injunctions and security therefor.

## MUSEUMS

### **HB 312 by Glover** *(Last Action – Senate Calendar)*

Would have established the Spring Street Historical Museum in Shreveport within the Department of State as a historical, cultural, scientific, and technological educational institution with the purpose of researching, collecting, preserving, and presenting objects, documents, and the like that reflect the history of Caddo Parish and northwest Louisiana.

### **HB 396 by Hammett** *(Last Action – Act No. 23)*

Increases the ex officio members of the governing board of the Louisiana Delta Music Museum by adding the mayor of Ferriday and the president/CEO of the Ferriday chamber of commerce.

## STATE PARKS

### **HCR 18 by Faucheux** *(Last Action – Adopted)*

### **SCR 44 by Amadee** *(Last Action – Adopted)*

Requests the office of state parks of the Dept. of Culture, Recreation and Tourism in coordination with the La. Dept. of Wildlife and Fisheries to study the suitability of establishing a state park in the Maurepas Swamp Wildlife Management Area and to report findings to the House Committee on Municipal, Parochial and Cultural Affairs and the Senate Committee on Natural Resources prior to the beginning of the 2006 R.S.

## **————MUNICIPAL, PAROCHIAL AND CULTURAL AFFAIRS**

### **LIBRARIES**

**HCR 119 by Crowe** *(Last Action – House Committee)*

**HR 79 by Crowe** *(Last Action – House Committee)*

Would have requested public libraries to confine materials that are age inappropriate for children to areas designated exclusively for adult access and distribution.

### **FILM COMMISSION**

**HB 496 by McDonald** *(Last Action – Sent to Governor)*

Creates the Northeast Louisiana Film Commission to develop Northeast Louisiana as a film, video, and television production center and market its locations, resources, and personnel to motion picture and television production companies. Defines "Northeast Louisiana" as the parishes of Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, and West Carroll.



# **MUNICIPAL, PAROCHIAL AND CULTURAL AFFAIRS**————

# NATURAL RESOURCES

## ENERGY

### **HB 428 by Pierre** (*Last Action – Sent to Governor*)

Authorizes the State Mineral Board in conjunction with the secretary of DNR to lease state lands and water bottoms for the exploration, development, and production of energy from wind. Provides for the leases to be granted through a public bid process with all bonuses, rentals, royalties, payments, or other sums due the state to be paid to the office of mineral resources for deposit in the state treasury; with 25% being credited to the Wetlands Conservation and Restoration Fund and the remaining 75% going to the state general fund. Requires that, prior to advertisement, the amount of any electric power production royalty be approved by the House and Senate Natural Resources committees. Establishes procedures for approving a site for production of wind energy and for selection of lessee.

### **SCR 117 by Boasso** (*Last Action – Adopted*)

Memorializes Congress and the Louisiana Congressional delegation to protect and ensure the right of state and local governmental entities to comment on applications for new offshore LNG facilities and the right of the governor to veto to the approval of such facilities. Further memorializes Congress to direct the U.S. Maritime Administration to require that the environmental impacts of offshore liquefied natural gas terminals be fully investigated and considered before these facilities are licensed, especially the individual and cumulative impacts of open rack vaporization systems on marine species and marine habitat.

## HUNTING

### **HB 701 by Baudoin** (*Last Action – Sent to Governor*)

Prohibits a person from claiming as his any area or location on state land. Prohibits the construction of permanent deer stands on state land, and requires deer stands to be removed no later than two hours after sunset each day. Exempts land under the jurisdiction of the La. Wildlife and Fisheries Commission, on which construction of permanent deer stands is already prohibited by rule.

## FISHING

### **HB 752 by Dartez** (*Last Action – Act No. 102*)

Provides for revocation or suspension of and ineligibility for a trawl, skimmer, or butterfly net gear license for persons convicted for shrimping during the closed season as follows: For a first conviction, authorizes the court to revoke or suspend the violator's gear license for one year. For a second conviction, the court *shall* revoke or suspend the gear license for three

## NATURAL RESOURCES

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years. For a third or subsequent conviction, the court *shall* revoke or suspend the gear license for 10 years. Further, a person convicted twice within five years is ineligible to hold a commercial or recreational gear license for three years, and a person convicted three or more times during a five-year period is ineligible to hold such gear license for 10 years.

