

**FINAL EDITION**  
*of*  
**2009**  
**Regular Session**  
**Legislative**  
**Highlights**

(includes ACT NUMBERS)

## Agriculture/Rural Development

by: Curry Johnson  
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### ANIMALS

**House Bill 203 by Representative Kleckley (Act 21)** provides relative to the commission of animal control officers in parishes that maintain animal control agencies with a population of over fifty thousand. The legislation allows for the commission of one animal control officer in parishes with a population of over fifty thousand but less than one hundred thousand, two animal control officers in parishes with a population of over one hundred thousand but less than one hundred fifty thousand and three animal control officers in parishes with a population of over one hundred fifty thousand. The legislation requires that commissioned animal control officers be P.O.S.T. certified.

### FORESTRY



**Senate Bill 271 by Senator Nevers (Act 352)** creates the "Forestry Product Fairness Act" in order to ensure an open process for awarding incentives that encourages the use of forest products but does not give one segment of the forest products industry an unfair advantage. The legislation requires that any incentive to directly support the purchase of forest products be approved by the commissioner through a fair and equitable application process. Incentives include tax

exemptions, tax credits, tax exclusions, tax deductions, rebates, incentives, investment, contracts, or grants. Incentives do not include benefits available under the La. Quality Jobs Program, Louisiana Enterprise Zone Act, Industry Assistance, Industrial Tax Exemption, Economic Development Award Program, Economic Development Loan Program, Tax Equalization, Rapid Response Fund or Mega-Project Development Fund. The legislation requires the commissioner of agriculture and forestry and the secretary of the Department of Economic Development to promulgate rules in accordance with the Administrative Procedures Act, subject to oversight by the House Ways and Means and Senate Revenue and Fiscal Affairs Committees.



**House Bill 408 by Representative Anders (Act 137)** expands the enforcement parameters of forestry officers to include taking actions authorized by law, rule, or regulation to protect interests related to forest woodlands. The legislation requires all forestry officers to be P.O.S.T. certified and adds the protection of property, assets, and resources of the office of forestry to their jurisdiction during any riot, insurrection, or natural disaster. The bill also expands the

powers of forestry officers at the request of any state law enforcement agency in the enforcement of the state's police powers. The legislation requires Department of Agriculture and Forestry employees operating emergency medical vehicles or firefighting equipment to obtain a Class "E" driver's license and requires that emergency vehicles or firefighting equipment be equipped with audible and visual signals in accordance with Federal Motor Carrier Safety Administration rules.

### **AQUACULTURE**

**House Bill 439 by Representative Ellington (Act 506)** creates the "Louisiana Catfish Marketing Law" which requires retailers of catfish, catfish products, siluriformes, or siluriforme products to notify consumers, at the final point of sale, of the country of origin of the product. The bill requires consumer notification by use of a label, stamp, mark, placard, or other clear sign on the catfish, catfish product, siluriforme, or siluriforme product, or on the package, display, or holding unit or bin containing the catfish, catfish product, siluriforme, or siluriforme product. The commissioner of agriculture and forestry is authorized to regulate and inspect retail and food service establishments and enter the premises of any wholesaler, processor, distributor, retailer, or any other person selling catfish, catfish products, siluriformes, or siluriforme products to determine compliance. The legislation requires the Department of Health and Hospitals and the Department of Agriculture and Forestry to enter into a cooperative endeavor agreement authorizing the Department of Agriculture and Forestry to perform inspections. The implementation of this Act is contingent upon funds appropriated or otherwise made available.

### **DEPARTMENT OF AGRICULTURE AND FORESTRY**

**House Bill 538 by Representative Anders (Act 510)** provides the Louisiana Agricultural Finance Authority with the power to make and guarantee agricultural loans and creates the "Agricultural Products Processing Development Fund" to implement, administer, and make loans and loan guarantees. The legislation authorizes the authority to participate in cooperative endeavors involving loans and loan guarantees to private business enterprises, nonprofit institutions and organizations, the state and its political subdivisions, the federal government, and other persons or organizations concerned with the development and enhancement of agricultural plants. The legislation further authorizes the authority to loan funds to any person in order to acquire, construct, furnish, equip, make improvements to, or purchase land for any agricultural plant and to loan and guarantee funds for operating capital, market development, and product inventories. The authority may renegotiate, refinance, or foreclose on any mortgage or commence any action to protect or enforce any conferred right or benefit and bid for and purchase property at any foreclosure. The aggregate of loans and loan guarantees made by the authority shall not exceed twenty million dollars. The authority must seek approval of the Joint Legislative Committee on the Budget before applying for the issuance of bonds greater than five million dollars from the State Bond Commission.

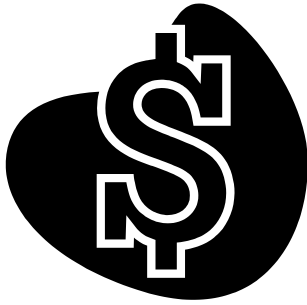
**Senate Bill 154 by Representative Thompson (Act 24)** repeals the State Market Commission, the Agricultural Products Processing Development Fund and the Farm Youth Loan Program. This legislation transfers the duties and obligations, funds,

bonds, loan guarantees, employees, property and facilities of the State Market Commission to the Louisiana Agricultural Finance Authority. The bill also clarifies the membership of the Commission of Weights and Measures, the Louisiana Advisory Commission on Pesticides, the Feed Commission, the Seed Commission, the Fertilizer Commission, and the Louisiana Agricultural Commodities Commission, provides for various changes to definitions and technical corrections throughout Title 3, and changes the name of the office of animal health services to the office of animal health and food safety. The legislation also provides that the one-half cent per bushel assessment as it applies to grain sorghum not be effective from July 1, 2009 until June 30, 2010. The bill changes the requirement for determination of fertilizer values from semiannual to annual, removes the publication requirement, extends the deadline of tonnage reports on fertilizer to thirty days, and removes the requirement that any fertilizer sold contain a combination of 20% NPK (Nitrogen, Phosphorus, Potassium) analysis.

## **FARMING**

**House Bill 454 by Representative Simon (Senate committee)** would have granted a lien and privilege to a lessee farmer when they plant commercial or agricultural crops on the land of another. The lessee would have to file a lease or an affidavit in the public records regarding their ownership of the plantings. The legislation would have also required that upon eviction, termination, or expiration of a lease, the lessee be compensated for the value of his crops and any improvements made to the land with the consent of the owner. The legislation was deferred in committee. However, a study was proposed by the committee and Senate

Resolution 114 by Senator Thompson was passed which requests the committee to study the security rights of a lessee farmer to crops on the land of another.



## Capital Outlay

by: Martha Hess  
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### CAPITAL OUTLAY

**House Bill 2 by Representative Greene (Act 20)**, provides for the comprehensive capital outlay budget for Fiscal Year 2009 - 2010, including funding from the following sources of monies:

General Fund (Direct)	\$ 12,028,000
General Fund (Direct) - Non-Recurring	\$ 782,290,000
Federal Funds	\$ 34,935,400
Federal Funds - TTF	\$ 800,000,000
Transportation Trust Fund	
(TTF) - Regular	\$ 204,227,249
TIMED Funds	\$ 20,210,090
Interagency Transfers	\$ 24,112,530
Misc. Statutory Dedications	\$ 66,735,000
Fees and Self-Generated Revenues	\$ 67,261,446
Reappropriated Cash	\$ 3,389,206
Revenue Bonds	\$ 1,258,353,400

### TOTAL CASH PORTION

**\$ 3,273,542,321**

Authorizes the funding of certain capital outlay projects from the sale of general obligation bonds for the projects delineated as follows:

Priority 1	\$ 1,535,945,000
Priority 2	\$ 62,070,000
Priority 3	\$ 2,500,000
Priority 5	\$ 600,215,000

### TOTAL GENERAL OBLIGATION BONDS

**\$ 2,200,730,000**

### BONDS NRP/RBP

**\$ 33,621,055**

### GRAND TOTAL ALL MEANS OF FINANCING

**\$ 5,507,893,376**

*BONDS NRP is the reallocation of previously sold bonds.*

Section 16 limits cash lines of credit or authorization or issuance of general obligation bonds to \$1,586,475,000.