Provides that any person ineligible to hold a trawl, skimmer, or butterfly net gear license or whose gear license has been suspended or revoked, is prohibited from being aboard a vessel shrimping or possessing shrimp or shrimping gear unless the vessel is equipped with an operating vessel monitoring system (VMS) which is accessible to the Dept. of Wildlife and Fisheries.

### **HB 124 by Wooton** (*Last Action – Sent to Governor*)

Increases the additional *commercial* gear license fee for trawls, skimmers, and butterfly nets for the 2006 license year from \$10 to \$15 for residents and from \$40 to \$60 for nonresidents.

Provides for an additional *recreational* gear license fee for trawls for the 2006 license year of \$10 for residents and \$15 for nonresidents.

The revenues from these fees are dedicated to the Shrimp Trade Petition Account, which is used in part to pay expenses related to the Southern Shrimp Alliance petition for the imposition of anti-dumping duties.

### **HB 587 by Odinet** (*Last Action – Sent to Governor*)

Authorizes the issuance of permits for the use of devices to protect oysters on oyster leases. Provides that the permits are not transferable. Provides that there shall be an application fee of \$100 and the permit cost is \$50/acre not to exceed \$1,000; limits the openings on the device to 1¼ inch bar or 2½ inch stretched; limits the vertical profile of the device to 1/10 of the water depth or six inches, which ever is greater; limits to one device covering not more than 10 acres for each lease. Requires leaseholder to have received all other local, state, and federal permits necessary for the activity, including a coastal use permit.

Limits permits to 100 acres in each of four areas of the coast - east of the Miss. River, between the Miss. River and Bayou Lafourche, between Bayou Lafourche and the Atchafalaya River, and west of the Atchafalaya River. The permit shall authorize use of the device only during March, April, October, and November. The permit shall also require that sufficient liability insurance be held by the leaseholder to cover any damages. Sunsets the program on January 1, 2011, and prohibits the issuance of a permit which would allow use of a device after that date.

# RETIREMENT

## REDUCTION OF UNFUNDED ACCRUED LIABILITY (UAL)

### **HB 842 by Alario** (*Last Action – Sent to Governor*)

As finally passed by the House, this bill (Supplemental Appropriation Bill) would have appropriated \$11,360,000 to accelerate payment of the initial unfunded accrued liability of the **Louisiana State Employees' Retirement System** and \$18,640,000 to accelerate payment of the initial unfunded accrued liability of the **Teachers' Retirement System of Louisiana**. These appropriations were stripped by amendments in the Senate, and the Senate amendments were adopted in the conference committee report.

## BENEFITS

### **HB 311 by Schneider** (*Last Action – Act No. 75*)

Provides a modified defined benefit plan for members of the **Louisiana State Employees' Retirement System (LASERS)** hired on or after July 1, 2006. Increases the contribution rate for such new employees from 7.5% to 8.0%. Provides that eligibility for retirement for such new employees is attained only with 10 years of service credit at age 60. Provides that disability benefits for such new employees who are certified as disabled before attaining the age of 60 shall be calculated using a 1.8% accrual rate rather than the 2.5% rate used for regular retirement benefits. Increases the time period used to calculate average compensation for such new hires for purposes of the benefit formula from 36 months to 60 months. Decreases from 25% to 15% the limit on increases in salary between 12-month periods which may be used to increase the average compensation used in the benefit formula time period.

Relative to LASERS' so-called "air time" provisions, provides that service credit purchased pursuant to an application filed on or after July 1, 2005, shall be used for calculation of benefits only and shall not be used for purposes of attaining eligibility.

### **SB 135 by Dardenne** (*Last Action – Conference Committee*)

Substantially similar to Act. No. 75 above, except it would have reduced the accrual rate used to calculate regular retirement benefits from 2.5% to 2.0% and (except for "air-time" provisions) would have affected employees hired on or after January 1, 2006.

## INVESTMENTS

### **HB 380 by Arnold** (*Last Action – Sent to Governor*)

Continues the requirement that the **four state retirement systems**, the **Louisiana State Employees' Retirement System**, the **Teachers' Retirement System of Louisiana**, the

## RETIREMENT

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**Louisiana School Employees' Retirement System**, and the **State Police Pension and Retirement System**, direct at least ten percent of the commissions on all trades of certain types through broker-dealers who have been incorporated and domiciled in or who have had their principal trading operations in Louisiana for at least two years, who are registered and in good standing with the National Association of Securities Dealers, and who have demonstrated the ability to execute such transactions. Requires the broker-dealers to negotiate commission recapture agreements with the systems. Specifies that the commissions recaptured shall not be a majority of the total value of commissions required to be directed through La. broker-dealers. Extends this program (which would otherwise terminate on June 30, 2005) to June 30, 2007.

### **HB 658 by Schneider** (*Last Action – Act No. 9*)

Provides penalties for failure of investment consultants and money managers of the **state and statewide retirement systems** and the **Harbor Police Retirement System** to disclose conflicts of interest including non-pension sources of revenue and for failure of consultants to disclose fully any payments they receive from money managers, in hard or soft dollars, for any services they provide, including but not limited to performance measurement, business consulting, and education.

Provides for reporting by **state and statewide retirement systems** on their investments in Iran, Libya, Sudan, Syria, and North Korea, which are classified as state sponsors of terrorism. Allows **state and statewide system** trustees to divest the respective system from holdings in any foreign company with facilities or employees located in these nations without breach of fiduciary duty.

## SOCIAL SECURITY

### **HCR 28 by Tucker** (*Last Action – Adopted*)

Authorizes a divided vote Medicare referendum option for **state employees** who are members of **any state or statewide retirement system** and who were hired before April 1, 1986, and requests the treasurer's office to conduct the referendum. Specifies that the Medicare coverage for employees who vote "Yes" in such referendum shall begin October 1, 2005.

## SYSTEM REVIEW

### **HB 682 by Geymann** (*Last Action – Sent to Governor*)

Creates the Funding Review Panel to examine the funding and benefits of the **Firefighters' Retirement System**, the **Municipal Police Employees' Retirement System**, and the **Municipal Employees' Retirement System** and to report to the House and Senate

retirement committees and the legislative actuary. Requires the boards of trustees of the **Firefighters' Retirement System** and the **Municipal Police Employees' Retirement System** to consider changing the systems' actuarially assumed rates of return and report the result of that consideration to the House and Senate retirement committees and to the Public Retirement Systems' Actuarial Committee (PRSAC). Requires PRSAC to take action on any recommendations of the boards.

**HB722 by Trahan** (*Last Action – House Committee*)

Would have created the Louisiana Task Force on Public Employee Retirement, a 25-member body charged with conducting a comprehensive review of the **public retirement systems in Louisiana**, including each system's actuarial assumptions, eligibility requirements, disability benefits, benefit formulae, cost-of-living adjustments, progress in eliminating any unfunded accrued liability, funding, and any other issues the task force deemed pertinent. Would have required the task force to submit its findings and recommendations for accomplishing the purposes of the proposed legislation to the speaker of the House of Representatives, the president of the Senate, and the state treasurer by February 1, 2006.

**SR 175 by Boasso** (*Last Action – Adopted*)

Requests the Senate Committee on Retirement to study the state retirement systems and to make a written report of its findings to the Senate before March 1, 2006, together with any specific proposals for legislation. Specifies that the report shall include but not be limited to recommendations that relate to providing a sound system of financial management and investment, a prudent plan for management of unfunded accrued liability, and suggestions for improving the efficiency and effectiveness of the retirement systems for state employees. Directs the state retirement systems to provide the committee, on or before October 1, 2005, with a report on the amount of funds invested, a listing of each investment and with whom, the annual returns on each investment, and the fees paid by the retirement system for services related to each investment and to whom paid, prepared on an annual basis for each of the last five years, and to provide quarterly reports of the same information beginning with the quarter which starts July 1, 2005.

## RETIREMENT

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# TRANSPORTATION, HIGHWAYS AND PUBLIC WORKS

## DRIVER'S LICENSES

### **HB 101 by Tank Powell** (*Last Action – Sent to Governor*)

Authorizes a 180-day driver's license suspension as part of the penalty for a violation of R.S. 14:93.12, which prohibits a person under 21 from purchasing or possessing alcoholic beverages, and R.S. 14:93.13, which prohibits the purchase of alcoholic beverages on behalf of a person under 21. Authorizes issuance of a restricted hardship license, but only after a first violation.