## Civil Law & Procedure

by: Angela De Jean  
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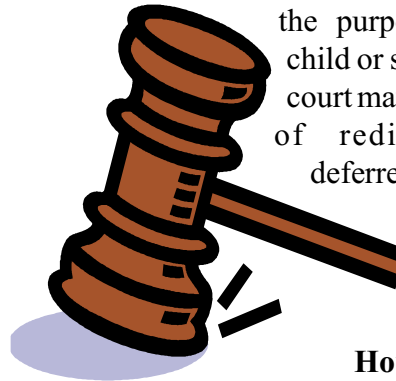
Many bills were introduced during the 2008 Regular Session of the Legislature regarding issues affecting children. **Representative Guillory** introduced **House Bill 53 (assigned to Senate Judiciary A)** to provide for visitation rights for grandparents and siblings. Currently, in extraordinary circumstances, a relative, by blood or affinity, or a former stepparent or step grandparent, may be granted visitation if the court finds it is in the best interest of the child. **House Bill 53** would have added a parent's addiction to a controlled dangerous substance as extraordinary circumstances, when determining visitation between certain persons and children.

**House Bill 56 by Representative Morris (assigned to House Civil Law & Procedure)** would have authorized the court to prohibit parents from allowing a child to associate with a known felon. Under the provisions of present law parents are prohibited from knowingly allowing their children to associate with felons who are not family members. **Representative Morris's** bill retained present law and further authorizes a court, in a child custody or visitation hearing, to prohibit a parent from knowingly allowing a child to associate with any person convicted of a felony who is not related to the child or any stepparent convicted of a felony if the marriage to the parent occurred after the conviction.

Filiation is defined as the legal relationship between a parent and child and is

established by proof of maternity, paternity, or adoption as proposed by Representative Chaney in **House Bill 140 (Act 3)**. **House Bill 140** also states that when a child is adopted, the adopting parent becomes the parent of the child for all purposes and specifies that the adopted child and his descendants do retain the right to inherit from the former legal parents and relatives of the child.

**House Bill 600 by Representative Johnson (Act 378)** provides for the determination of income for child or spousal support when the obligor has an ownership interest in a business. Specifically, **House Bill 600 (Act 378)** provides that when income is concealed or under reported for the purpose of calculating child or spousal support, the court may consider evidence of redirected income, deferred income, and the standard of living and assets of the obligor.



**House Bill 600 (Act 378)** also allows the court to admit as evidence the wage and earnings survey distributed by the government for attributing income to the obligor. As in present law, **House Bill 600 (Act 378)** provides that documentation of earnings shall include a copy of the party's most recent federal tax return. Proposed law additionally provides that when an obligor in a child or spousal

support proceeding has an ownership interest in a business, suitable documentation includes such items as income tax returns, Schedule K-1 and W-2 forms, 1099 forms, profit and loss statements, balance sheets, financial statements, tax reports, and bank account statements. Present law simply requires the parties in a child support proceeding to submit to the court a verified income statement, including pay stubs and employer statements as suitable documentation.

**Senate Concurrent Resolution 45** by **Senator Quinn (Enrolled)** requests the Louisiana State Law Institute to study and make recommendations relative to the laws on relocating a child's residence. The Concurrent Resolution urges and requests the Louisiana State Law Institute to study and make recommendations relative to the laws on relocating a child's residence. Pursuant to present law, a parent entitled to primary custody of a child shall notify the other parent of a proposed relocation of the child's principal residence, but before relocation shall obtain either court authorization to relocate or the written consent of the other parent prior to any relocation. In reaching its decision regarding a proposed relocation, the court shall consider a list of factors. **Senator Quinn's** Resolution requests that the Louisiana State Law Institute study and make recommendations on whether a court should consider factors in determining whether the non-custodial parent should be allowed to relocate and should establish criteria for such relocation. **Senate Concurrent Resolution 45** further requests the Louisiana State Law Institute to study and make recommendations on whether a court should also consider other factors in determining whether a domiciliary parent should be allowed to relocate, including:

- (1) The non-custodial parent's current residence and future possibility of relocating.
- (2) The non-custodial parent's extent of involvement in the child's life.
- (3) Whether there is an established pattern of harassment by the non-custodial parent towards the domiciliary parent.
- (4) Whether there is a history of domestic abuse or violence between the parties and whether protective orders have been issued for domestic abuse or violence.
- (5) The mental and emotional well-being of the domiciliary parent.

The early intervention pilot program in the parishes of Iberia, St. Mary, and St. Martin was made permanent in **House Bill 282 by Representative Champagne (Act 132)**. Present law provides for an early intervention pilot program for at-risk children in the parishes of Iberia, St. Mary, and St. Martin. **House Bill 282 (Act 132)** eliminates the termination date.

**Senate Bill 257 (assigned to Senate Revenue & Fiscal Affairs Committee)** by **Senator Quinn** was cited as the "Safe Homes for Louisiana Families Act." Hurricanes Katrina, Rita, Gustav and Ike destroyed or substantially damaged thousands of Louisiana homes and displaced hundreds of thousands of Louisiana citizens. The unprecedented need for rebuilding and new construction in the residential housing market gave manufacturers and suppliers an opportunity to use substandard construction materials on Louisiana citizens desperate to return to their homes. Some of the substandard construction materials used in the post hurricane rebuilding have been discovered to be hazardous to the health of families occupying those homes and

destructive to the house and its contents, including electrical wiring and electronic devices and appliances corroded and destroyed due to off-gassing of caustic substances from these substandard materials. Families who have unknowingly had these substandard construction materials incorporated into their homes face further financial devastation from these products that make their homes unfit for human occupancy.

**Senator Quinn's Senate Bill 257 (Senate Revenue & Fiscal Affairs Committee)** would have held foreign manufacturers and the distributors and sellers of their products accountable for the damage they have caused to Louisiana families.

**Representative Robideaux's House Bill 182 (Act 19)** authorizes the city of Lafayette and the parish of Lafayette to expropriate property by a declaration of taking in order to acquire property for the Kaliste Saloom Road Widening Project. **Act 19** requires the governing authority to give, at least, a 15-day notice to the property owner before filing a petition for expropriation. The petition must include an itemized statement of the full extent of the owner's loss.

Additionally **Act 19** requires the court to issue an order directing that the amount of the estimate be deposited in the registry of the court and declare that the property has been taken for the public purpose. Title to the property vests in the governing authority upon final court order, and the right to just and adequate compensation shall vest in the former property owner. Upon vesting of title the governing authority may take possession of the property. The former property owner may apply for a trial to determine the measure

of compensation to which he is entitled by filing an answer within one year from the date he is notified in writing by the governing authority of the expropriation.

Similarly, **House Bill 502 (Act 290) by Representative Cortez** authorizes the city of Youngsville to expropriate property by a declaration of taking in order to acquire property for the Chemin Metairie Phase II Project. **House Bill 502 (Act 290)** has the same requirements for expropriation as **Act 19**.

**House Bill 340 by Representative Henry (pending Conference Committee)** was a Constitutional Amendment which prohibits government infringement of the right of every person to freely exercise his religion without the showing of a compelling governmental interest. The constitution states that no law shall be enacted respecting an establishment of religion or prohibiting the free exercise thereof. **Representative Henry's** bill would have amended the constitution to state that no person acting under color of law shall burden the free exercise of religion. It further provides that freedom of religion shall not be burdened unless the government proves that it has a compelling governmental interest in infringing the specific expression, act, or refusal to act, and that there is no other less burdensome alternative. The free exercise of religion includes the right of every person to freely express his sincerely held religious belief and to engage in or refrain from activity based on a sincerely held religious belief.

"Burden" according the **House Bill 340** includes direct burdens as well as indirect burdens such as withholding benefits, assessing penalties, or exclusion from

professions, programs, or facilities. The Constitutional would have been submitted to the voters at the statewide election to be held November 2, 2010.

**Senate Concurrent Resolution 128 (Pending House Final Passage) by Senator Claitor** would have directed the Louisiana State Law Institute to study constitutional language relative to freedom of religion in Louisiana, and to report to the Legislature not later than February 1, 2010. **Senate Concurrent Resolution 128** was introduced in response to **House Bill 340** which proposed a constitutional amendment adding new language to Article I, Section 8, of the Louisiana Constitution concerning compelling governmental interests, and direct and indirect burdens upon the free exercise of religion. **Senator Claitor's** resolutions suggests that prior to the vote upon such proposed constitutional language affecting religious freedom in Louisiana, it is essential that such proposed language be studied, and the legislature and people of Louisiana be fully informed as to the legal aspects of such language, including potential meaning, effects, consequences, and impacts upon laws and litigation concerning the exercise of religious freedom in this state. Therefore, **SCR 128** requests the Louisiana State Law Institute to study constitutional language relative to freedom of religion in Louisiana, and to report its findings to the legislature not later than February 1, 2010.

## Coastal Restoration

by: *Jerry Jones*  
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**House Bill 423 by Representative Lambert (Subject to call, Senate final passage)**, would have added Ascension and Iberville parishes to Louisiana coastal zone.

**House Bill 702 by Representative Dove (House Natural Resources and Environment Committee)**, would have exempted concrete mat coverings of pipelines from the requirement for a coastal use permit.

**Act 225 (House Bill 787) by Representative Baldone**, provides that a levee district located wholly or partially in the coastal area may, in addition to any other powers and duties, establish on its own behalf or for the areas or the levee districts under its authority, adequate drainage, flood control, water resources development, and integrated coastal protection, including but not limited to the studying, engineering, designing, planning, maintenance, operation, and construction of erosion control measures, marsh management, coastal restoration, reservoirs, diversion canals, gravity and pump drainage systems, and other flood control works as such activities, facilities, and improvements related to tidewater flooding, riverine flooding, hurricane protection, conservation, and saltwater intrusion.

Also provides that levee districts located wholly or partially in the coastal area may enter into contracts or other agreements, including cooperative endeavor agreements, with any public or private person or persons,

corporation, association, or other entity, including the Coastal Protection and Restoration Authority, office of coastal protection and restoration, the state and other agencies thereof, public corporations, port authorities, levee districts, parishes, other political subdivisions, or the United States government or agencies thereof, or any combination thereof, or with instrumentalities of any kind to provide such adequate drainage, flood control, water resources development, and integrate coastal protection, and to this end, may contract for the acceptance of any grant of money, including any requirement of matching the grants in whole or in part as necessary.

Further provides that, if authorized by the Coastal Protection and Restoration Authority in a cooperative endeavor agreement, levee districts located wholly or partially in the coastal area may expend funds for projects and programs outside of their normal jurisdictional bounds on the condition that the funds are used consistent with the purposes and intent expressed in master and annual coastal protection plans, and will benefit the jurisdiction from which the funds are derived.

**Act 523 (House Bill 833) by Representative Dove**, creates the Office of Coastal Protection and Restoration in the Office of the Governor, and provides for its powers, functions, and duties. Provides

relative to the powers, duties, and functions of the Coastal Protection and Restoration Authority. Consolidates certain functions relative to hurricane protection, flood control, and coastal restoration, and revises certain coastal functions of the Department of Natural Resources and Department of Transportation and Development.

**Senate Bill 172 by Senator Quinn (failed, House final passage)**, would have provided relative to ownership of certain reclaimed lands lost through erosion, compaction, subsidence, or sea level rise.

**Act 320 (Senate Bill 225) by Senator Morrish**, provides that the Coastal Protection and Restoration Authority shall have the power to enter into any agreement with a parish governing authority located wholly or partially within the coastal area but which is not part of a levee district for the construction, operation, maintenance, repair, rehabilitation, or replacement of any coastal protection, conservation and restoration, hurricane protection, infrastructure, storm damage reduction, or flood control project. The authority shall have the power to provide in the agreement for the use and exercise by the parish governing authority of any and all powers of levee districts or levee and drainage districts.

**House Concurrent Resolution 52 by Representative St. Germain (Enrolled)**, approves the Atchafalaya Basin Annual Plan for FY 2009-2010.

**House Concurrent Resolution 55 by Representative Hutter and Senate Concurrent Resolution 51 by Senator Crowe (Enrolled)**, memorializes Congress to

fund storm-proofing pump stations in St. Bernard and Plaquemines parishes.

**House Concurrent Resolution 105 by Representative Dove (Enrolled)**, requests the Dept. of Natural Resources, with assistance and input from the Dept. of Wildlife and Fisheries, to study the issue of use of articulated concrete mats to protect underwater exposed or shallow pipelines in the coastal areas.

**House Concurrent Resolution 121 by Representative Dove and Senate Concurrent Resolution 59 by Senator Dupre (Enrolled)**, recognizes Monday, May 18, 2009, as Coastal Day.

**Senate Concurrent Resolution 14 by Senator Dupre (Enrolled)**, approves the annual Coastal Protection Plan for Fiscal Year 2009 - 2010.

**Senate Concurrent Resolution 20 by Senator Morrish (Enrolled)** expresses continued support for the Coastal Restoration and Enhancement Through Science and Technology Program for its role in providing new research and scientific information for coastal restoration and protection.

**Senate Concurrent Resolution 60 by Senator Dupre (Enrolled)**, requests the Coastal Protection and Restoration Authority to conduct a science-based study of the adequacy of the current inland boundary of the coastal zone of Louisiana.

## Commerce & Consumer Protection

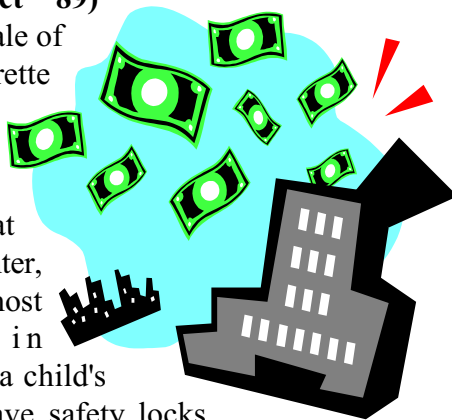
by: *Carla Roberts*  
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**Senate Bill 110 by Senator Marrionneaux (Act 76)** requires credit repair services organizations to file a registration statement with the attorney general. The law had previously provided that registration statements were to be filed with the office of financial institutions.

**House Bill 199 by Representative St. Germain (Act 89)**

prohibits the sale of novelty cigarette lighters.

Testimony at committee established that the novelty lighter, which are almost identical in appearance to a child's toy, do not have safety locks and are, therefore, dangerous to children.



**House Bill 820 by Representative Mickey Guillory (Act 435)** would improve the tracking of dismantled or salvaged vehicles. The bill would require insurance companies, or their agents, to notify the office of motor vehicles within thirty days of settlement of the property damage claim when the owner of the vehicle is allowed to retain the salvage after the vehicle has been declared a total loss.

**Senate Bill 29 by Senator Riser (Act 105)** makes it unlawful for a person to misrepresent the identity of a caller to the recipient of a call by using a telephone number that is currently assigned to another user. Referred to as "caller ID spoofing" or "caller ID fraud," the bill would carry a fine of up to \$5,000 per violation.

## Constitutional Amendments

by: Tom Tyler  
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Proposals to amend the Constitution of Louisiana, even though enacted during the 2009 Regular Session, will not be submitted to the voters until statewide elections to be held in the fall of 2010. Some proposals provide for submission at the October 2, 2010 open primary election and some provide for submission at the November 2, 2010 open general/congressional election.

### AD VALOREM TAX Tax Sales

Tax collectors, when selling property at a tax sale for the amount of taxes, interest, and costs, will be allowed to include any penalties due on the property in the selling price of the property by **Act 540 (House Bill 509 by Representative Leger)**.

**Act 540** removes the authority of the tax collector to sell the least quantity of the debtor's property and authorizes the tax collector to allow any bidder to elect to bid down the 5% penalty that the owner of property must pay in order to redeem his or her property within the three year period subsequent to the tax sale and this "bid down" is to be in increments of one-tenth of one percent.

**Act 540** also provides that if taxes on movables are delinquent, the tax collector can seize and sell sufficient movables to pay not

only the tax due but to pay interest, penalties, and costs of the sale.

**Act 540** will be submitted to the voters at the statewide election to be held on November 2, 2010.



### Increase in Millage Rate

Currently, taxing authorities may adjust millage rates after an increase or decrease in the homestead exemption or reappraisal or valuation of property subject to property taxation. Increases are permitted in the millage rate but if the increase exceeds the rate established prior to such reappraisal or valuation, then a two-thirds vote of the total membership of the taxing authority is required.