## LICENSE PLATES

### **HB 327 by Quezaire** (*Last Action – Sent to the Governor*)

Distinguishes license plates issued to veterans and military personnel from other special prestige license plates which recognize associations, institutions, or causes, and designates the former as "military honor" plates. Consistent with the findings in the *Henderson v. Stalder* case, HB 327 requires the department to resume issuing military honor plates despite the injunction on the issuance of special prestige plates.

## TRANSPORTATION DEPARTMENT

### **SB 102 by Ellington** (*Last Action – Act No. 122*)

Provides for the general re-creation of DOTD and its statutory entities until July 1, 2011.

## TRANSPORTATION PROJECT FUNDING

### **HB 667 by Daniel** (*Last Action – House Committee*)

Would have created the Transportation Mobility Fund for the purpose of funding the gap between projected toll revenue collections and the projected costs of certain highway construction projects. The fund would have been administered by the La. Transportation Authority. The bill provided for tripling the registration license tax on certain trucks and commercial vehicles and dedicated the proceeds from the increase to the fund. HB 667 would have identified certain priority projects for funding and established eligibility criteria and procedures for requesting funds.

### **HB 702 by Trahan** (*Last Action – House Committee*)

Would have created the Driver Responsibility Program, which provided for a uniform system of assigning points to the driver's license of a person convicted of certain motor vehicle



## TRANSPORTATION

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violations. A specified number of points, ranging from three to six, would have been assigned to various moving violations, regardless of whether the violation was committed in a personal or commercial motor vehicle. Would have required payment of a surcharge by any driver who accumulated six or more points during a 36-month period. The surcharge was to be \$100 for the first six points and \$25 for each additional point. Also provided for surcharges of \$1,000 or more for offenses involving operation of a motor vehicle while intoxicated. Would have dedicated the revenues from the surcharges to the Transportation Mobility Fund (see HB 667).

### **HB 676 by Mike Powell** *(Last Action – House Committee)*

Would have dedicated 1¢ per gallon of the tax on gasoline and motor fuels and special fuels to a special account in the Transportation Trust Fund for the purpose of construction of the Interstate 49 North project from Interstate 20 in the city of Shreveport to the Louisiana/Arkansas border.

## RAILROADS

### **HB 285 by Cravins** *(Last Action – Sent to Governor)*

Increases the maximum fine for a first violation of certain laws relative to stopping at railroad crossings from \$175 to \$200. Establishes penalties for a violation of certain laws relative to motor vehicles yielding the right-of-way to trains at crossings.

Creates the Railroad Crossing Safety Fund as a special fund to fund improvement projects at public railroad crossings, including but not limited to improving surfaces of crossings, realignment of crossings, and installation of warning devices. Requires that \$25 from each fine imposed for a railroad crossing violation be deposited into the fund. Provides for administration of the fund by the secretary of DOTD.

### **SB 353 by Lentini** *(Last Action – Sent to Governor)*

Authorizes DOTD to close a public railroad grade crossing on a local highway. Requires the department, prior to such a closing, to evaluate the crossing in accordance with federal guidelines and to solicit input from the local governing authority and the public. If the crossing is to be closed, such closing is a cooperative action of the department and the railroad.

### WATERWAYS/NAVIGATION

**SB 311 by Sen. Boasso** (*Last Action – Sent to Governor*)

Creates the Louisiana Waterways Infrastructure and Development Fund and the Louisiana Waterways Infrastructure Bank to administer the fund. Monies in the fund are to be used to finance waterside infrastructure development projects at ports created by the state legislature. Authorizes the bank to borrow money and to make grants and loans from the fund. Requires that applications for financial assistance from the fund be approved by university staff with experience in maritime supply chain analysis.

**SCR 71 by Sen. M. Smith** (*Last Action – Adopted*)

Memorializes Congress to direct the US Army Corps of Engineers, New Orleans District, to cease using Section 10 of the Rivers and Harbors Act to stop sustainable forestry practices in areas that have no impact on actual navigation, except in the parishes of Terrebonne, Lafourche, and St. Charles.