**Act 542 (HB 903 by Representative Arnold)** limits the millage rate increase authorized after a reappraisal and which is imposed by a taxing authority governed by an entity whose membership is not composed entirely of persons elected by the voters. The millage rate increase shall not increase the ad valorem tax collections of the taxing authority by more than 2.5% of the collections for the immediately preceding calendar year. This limitation does not apply to authorities that are special fire protection or fire department districts or ports, port harbor, and terminal districts nor to levee district millages.

**Act 542** will be submitted to the voters at the statewide election to be held on November 2, 2010 and if approved will take effect on January 1, 2012.

## LEGISLATURE

### Convening Regular Session

The annual regular session of the legislature will begin approximately two weeks earlier if **Act 537 (Senate Bill 5 by Senator Riser)** is approved by the voters. The proposed amendment moves the start of legislative sessions in odd-numbered years from the last to the second Monday in March and legislative sessions in even-numbered years from the last to the second Monday in April.

**Act 537** also moves the effective date for legislation enacted in a regular session from August 15<sup>th</sup> to August 1<sup>st</sup> but retains the authority for legislation to provide an earlier or later effective date.

While this proposal will be submitted to the voters for their approval or rejection on October 2, 2010, the amendment would not take effect until January 1, 2012.

## PUBLIC OFFICIALS

### Salary Increase

Increases in salary for certain public officials are not to take effect until the beginning of the next term of the respective official. On November 2, 2010, voters will vote to provide that any increase in salary for members of the legislature or for any statewide elected official not take effect until the beginning of the next term of the respective office. **Act 539 (Senate Bill 67 by Senator McPherson)** imposes this restriction on members of the legislature, statewide

elected officials and members of the Public Service Commission. Since members of the Public Service Commission serve staggered terms, any increase in salary would not apply to a member of the commission until the next term of office for that member on the commission. Statewide elected officials include the governor, lieutenant governor, secretary of state, attorney general, treasurer, commissioner of agriculture and forestry, and the commissioner of insurance.

### Unclassified Service

The state and city civil service is divided into the unclassified and classified service. All officers and employees are included the classified service and allowed the protections of the civil service system unless specifically placed in the unclassified service. The constitution enumerates those specific officers and employees that are to be included in the unclassified service. **Act 538 (Senate Bill 209 by Senator Walsworth)** adds the director, deputy director, and all employees of the Governor's Office of Homeland Security and Emergency Preparedness to the unclassified service.

**Act 538** will be submitted to the voters at the statewide election to be held on October 2, 2010.

## RELIGIOUS FREEDOM

Our state constitution prohibits enactment of any law respecting the establishment of religion or prohibiting the free exercise of religion. **House Bill 340 by Representative Henry (pending conf. cmte.)** would have prohibited any person acting under color of law from burdening the free exercise of religion, even if the burden results from a rule of general applicability, unless the

government proves that it has a compelling governmental interest in infringing upon the specific expression, act, or refusal to act at issue, and that there is no other less burdensome alternative. **House Bill 340** further provided that the free exercise of religion includes the right of every person to freely express his sincerely held religious belief and to engage in or refrain from activity based on a sincerely held religious belief. Under **House Bill 340** a burden included, but is not limited to, a direct burden as well as an indirect burden such as withholding benefits, assessing penalties, or exclusion from professions, programs, or facilities.

## REVENUES

### Projected Deficit

If it is determined that appropriations will exceed the official revenue forecast our constitution authorizes certain adjustments to appropriations to eliminate the projected deficit. When state general fund allocations or appropriations are reduced in an aggregate amount equal to 7/10th of one percent, then adjustments can be made to constitutionally protected or mandated allocations or appropriations. **Senate Bill 1 by Senator Chaisson (pending conf. cmte.)** would have increased from 5% to 10% the maximum adjustment that can be made from a fund for the fiscal year. **Senate Bill 1** required that any adjustment in excess of 5% is not effective unless approved by a favorable vote of 2/3 of the elected members of the legislature and authorizes approval by mail ballot if the adjustment is made while the legislature is not in session.

In addition, **Senate Bill 1** provided that the adjustment does not apply to a fund to the extent the dedication or appropriation is

derived from the imposition, assessment, or collection of a fee and that any adjustment in excess of 5% not exceed 5% for any line item appropriation from the respective fund.

When the official revenue forecast for the next fiscal year is at least 1% less than that for the current fiscal year, then an amount not to exceed 5% of total appropriations or allocations for the current fiscal year from any fund are to be available for expenditure in the next fiscal year for a purpose other than as specifically provided by law or the constitution. **Senate Bill 1** increased from 5% to 10% this maximum amount that can be made available for expenditure in the next fiscal year. As to this adjustment, **Senate Bill 1** provides the same limitation that any adjustment in excess of 5% not be effective unless approved by a favorable vote of 2/3 of the elected members of the legislature. This adjustment does not apply to a fund to the extent the dedication or appropriation is derived from the imposition, assessment, or collection of a fee and that any adjustment in excess of 5% not exceed 5% for any line item appropriation from the respective fund.

The Revenue Estimating Conference is authorized to include federal funds available as a result of the American Recovery and Reinvestment Act of 2009 in its official forecast.

**Senate Bill 1** added the Transportation Trust Fund and the Conservation Fund to the list of funds exempted from the deficit adjustment provisions in our constitution.

**Senate Bill 1** would have been submitted to the voters at the statewide election to be held on October 2, 2010.

### Nonrecurring - Uses

Monies that are designated as nonrecurring revenues are restricted in their uses. Funding for appropriations to provide a tax refund or tax rebate to citizens filing Louisiana individual income tax returns would be added to this list of uses for which nonrecurring revenues can be utilized would have been authorized in **Senate Bill 8 by Senator N. Gautreaux (House committee)**. **Senate Bill 8** would have authorized the use of these monies to offset the loss of current collections caused by the granting of tax refunds or rebates. **Senate Bill 8** required that the authorization of this use of nonrecurring revenues be by a law which can be introduced and considered in any regular session of the legislature.

### Severance Tax Allocation

Both **Act 541 (House Bill 765 by Representative)** and **Senate Bill 21 by Senator Marionneaux (House committee)** increase the amount of severance taxes that are to be paid to the governing authority of a parish in which the severance or production occurs. Provisions of **Senate Bill 21** were amended into **Act 541** in the Senate committee so that the two bills are essentially identical.

These proposals provide that for any fiscal year in which the Revenue Estimating Conference estimates in the last official forecast occurring before the start of the fiscal year that severance tax collections on natural resources other than sulphur, lignite, or timber exceeds the actual amount of collected in Fiscal Year 2008-2009, then the maximum amount to be remitted to the parish in which severance or production occurs is increased from the current maximum \$850,000 to a new

maximum of \$2,850,000 in that fiscal year. These allocations can be increased based upon an annual increase in the Consumer Price Index.

"Excess severance tax" is defined to mean the amount of severance tax remitted to a parish which is in excess of the amount remitted to the parish in the most recent fiscal year in which the increased remittance did not occur.

The proposal requires that at least 50% of the excess severance tax funds received by a parish be used only in the same manner and for the same purposes as money from the Parish Transportation Fund.

After the allocations of severance taxes to the parishes and to the Conservation Fund and the Coastal Protection and Restoration Fund have been satisfied, effective for any year in which the Revenue Estimating Conference, in its last official forecast beginning before the start of such fiscal year, estimates that the severance tax and royalties collected on natural resources other than sulphur, lignite, or timber will exceed such taxes collected in FY 08-09, then an amount equal to 50% of the revenues received from severance taxes collected on state lands, not to exceed \$10 million, within the Atchafalaya Basin is to be deposited into the Atchafalaya Basin Conservation Fund.

The money in the Atchafalaya Basin Conservation fund must be appropriated to the Dept. of Natural Resources to be used exclusively to fund projects contained in the state or federal Basin master plans or an annual Basin plan developed by an Atchafalaya Basin Research and Promotion

Board and such other advisory or approval boards which the legislature must create or provide for by law within the Atchafalaya Basin Program, or to provide match for the Atchafalaya Basin Floodway System, Louisiana Project, all as the secretary of the Department of Natural Resources shall direct and subject to approval by the legislative committees on natural resources.

At least 85% of the monies must be used for water management, water quality, or access projects within the Atchafalaya Basin, and the remaining 15% may be used to complete ongoing projects and for projects that are in accordance with the mission statement of the state master plan. A maximum of 5% of the money may be allocated for operational costs of the program or the department.

**Act 541** will be submitted for voter approval at the statewide election to be held on November 2, 2010 but the amendment will not become effective until April 1, 2012.

#### Fee Increases - 2/3 Vote Exception

**Senate Bill 183 by Senator Appel (pending House final passage)** proposed to provide that increases in tuition or imposition of new fees or fee increases charged at a public institution under a postsecondary education management board would not be subject to the 2/3 vote requirement provided the increase is not greater than 5% in any calendar year - increases in excess of 5% would be subject to the 2/3 vote of the legislature.

**Senate Bill 183** would have required that any tuition or fee increase to be charged at a public institution under the authority of a

postsecondary education management board in an amount equal to or less than 5% in any calendar year be approved by the respective management board prior to the convening of the regular legislative session in the year in which the increase in tuition or fee increase becomes effective.

**House Bill 511 by Representative Harrison (Senate committee)** proposed that the 2/3 vote requirement for levying or increasing a tax or fee not apply to the imposition of a new tuition amount or mandatory fee or to an increase in a tuition amount or a mandatory fee by a public postsecondary education management board.

## Corrections

by: *Dennis Weber*  
(225) 342-0643



During the **2009 Regular Session**, there were 110 Senate and House bills which focused on a corrections issue. The following are brief comments relating to some of the more significant matters.

**House Bill 161 by Representative Gary Smith (Act 17)** authorizes the secretary of the Department of Public Safety and Corrections to promulgate rules and regulations regarding the restoration of forfeited good time for disciplinary violations.

In order for an inmate to be eligible for restoration of good time, which has been previously forfeited, the inmate must be free of disciplinary violations for twenty-four consecutive months. This bill provides an incentive for the inmate to maintain good behavior in order to obtain an earlier release.

**House Bill 225 by Representative Lopinto (Act 159)** refines the requirements for a sentence of home incarceration. A defendant is eligible for home incarceration when the following conditions are met: (1) The defendant is eligible for probation or was convicted of a misdemeanor or a felony punishable with or without hard labor. (2) In a felony case, the Department of Public Safety and Corrections recommend home incarceration or, the court determines after a contradictory hearing that home incarceration

of the defendant is more suitable than imprisonment.

The court may sentence a defendant to serve any portion of a sentence under home incarceration.

**House Bill 445 by Representative Baldone (Act 288)** effects the crime of driving while under the influence. If the person refuses to submit to the test his driving privileges shall be suspended for a period of one year. He will not be eligible for a hardship license in the event that a fatality occurred and intoxication is determined to be a contributing factor to the fatality.

A two year suspension of driving privileges for a second refusal within five years.

**House Bill 588 by Representative Landry (Act 116)** authorizes the individual to obtain a certified copy of his personal history criminal activity record. This allows the individual to challenge any error that may be found in the record.

**House Bill 569 by Representative White (assigned to Senate Committee on Commerce)** would have established a Internet Crimes Investigation Fund. The source of the funds is a 15 cent fee charged to the monthly billing to each Louisiana consumer. These funds are to be used by the Louisiana Department of Justice to seek out crime on the internet and to expand the effort of law

enforcement to arrest and convict those who use the internet for crime.

**House Concurrent Resolution 201**  
**By Representative Rosalind Jones (Enrolled)** authorizes and request the Louisiana Department of Public Safety and Corrections to study the feasibility and effectiveness of utilizing home incarceration and electronic monitoring in lieu of incarceration for nonviolent first-time offenders. The hope of this study is to reduce cost and to provide an alternative to mandatory jail time for this group of offenders. This Study should be completed before the 2010 Regular Session.

**Senate Bill 21 by Senator Long (pending House Appropriations)** would have authorized any peace officer who is employed by the Department of Public Safety and Corrections, who has twenty years of service or more, and their after retires, to purchase his or her firearm at a fair market value.

**Senate Bill 132 by Senator Dorsey (Act 79)** amends the Criminal Code to include an additional definition of First Degree Murder. The amendment is as follows:

When the offender has a specific intent to kill or inflict great bodily harm and the offender has previously acted with the specific intent to kill or inflict great bodily harm that resulted in the killing of one or more person.

The bill also amends the Code of Criminal Procedure to add to the definition of "aggravating circumstances". The amended definition is as follows:

The offender has knowingly killed two or more persons in a series of separate incidents.

## Crime/Criminal Procedure

by: Michael Bell  
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### CRIME/PUNISHMENT

**Senate Bill 31 by Senator Adley (Act 106)** provides with respect to the penalty for the unnecessary unjustified causing of physical pain, suffering or death of an animal.

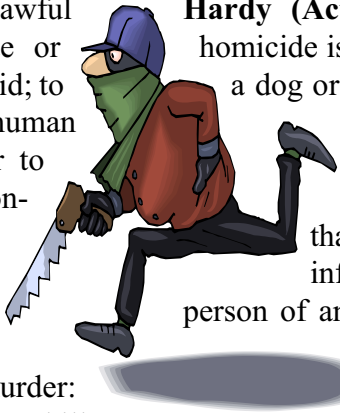
**Senate Bill 115 by Senator Martiny (Act 108)** provides that it shall be unlawful for any person to knowingly create or attempt to create a human-animal hybrid; to transfer or attempt to transfer a human embryo into a non-human womb or to transfer or attempt to transfer a non-human embryo into a human womb.

**Senate Bill 132 by Senator Dorsey (Act 79)** adds the following definition to the crime of first degree murder: "when the offender has a specific intent to kill or inflict great bodily harm and the offender has previously acted with specific intent to kill or inflict great bodily harm that resulted in the killing of one or more persons."

**Senate Bill 94 by Senator Donahue (Act 192)** will create the crime of molestation of a juvenile involving an educator. An educator is defined as any teacher or instructor, administrator, staff person, or employee of any public or private school or institution, including any teacher aide, paraprofessional, school bus driver, food service worker, and other clerical custodial, or maintenance personnel employed by a private, city, parish, or other local public school board.

**Senate Bill 145 by Senator Crowe (Act 193)** creates the crime of "unauthorized use of a wireless router system" for the purpose of downloading, uploading, or selling pornography involving juveniles.

**House Bill 155 by Representative Hardy (Act 199)** provides that negligent homicide is the killing of a human being by a dog or other animal when the owner is criminally negligent in confining or restraining the dog or other animal and it further provides that negligent injuring is the inflicting of any injury upon the person of another by a dog or other animal when the owner is criminally negligent in confining or restraining the dog or other animal.



### CRIME/SEX OFFENSES

**House Bill 564 by Representative Abramson (Act 375)** creates the crime of trafficking of children for sexual purposes and provides for a general penalty to include a fine of not more than \$50,000.00, imprisonment at hard labor for 15 to 50 years, or both.

### DWI

**Senate Bill 166 by Senator Dupre (Act 236)** criminalizes operating a vehicle while under suspension for certain prior offenses and provides for the following penalties: imprisonment for not less than fifteen days nor more than six months without benefit of suspension of imposition or

execution of sentence; and when the operator's driving privileges were suspended for manslaughter, vehicular homicide, or negligent homicide resulting from the operation of a motor vehicle, the offender will be imprisoned for not less than sixty days nor more than six months without benefit of suspension of imposition or execution of sentence.

## **WEAPONS**

**House Bill 44 by Representative Lafonta (Act 150)** creates the crime of reckless discharge of a firearm at a parade or demonstration as the reckless or criminally negligent discharge of a firearm within one thousand feet of any parade, demonstration, or gathering for which a permit is issued by a governmental entity.

## Culture, Recreation & Tourism

### CULTURE

by: Michelle Broussard Johnson  
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#### CULTURAL DEVELOPMENT

In an effort to reestablish a finer appreciation of coastal Louisiana life, rich in people, scenic beauty, cultural treasures, beautiful waterways and tranquil surroundings, **Senate Concurrent Resolution 97 by Senator Crowe (Enrolled)** declared May 27, 2009 as St. Bernard Day at the Legislature. The history and culture of St. Bernard are commemorated throughout the year as visitors view the resounding American victory at the Battle of New Orleans. The impact of this rich culture is also evident in other numerous year-round activities and the heritage of the warm southern community of St. Bernard Parish.