# WAYS AND MEANS

## CAPITAL OUTLAY

**HB 2 by Hammett** *(Last Action – Sent to Governor)*

**HB 3 by Hammett** *(Last Action – Sent to Governor)*

Provides for the comprehensive capital outlay budget and for implementation of a five-year improvement program.

## SPECIAL TAXES

**HB 437 by Hammett** *(Last Action – House Calendar)*

Would have increased the excise tax on cigarettes by \$1 a pack.

**HB 887 by Durand** *(Last Action – Sent to Governor)*

Levies a 1.5% fee on net patient revenue reported by "hospitals" licensed by the state in the hospital's "base year Medicare cost report." The amount of fees collected in a fiscal year is limited to \$90 million. Exempted from the term "hospital" are:

- (1) All hospitals owned by the state, the United States or any agency or department thereof.
- (2) Rural hospitals as defined in R.S. 40:1300.143.
- (3) Hospitals certified by Medicare as separately licensed long term acute care, rehabilitation, or psychiatric hospitals.

"Base year Medicare cost report" is defined as the hospital's Medicare cost report filed for the full cost report year beginning in the Federal Fiscal Year 2001 (October 2000 through September 2001) or the hospital's first full year Medicare cost report filed subsequent to that period. If the hospital does not have a "base year Medicare cost report" an "interim fee" of \$50,000 per calendar quarter is due until such a report is filed. Thereafter, an amended report is filed and the hospital pays an additional fee or is refunded an overpayment. Hospitals are prohibited from passing on the cost of this fee or including the fee as an itemized and separately listed amount on any statement, and requires any bill to contain a statement that the costs have not been passed on.

## AD VALOREM TAX

**SB 89 by Nevers** *(Last Action – Sent to Secretary of State)*

Provides for a "special assessment level" for people with a service-connected disability rating of 50% or more by the U.S. Dept. of Veterans Affairs; members of the armed forces who are killed in action or who are missing in action, or are a prisoner of war for more than 90 days;

## WAYS AND MEANS

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any person who has been determined to be permanently totally disabled by a court or state or federal administrative agency. Retains the special assessment level for persons over age 65.

### **HB 370 by Faucheux** *(Last Action – Conference Committee)*

Would have provided a "special assessment level" for homestead exempt property owned and occupied by a person who is designated as totally and permanently disabled by the United States Social Security Administration, provided such person remains qualified for and receives the special assessment level.

### **HB 573 by Kennard** *(Last Action – Failed to Pass/House)*

Would have provided a "special assessment level" for homestead exempt property owned by an honorably discharged veteran with a service-connected total and permanent disability by the U.S. Dept. of Veterans Affairs.

### **HB 708 by Arnold** *(Last Action – Sent to Governor)*

Changes the date which a property owner in Orleans Parish entitled to the homestead exemption is required to own and occupy the homestead before the homestead exemption is claimed.

## ECONOMIC DEVELOPMENT

### **HB 356 by Richmond** *(Last Action – Sent to Governor)*

Defines qualified equity investment and qualified low-income community investments for purposes of the new markets tax credit to have the same meaning given to those terms in the Internal Revenue Code. Extends the new market tax credit sunset date to August 31, 2013.

### **HB 627 by Hammett** *(Last Action – Sent to Governor)*

Establishes the Angel Investor Tax Credit Program and provides for the implementation and administration of the program by the Dept. of Economic Development (DED). Provides that qualifying individuals or entities which invest in "Louisiana Entrepreneurial Businesses" (a business which is domiciled in the state, employs 50 or fewer full-time employees, and either has gross annual sales of less than \$10 million or has a business net worth of less than \$2 million) may earn credits against any income or franchise tax liability. Authorizes credits to be granted for five tax years. Authorizes credits for investments of at least \$50,000 and not more than \$1 million per year per business and not to exceed \$2 million per business. Provides that the credits are equal to 50% of the amount of money invested, divided in equal

portions over five years. Provides that total credits granted by DED may not exceed \$5 million in any calendar year.