Crawfish in Louisiana is viewed as a cultural, economic, and marketing icon drawing thousands to the table and to the cash register. **House Concurrent Resolution 21 by Representative Mills (Enrolled)** recognized May 12, 2009 as Crawfish Day in Louisiana. The Legislature acknowledges the crawfish industry as an integral part of the economy and culture of Louisiana.

As the country battles prolonged economic crisis and the state facing budget shortfalls **House Concurrent Resolution 99 by Representative McVea (Enrolled)** urges the Department of Culture, Recreation and Tourism to study methods of raising additional revenue through historic sites. Louisiana historical sites could augment revenue streams by marginally increasing admission fees, museum store sales, facility rental fees, and other charges. It is believed any steps state entities could take to supplement budgets would support the current and future economic climate.



From land erosion from hurricanes in years past, and the increased land damage from hurricanes Katrina and Rita in 2005 and Gustav and Ike in 2008, concern continues to mount regarding the eroding coast of Louisiana and what it means to Louisiana's culture, cities and citizens. **House Bill 833 (Act 523) by Representative Dove** seeks to create the Office of Hurricane Protection and Coastal Restoration in the Office of the Governor. It would consolidate functions relative to hurricane flood protection and coastal restoration. It provides for the inner-relations between the governor's executive assistant for coastal activities, the Coastal Protection and Restoration Authority, the Governor's Advisory Commission on Coastal Protection, Restoration and Conservation, and the Office of Hurricane Protection and Coastal Restoration.

Hurricanes and their resulting devastation are woven into the very fabric of Louisiana's culture. The physical and emotional impact of hurricanes that Louisiana experiences have been unprecedented in scope and continues to have detrimental psychological and emotional consequences for Louisiana students. **House Concurrent Resolution 53 by Representative Hutter (Enrolled)** requests the State Board of Elementary and Secondary Education to develop and implement an age-appropriate unit on hurricane awareness for students in each grade in all cities, parishes, and other local public school systems. The curriculum is expected to emphasize the kinds of problems and hazards that can be expected during and after a major hurricane strike.

### CULTURAL COMMENDATIONS

As in years past, this year **Senate Resolution 50 by Senator LaFleur (Enrolled)** commends the Tunica-Biloxi Tribe of Louisiana for their continued contributions made to Louisiana with its history, culture, and people, and proclaimed May 27, 2009 as Tunica-Biloxi Day at the Senate. The historic significance of the Tunica and Biloxi tribes dates back numerous millennia to the original inhabitants of the Americas. The Tunica-Biloxi Tribe now resides on its Indian reservation lands in Avoyelles Parish, ceded to the tribe by the King of Spain in 1778.

**House Concurrent Resolutions 56, 57, 58, 59, 61 and 63 by Representative Hutter (Enrolled)** commends the following women of Louisiana upon receipt of the 2009 Women of Excellence Award from the Louisiana Legislative Women's Caucus Foundation: Priscilla Lawrence of New Orleans, Helen Godfrey Smith of Shreveport, Julia Chan, Ph.D., of Baton Rouge, Wendy H. Roy of Alexandria and Sarah Miller of Lafayette. The Louisiana Legislative Women's Caucus Foundation created the award to recognize and honor extraordinary women across the state for their outstanding achievements and contributions to the state.

**Representatives Carmody, Gisclair and Carter** respectfully passed **House Concurrent Resolutions 219, 223 and 228 (Enrolled)** to commend the following Louisianians upon being selected as alternate representatives of Louisiana at the Hugh O'Brian World Leadership Congress in Washington, D.C.: Ethan Traveny Skaggs of Caddo Parish Magnet High School, Trevor Joseph Eymard of South Lafourche High School and Derbigny "Derby" Willis of Episcopal High School. The Hugh O'Brian World Leadership Congress is held annually in conjunction with a major university as a week-long intensive, educational, summer program. Hugh O'Brian believes the most important thing in education is to teach young people to inspire fellow students, to excel as leaders and use friendship as a catalyst for learning and cultural experiences.

**Representative Mills** commended Breaux Bridge, Louisiana upon the celebration of its 150<sup>th</sup> anniversary in **House Concurrent Resolution 17 (Enrolled)**. The Breaux Bridge citizens and surrounding areas marked the sesquicentennial anniversary remembering Firmin Breaux. In 1799, this pioneer built a footbridge called "Breaux's Bridge" to connect land on either side of the Bayou Teche. Of course, the city of Breaux Bridge is also known as the Crawfish Capital of the World and is renowned for its cuisine, music and hospitality.

Two other commendations were given regarding Louisiana's culture of music: **Senate Resolution 111 by Senator Shaw (Enrolled)** and **Senate Concurrent Resolution 132 by Senator Michot (Enrolled)**. **Senate Resolution 111** designated June 18, 2009 as Louisiana Music Day. Louisiana's music is a unique and exceptionally rare treasure of great historic, cultural, and economic value, created by the personal talents of extremely gifted Louisiana citizens. Louisiana's music is globally famous and ardently cherished by fans all over the world. The creation and performance of Louisiana music are a phenomenal experience from Zydeco, Cajun, Swamp-Pop, Country, Bluegrass, Rockabilly, Jazz, Blues, Gospel, Rock & Roll and Rhythm & Blues. **Senate Concurrent Resolution 132** declares the year 2010 as The Year of the Song, acknowledging the numerous musical cultures and songwriters, from which many original, extraordinary and popular songs have evolved. The business of songs and songwriters profoundly impacts advertising and numerous industries helping to drive commerce through musical audio marketing and the promotion of a multitude of Louisiana products and services and Louisiana tourism. The year 2010 will be a year of music publishing, along with artistic and commerce development for songwriters in the state.



## **RECREATION**

*by: Tammy Crain Waldrep  
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**House Concurrent Resolution 99 by Representative McVea (Enrolled)** will study methods of raising additional revenue through state historic sites for the Department of Culture, Recreation, and Tourism.

### **Facilities**

**Senate Bill 76 by Senator Michot (subject to call, Senate Final passage)** would have granted a state sales tax exemption for transactions on any property which contains a domed arena and adjacent and connected facilities which is under the jurisdiction of any political subdivision or any commission of such political subdivision if the domed arena facility has a seating capacity of at least 12,500 and is located within a parish with a population of more than 185,000 and less than 250,000 and specifically would have extended the exemption to rentals occurring in the facilities and to parking on property under the jurisdiction of such commission for and event or activity.

### **Hunting**

**Senate Bill 52 by Senator Marionneaux (Act 453)** provides for a "Second Amendment Weekend Holiday" from the first consecutive Friday through Sunday of September of each year to exempt state and local sales and use tax for consumer purchases of firearms, ammunition and hunting supplies and does not apply to hunting dogs or animals.

**Senate Bill 55 by Senator Dupre (Act 339)** provides that no person born on or after September 1, 1969, shall procure a hunting license of any kind unless that person meets certain criteria, that being either satisfactory completion of a firearm and hunter education safety course taught or approved by the department, or an expired hunting license from the previous year displaying the approved hunter safety course certification number issued by the department. The Department of Wildlife and Fisheries shall issue a firearm and hunter safety card at no cost to a person born before September 1, 2009 if they apply for the card and requires the department to provide an application form, without cost to the applicant. A nonresident may purchase a deferral license for a fee of \$110.

### **Fitness**

**Senate Resolution 32 by Senator Gray Evans (Enrolled)** The American Heart Association, Astra Zeneca, the Louisiana Association for Health Physical Education, Recreation and Dance, the Louisiana Council on Obesity Prevention and Management, the Louisiana Diabetes Association, and the Louisiana Governor's Council on Physical Fitness and Sports partner to recognize "Legislative Wellness Day".

### **Parades**

**House Bill 44 by Representative LaFonta (Act 150)** Creates the crime of discharging a firearm at a parade or demonstration, and defines "firearm" as any pistol, revolver, rifle, shotgun, machine gun, submachine gun, excluding black powder weapons, or assault which is designed to fire or is capable of firing fixed cartridge ammunition or from which a shot or projectile is discharged by an explosive. Defines "parade" as any celebration of Mardi Gras or directly related pre-Lenten or carnival-related festivities, school parades, parish parades, state parades, or municipal parades, or any demonstration or gathering for which a permit is issued by a governmental entity.

**House Bill 523 by Representative Ernst (VETOED)** would have provided for the increased penalties for illegally, carrying a firearm at a parade. Defines the crime as the illegal carrying of a firearm within 1,000 feet of any parade or demonstration for which a permit is issued by a governmental entity, provides that at least six months of the sentence shall be served without benefit of parole, probation, or suspension of sentence.

### **Recreational Vehicles**

**Senate Bill 175 by Senator Michot (Act 403)** provides for the membership, jurisdiction, and authority of the Louisiana Motor Vehicle Commission and the Louisiana Used Motor Vehicle Commission, and for the distribution and sale of motor vehicles and recreational products. Transfers authority over recreational products from the Louisiana Recreational and Used Motor Vehicle Commission to the Louisiana Motor Vehicle Commission and expands membership from 15 to 18 members. Requires three appointed members to be primarily engaged in the business of recreational products.

### Recreational Programs

**Senate Concurrent Resolution 133 by Senator Broome (Enrolled)** commends the Urban Restoration Enhancement Corporation for the north Baton Rouge Youth Development Program and its participants. Provides recreational and educational opportunities for youth.

### Special Districts

**House Bill 527 by Representative Chandler (Act 67)** creates the Grant Parish Recreation Authority as a political subdivision of the state comprised of all the territory of Grant Parish and responsible for the acquisition, construction, development, maintenance, and operation of parks and recreational facilities and programs in the parish; however, the authority does not have authority over facilities and programs in existence, within the parish on January 1, 2009.

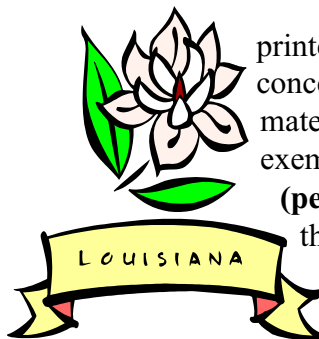
## TOURISM

*by: Linda Nugent  
(225) 342-8892*

### HISTORICAL RE-ENACTMENTS

Historical and cultural re-enactments that take place across the state draw people from all over the country to Louisiana. Many of the re-enactments employ the use of black powder for explosives to add authenticity to battle scenes. **Senate Bill 82 by Senator LaFleur (Act 391)** authorizes the re-enactors to purchase and store 25 pounds or less of commercially manufactured black powder for use in the re-enactments, under certain conditions and with certain safeguards.

### PRINTING EXEMPTION CHANGES



The present law in Louisiana requires that all printed matter caused to be printed by state agencies, with certain exceptions, to contain a specific statement concerning the cost of publishing and printing the publication. Promotional materials of the Department of Culture, Recreation and Tourism have been exempt from the requirement. **House Bill 227 by Representative Greene (pending conference)** would have changed and restricted the exemption for the Department of Culture, Recreation and Tourism to leaflets or postcards designed to promote culture, recreation, or tourism. However, the bill failed to make it all the way through the legislative process, thereby leaving the present law in place.

### SCHEPIS MUSEUM

The Schepis Museum, which is located in the town of Columbia in Caldwell Parish, is placed under the jurisdiction of the Department of State in **Senate Bill 281 by Senator Appel (Act 249)**. The act will become effective only when the legislature appropriates funds for the museum. The

legislation also provides that if the transfer into the Department of State is not made within four years, the law will be null and void.

### LOUISIANA NAVAL WAR MEMORIAL COMMISSION

The Louisiana Naval War Memorial Commission within the Department of Culture, Recreation and Tourism was created in 1979 to operate, maintain, and exhibit the U.S.S. Kidd. Changes to the commission membership are contained within **House Bill 59 by Representative Richardson (Act 84)**. The new law removes the residency requirement that four of the 17 members be residents of East Baton Rouge Parish and the remainder appointed from across the state so as to yield statewide representation. It also removes the requirement that reimbursement of commissioners for their expenses is to be paid only out of self-generated funds of the commission and removes the prohibition against using state funds for upkeep and operation of the commission.

### WEST FLORIDA REPUBLIC COMMISSION

**House Bill 188 by Representative Edwards (Act 54)** creates the West Florida Republic Commission within the Department of Culture, Recreation and Tourism. The commission will plan and develop activities to commemorate in 2010 the bicentennial of the West Florida Revolt and the establishment of the West Florida Republic from which the Florida Parishes derive their name and distinctive identity. The Act provides for the termination of the 12-member commission on September 23, 2011.

### TOURISM DISTRICTS

A number of bills were considered affecting tourism districts across the state and the tax collections generated within the districts.

- Changes in the allocation of the hotel occupancy tax revenues collected by the Vermilion Parish Tourist Commission are contained within **House Bill 885 by Representative Perry (Act 441)**. One-third of the proceeds shall be used to promote tourism, including advertisements promoting festivals and other events within the parish. The remaining two-thirds, which must be used for youth recreation purposes, is allocated as follows:

Abbeville	28.5%
Kaplan	23.5%
North Vermilion Youth Athletic Association	14.0%
Delcambre	8.0%
Erath	8.0%
Gueydan	8.0%
Maurice	5.0%
Vermilion Parish Police Jury	5.0%

Seventy-five percent of the above allocations must be used to provide funds to any qualified nonprofit youth recreation organization which is within the territorial jurisdiction of the governmental entity and which enters into a cooperative endeavor agreement to use the funds for youth recreation.

- Monies in the Sabine Parish Tourism Improvement Fund will be available for use by the Sabine Parish Tourist and Recreation Commission instead of the Sabine Parish Tourist Commission under the provisions of **House Bill 557 by Representative Howard (Act 331)**.
- The avails of the state sales tax on hotel/motel occupancy in Webster Parish are deposited into the Webster Parish Convention and Visitors Bureau Fund and then appropriated to the Webster Parish Convention and Visitors Bureau. As provided in **House Bill 425 by Representative Doerge (Act 505)**, the name of the fund is changed to the Webster Parish Convention and Visitors Commission Fund. The name of the body that can utilize the funds is changed from the Webster Parish Convention and Visitors Bureau to the Webster Parish Convention and Visitors Commission. The act also provides that all monies deposited into the fund since July 1, 1995, are deemed to be valid deposits and available for appropriation.
- **House Bill 503 by Representative Montoucet (Act 66)** changes the name of the Acadia Parish Convention and Visitors Bureau to the Acadia Parish Convention and Visitors Commission. It also authorizes the commission to borrow money to purchase land and build a convention center.
- The Caldwell Parish Tourist Commission is created by **House Bill 170 by Representative Ellington (Act 112)**. The act also authorizes the commission to levy and collect a two percent hotel/motel tax.

## Economic Development

*by: Alan Miller  
(225) 342-2576*

**Senate Bill 211 by Senator Claitor (Act 82)** establishes the Louisiana Innovation Council within the Department of Economic Development. The council is modeled after the Georgia Research Alliance by seeking to develop strategic objectives such as identifying activities and investment opportunities related to targeted research investments, commercialization efforts, entrepreneurship services, risk capital development, and the developing new high-growth industry segments. The council's membership consists of leaders of state government, education and business.



**SB 299 by Senator Duplessis (Act 252)** establishes the "Healthy Food Retail Act". Under the Bill, the Department of Agriculture and Forestry, in cooperation with public and private sector partners, will establish a financing program that provides grants and loans to healthy food retailers that increase access to fresh fruits and vegetables and other affordable healthy food in underserved communities. Specifically, the grants and loans will be made available to projects such as new construction and renovations that expand and upgrade the infrastructure to improve the availability of quality fresh produce.



## K-12 Education

by: Jeanne Johnston  
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### ACCOUNTABILITY

**House Bill 179 by Representative Stiaes (Act 276)** requires the state superintendent of education, not later than December 30, 2009, to submit recommendations to the State Board of Elementary and Secondary Education (BESE) for expanding the opportunities, in limited circumstances, for students who fail to achieve the required proficiency levels on the 4<sup>th</sup> and 8<sup>th</sup> grade LEAP tests to be promoted to grades five and nine. Requires BESE to approve and implement such recommendations not later than January 30, 2010.