**HB 631 by K. Carter** *(Last Action – Sent to Governor)*

Grants a sound recording investor tax credit against individual and corporate income tax for investments made in "state-certified productions" which is a "sound recording production" by a "sound recording production company" approved by the Louisiana Music Commission and the Department of Economic Development (DED). The investor earns the following credit at the time of the investment: If the total "base investment" is greater than \$15,000 and less than or equal to \$150,000, each taxpayer is allowed a tax credit of 10% of the actual investment made by that investor; if greater than \$150,000 and less than or equal to \$1,000,000, 15%; if greater than \$1,000,000, 20%.

"Base investment" is defined as the actual investment made and expended by a state-certified production in the state as production-related costs. Tax credits can never exceed the total base investment in that production. The credit shall be allowed against the individual or corporate income tax for the taxable period in which the credit is earned, with a 10-year carryforward. Refunds of credits which exceed tax liability are authorized. The aggregate amount of credits issued during a calendar year shall not exceed \$3 million.

**HB 679 by Hammett** *(Last Action – Sent to Governor)*

Enacts the Louisiana Headquarters and Growth Act which exempts dividend and interest income from Louisiana corporation income tax. Classifies profits or losses from sales or exchanges or property not made in the ordinary course of business as apportionable income and subjects such profits to Louisiana tax to the extent of the selling corporation's Louisiana apportionment ratio. Provides an income tax apportionment ratio for certain businesses engaged in manufacturing and merchandising that is a single sales ratio. Provides a franchise tax apportionment ratio for certain businesses engaged in manufacturing that is a single revenue ratio. Defines integrated oil company for purposes of the state tax as those defined by the U. S. Internal Revenue Code-26 U.S.C. §491(b)(4), or integrated oil companies that refine, produce, and have marketing operations, whose income in Louisiana is principally derived from production and sale of unrefined oil and gas, and who also engages in significant marketing of refined petroleum products in Louisiana. Provided, any taxpayer, whose activities during the taxable year do not include any "gross receipts from retail sales of oil and/or natural gas", or any "refinery activities of oil and/or natural gas", will not be considered as an integrated oil company for Louisiana tax purposes, notwithstanding such taxpayer may be a "related party" or a "member of the federal consolidated group" under the U.S. Internal Revenue Code. Provides that any taxpayer whose activities during the taxable year do not include any gross receipts from retail sales of oil and/or natural gas or any refinery activities of oil and/or natural gas will not be considered as an integrated oil company for Louisiana tax purposes.

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### **HB 684 by Hammett** *(Last Action – Sent to Governor)*

Provides a research and development tax credit to certain taxpayers. Provides for income tax years beginning on or after January 1, 2005, and franchise tax years beginning on or after January 1, 2006, the credits shall be equal to:

- (1) 8% of the state's apportioned share of the taxpayer's expenditures for increasing research activities, for taxpayers employing 500 or more Louisiana residents.
- (2) 20% of the state's apportioned share of the taxpayer's expenditures for increasing research activities, for taxpayers employing fewer than 500 Louisiana residents.
- (3) 25% of the state's apportioned share of the federal research credit claimed for research expenditures in the state if the taxpayer claims the federal alternative incremental tax.

Provides that the Dept. of Economic Development may also award additional one-time credits to taxpayers who receive Small Business Innovation Research Grants. This credit shall be equal to 8% of the grant. Provides for a sunset of the research and development tax credit for research expenditures incurred or Small Business Innovation Research Grants funds received after December 31, 2009.

### **HB 731 by Hammett** *(Last Action – Sent to Governor)*

This bill revises the motion picture tax credit program. Provides for a motion picture tax credit sunset for the sales tax exemption on January 1, 2006. Limits the investor tax credits to a percentage of in-state production expenditures. Specifies that until January 1, 2008, the credit includes certified costs for infrastructure development. Authorizes a 25% credit if the total base investment is greater than \$350,000, and a 15% credit if greater than \$350,000. Repeals the employment tax credit provisions but authorizes an additional credit of 10% of the payroll of a state-certified production if the total base investment is greater than \$350,000. Reduces the investor credit to 20% for productions approved on or after July 1, 2010, and to 15% for productions approved after July 1, 2012. Allows credits to be transferred and authorizes an optional refundable credit with a value of 72% to increase by 2% every two years. Prohibits state-certified productions receiving motion picture tax credits from receiving rebates under the Quality Jobs Program.

### **HB 786 by Salter** *(Last Action – Sent to Governor)*

The Louisiana Community Development Financial Institution Act (the "Act") was introduced as a method to further community development, diminish poverty, provide assistance in the formation and expansion of businesses in economically distressed areas, which create jobs in the state by providing for the availability of venture capital financing for the development and operation of Louisiana entrepreneurial businesses. The Act provides that entities designated by the U. S. Department of the Treasury's Community Development Financial Institutions Fund as Community Development Financial Institutions ("CDFI") may be certified by the Office of Financial Institutions as a Louisiana CDFI ("LCDFI") if the CDFI

has as its primary business activity the investment of cash in such a manner as to acquire equity in or provide financing assistance to Louisiana entrepreneurial businesses in low income communities that are in need of capital for survival, expansion, new product development or similar business purposes. Qualifying individuals or businesses that invest in a LCDFI may earn, apply for, and be granted a tax credit on any personal income, corporate income, or corporation franchise tax liability. The tax credit shall be calculated as 75% of the investment for the purposes of earning tax credits. The tax credits may be transferred, but the recipients use of the credit is limited to the recipient's tax liability for any taxable year.

**HB 797 by Beard** *(Last Action – Sent to Governor)*

Authorizes the creation of one or more film institutes by public institutions of higher education. Such institutes shall be nonprofit corporations under state law and under the Internal Revenue Code. Provides that the institute will be governed by the administration of the respective public institution of higher education subject to the oversight of a board of directors of five members. Provides that tax credits generated by a production occurring at an institute received for a state-certified production as defined in R.S. 47:1123 which are not claimed or used by the person or company earning the credit against the tax liability of that person or company, shall be transferred or sold only to an institute. Provides that all of the tax credits earned for the construction and equipment purchased by another nonprofit corporation in agreement with the institute may only be transferred or sold to the institute. Provides that if the institute is located in a parish in which tax increment financing is authorized and a nonprofit corporation agrees to construct and own physical facilities for use by the institute, such nonprofit corporation shall be eligible to use or be the beneficiary of tax increment financing, provided that such eligibility or right to use tax increment financing shall not be transferable to the institute.

**HB 862 by Burrell** *(Last Action – Sent to Governor)*

Creates the Urban Revitalization Tax Incentive Program. Requires the Department of Economic Development to establish certain criteria for qualifications of urban revitalization using the following: unemployment, youth unemployment, per capita income, migration, and number of residents receiving public assistance. The criteria shall be established so that 25% of the U.S. Census Dept. Divisions in the state qualify as urban revitalization zones.

Requires the Dept. of Economic Development to designate urban revitalization zones if the governing authority agrees to:

- (1) Apply with the U.S. Dept. of Commerce to have zone declared a free trade zone.
- (2) Implement a program to provide police protection in the zone.
- (3) Give priority to use UDAG or CETA funds in the zone.
- (4) Assist the dept. in certifying employers to be eligible to benefit in this program.



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- (5) Authorize the department to supersede certain local regulations that could discourage economic development in the zone.
- (6) Assist the dept. in evaluating the zones.

Provides that incentives shall be in lieu of any incentives under the Enterprise Zone Program and allows the department, in cooperation with the Dept. of Labor, to enter into agreements with employers located in either revitalization zones under which the employers may receive Workforce Investment Act funds. Allows the board to enter into contracts to provide certain tax exemptions including exemptions from all or a portion of income taxes levied by the state for a period of five years, and an exemption from all or a portion of corporate franchise taxes levied by the state for a period of five years.

### **SB 246 by Duplessis** *(Last Action – Sent to Governor)*

Under the Enterprise Zone Program, grants a \$5,000 tax credit for each new job created in the rubber manufacturing industry as defined by NAICS Code 326211. The tax credit may be applied to any state income tax liability or any state franchise tax liability within a 10-year period from the date that the contract becomes effective or until the entire credit is used, whichever occurs first. This credit sunsets on June 30, 2010.

### **SB 341 by Duplessis** *(Last Action – Sent to Governor)*

Provides for a digital interactive media producer tax credit and authorizes a tax credit against state income tax for state-certified productions - defined as a digital interactive media production or a component part thereof approved by the director (a designee of the Dept. of Economic Development) prior to January 1, 2010. Authorizes the tax credits to be transferred or sold. A single transfer or sale may involve one or more transferees. Provides that the credits shall be effective until Jan. 1, 2010.

## **EXEMPTIONS**

### **HB 78 by LaFleur** *(Last Action – Sent to Governor)*

Extends the exemption from state and local sales and use taxes for rail rolling stock manufactured in the state to also include such rail rolling stock sold or leased. Exempts parts or services used in the fabrication, modification, or repair of rail rolling stock in this state from state sales and use taxes and authorizes local taxing authorities to exempt from local taxes parts or services used in the fabrication, modification, or repair of rail rolling stock in this state for use in interstate commerce.

**HB 128 by Hammett** *(Last Action – Sent to Governor)*

Defines manufacturer to include certain agricultural activities for purposes of the sales and use tax exclusion for manufacturing machinery and equipment. Authorizes the exclusion for farmers not required to register with the La. Dept. of Labor who therefore have not been assigned a NAICS code and manufacturers with no employees who are not required to register with the Dept. of Labor and have therefore not been assigned a NAICS code, but would be assigned a NAICS code within the agricultural, forestry, fishing, and hunting Sector 11 or the manufacturing Sectors 31-33 as they existed in 2002, if they were required to register with the La. Dept. of Labor. Further defines machinery and equipment to include such items used by industrial plants for electric power self consumption or generation.

**HB 212 by Hammett** *(Last Action – Sent to Governor)*

Extends exemption for purchases and leases of educational materials and equipment used for classroom instruction by nonpublic schools through June 30, 2009.

**HB 807 by Alario** *(Last Action – Sent to Governor)*

Provides a tax exemption for any open baseball site owned and operated by and for the state, or any of its agencies, boards, or commissions, which site has a seating capacity of at least 10,000, has a professional sports franchise that participates in Class Triple A professional baseball, and is located within a political subdivision of the state composed of more than one parish.

**HB 835 by Daniel** *(Last Action – Sent to Governor)*

Provides that production from inactive wells shall be exempt from severance taxes for five years after being returned to service. Applies to wells that have been certified as inactive by the Dept. of Natural Resources between July 1, 2002 and June 30, 2010. The exemption period begins from the date production begins or 90 days from the date of application, whichever occurs first and extended by the duration of any interruption in production caused by a force majeure. The exemption is extended to any well granted inactive certification on or after January 1, 2005.

**CREDITS****HB 420 by Marchand** *(Last Action – Sent to Governor)*

Establishes an individual income tax credit for the rehabilitation of owner-occupied residential or owner-occupied mixed use structures. Further provides that the total credit shall be no more than \$25,000 per structure and the rehabilitation costs of the structure must exceed \$20,000. Provides that the structure be certified by the State Historic Preservation

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Office or be located in historic districts, or listed or eligible for listing on the National Register, or be located in a downtown development district or a Main Street District, or be a vacant and blighted residential structure that is at least 50 years old, specifies that eligible structures must be owner-occupied residential or mixed use property.

### **HB 634 by Hebert** *(Last Action – Sent to Governor)*

Increases the tax refund for gasoline and special fuels taxes paid by contract drivers of privately owned school buses transporting Louisiana public or private school students from one-half to three-fourths of such taxes paid.

### **SB 34 by McPherson** *(Last Action – Sent to Governor)*

Grants an income and corporate franchise tax credit equal to 20% of the cost of certified recycling equipment and or service contracts used by nonhazardous industrial waste generators or beneficial users to implement DEQ-approved reuse programs. Credits cannot be issued prior to approval by the commissioner of administration and are capped at \$5 million annually.

### **SB 182 by Dupre** *(Last Action – Sent to Governor)*

Provides that the Dept. of Natural Resources may by rule, adopted pursuant to the Administrative Procedure Act, establish the Louisiana Royalty Relief Dry Hole Credit Program. Such dry hole credit shall be applicable for certain drilling in mineral leases on Louisiana offshore state lands and water bottoms. Provides that, regardless of when obtained, all royalty relief dry hole credits shall expire on June 30, 2013.