### CHARTER SCHOOLS

**Senate Bill 146 by Senator Duplessis (Act 123)** makes a number of significant changes to the charter school law as follows:

1. Requires the Board of Elementary and Secondary Education (BESE) and local school boards to establish a charter application review process that complies with the latest Principles and Standards for Quality Charter School Authorizing promulgated by the National Association of Charter School Authorizers.
2. Requires BESE and local school boards to provide for an independent evaluation of charter proposals by a qualified third party.

3. Requires locals school boards to make the school facility available to the chartering group in cases where a Type 2 charter school is created as a result of the conversion of an existing school. Requires the chartering group to pay a share of the local school board's bonded indebtedness for such facility.
4. Reduces the favorable faculty vote required for the conversion of a preexisting school to a charter school from a 2/3 vote to a simple majority.
5. Allows a charter school to give preference for enrollment to siblings for the first year of the charter. Prior law only allowed sibling enrollment preference after the first year of the charter school's existence.
6. Charter schools are prohibited by law from being supported or affiliated with any religion or religious organization. This legislation retains the general prohibition but allows a charter school to receive support or student services including mentoring, volunteering, fund-raising, or tutoring from religious oriented entities.

**House Bill 519 by Representative Leger (Act 292)** makes several significant changes to the charter school law as follows:

1. Eliminates the cap on the total number of charter schools that can be created

in the state. This change was made at the request of the state superintendent of education to remove a barrier to the state's eligibility to compete for funding through the U.S. Department of Education "Race To The Top" initiative.

2. Allows a chartering authority to annually charge each charter school a flat fee of two percent of the total per pupil amount for administrative overhead costs associated with considering the charter application and any amendments to the charter and for providing monitoring and oversight of the school, collecting and analyzing school data, and for reporting on school performance. Prior law allowed the chartering authority to impose a 2% fee of the per pupil funding for the first year of a charter school's operation but provided for a negotiated fee of up to 3% for succeeding years. There was a wide disparity in the amount of fees imposed as well as disagreement regarding both the level of fees and what the fees covered.
3. Requires the chartering authority to provide each charter school with a projected budget detailing anticipated administrative overhead costs and the planned uses for fees charged for such costs at least 30 days prior to the beginning of each fiscal year.

**House Concurrent Resolution 168 by Representative Leger (enrolled)** requests the Board of Elementary and Secondary Education to create a task force to study and make recommendations to the Senate and

House committees on education regarding the method of establishing funding levels for charter schools and how the funding of charter schools impacts the funding for the entire school district in which the charter school is located.

## **CURRICULUM**

**Senate Bill 316 by Senator Nevers (Act 257)** This bill provides for the Louisiana Student College and Career Readiness Act. This legislation builds upon the existing High School Career Option law and requires BESE to establish initiatives to improve high school graduation rates and provide a clear path for students to follow to graduate from high school and be ready for college and careers after high school graduation.

- Requires BESE to align the middle school curriculum with high school readiness standards and redesign the 8<sup>th</sup> and 9<sup>th</sup> grade curriculum to ensure that students unprepared for high school can successfully complete high school graduation requirements.
- Requires every student to develop an individual graduation plan, with parental input and approval, by the end of the 8<sup>th</sup> grade that allows them to choose a career focus and to know exactly what they have to do to follow the plan and successfully graduate from high school.
- Requires BESE to develop a model policy for school districts to use to provide counseling and support for students, parents, guidance counselors, and teachers.

- Requires BESE to provide professional development for principals, teachers, and guidance counselors regarding development of individual graduation plans.
- Requires BESE to develop criteria to be used for early identification of students, as early as 6<sup>th</sup> grade, who are at risk of not being prepared for the next level and provide extra assistance to keep them in school and on track to graduate.
- Requires BESE to allow school districts flexibility in scheduling their school day and school year to provide the necessary instruction and support to their students.
- Charges BESE and the state superintendent with the responsibility of increasing the high school graduation rate to 80% by the end of the 2013-14 school year and requires BESE to make progress toward this goal part of the state superintendent's annual performance evaluation.
- Requires BESE to give credit in accountability system scores to schools and school systems that improve their graduation rates and for the number of students who complete postsecondary training and academic courses.
- Requires BESE, the Department of Education, local school boards, and the Board of Regents and postsecondary management boards to

work with the La. Workforce Commission representative to identify workforce needs and promote coordination of the delivery of career and technical education.

- Requires the executive director of the La. Workforce Commission to designate an existing senior-level staff member to serve as liaison to K-12 and postsecondary education.

**Senate Bill 259 by Senator Kostelka (Act 246) and House Bill 612 by Representative Fannin (Act 298)** builds upon the existing High School Career Option law and requires the Board of Elementary and Secondary Education (BESE) to develop and adopt course and curriculum requirements for career major programs offered by local school boards and to issue a Career Diploma to students who successfully complete an approved career major program curriculum.

Provides for minimum curriculum requirements for a career major program and diploma as follows:

- 4 English credits, including English I, English II, and two additional courses comparable or identical to technical college courses.
- 4 mathematics credits, including Algebra I, Algebra I Part One and Part Two, or an applied or hybrid Algebra course and additional math courses comparable or identical to technical college courses.
- 3 science credits, including Biology and two additional courses selected from a list of courses approved by BESE.

- 3 social studies credits, including American History, Free Enterprise and Civics, and an additional course selected from a list of courses approved by BESE.
- 2 credits in health and physical education.
- 7 credits in career and technical education courses, including one-half credit in a career readiness course and one credit in a computer applications course.

To be eligible to pursue a career major curriculum, a student must have parental approval (after consultation with the school guidance counselor) and meet one of the following conditions:

1. The student must have fulfilled all of the requirements for promotion to the 9<sup>th</sup> grade.
2. There are also provisions to allow overaged 8<sup>th</sup> graders who have not met the promotion requirements to enroll in 9<sup>th</sup> grade as follows:
  - (a) The student is fifteen years of age or older and has failed to attain the required score on the 8<sup>th</sup> grade LEAP test, but meets locally established criteria for promotion to the 9<sup>th</sup> grade for purposes of pursuing a career major curriculum.
  - (b) The student must complete a summer remediation program in any LEAP test component in which the student scored at the unsatisfactory level and must take developmental courses in 9<sup>th</sup> grade if he fails

to satisfactorily complete the summer remediation program.

- (c) The student must have earned a cumulative grade point average of 1.5 on a 4.0 scale on his 8<sup>th</sup> grade coursework.
- (d) The student must meet attendance and behavior standards as developed by BESE.
- (e) The student must participate in a BESE-approved dropout prevention and mentoring program during his first year in high school.

**Senate Concurrent Resolution 27 by Senator Nevers (enrolled)** requests the Board of Elementary and Secondary Education to study the feasibility of establishing a statewide uniform grading scale for use in all public high schools.

#### **FUNDING**

**Senate Concurrent Resolution 17 by Senator Nevers (enrolled)** provides for legislative approval of the formula adopted by the State Board of Elementary and Secondary Education on March 12, 2009, to determine the cost of a minimum foundation program (MFP) of education in all public elementary and secondary schools. The 2009-2010 MFP has an implementation cost of \$3.275 billion dollars - an increase of \$5.2 million over the FY 2008-2009 appropriation.

The 2009-2010 MFP formula is the first formula adopted since 1996 that does not provide the automatic 2.75% growth factor annually incorporated into the formula that allocates state funding to public elementary and secondary schools. The \$5.2 million

dollar increase in the formula is the result of increases in student enrollment, adjustments in local revenue, and additional allocations made to two parishes experiencing a significant loss of revenue due to business closures. (\$1.6 million to Morehouse Parish and \$1.0 million to Union Parish)

**Of note:**

- \$100 million of federal monies allocated to the state through the American Recovery and Reinvestment Act are being used to replace state general fund dollars traditionally used to fully fund the formula.
- The base per pupil amount remains at the FY 2008-2009 amount of \$3,855.
- There are no increases in the weights for at-risk students, special education students, gifted and talented students, and career and technical education students.
- There is no increase in the mandated cost allocation provided to local school boards to offset the increased costs of retirement, health insurance, and fuel.
- Because of the "no-growth" nature of the 2009-2010 formula, the requirement that 50% of increased funds be used by local school boards for teacher pay raises is suspended for one year.

**House Bill 821 by Representative Carter (Act 310)** requires the Board of Elementary and Secondary Education to require local school boards, beginning with

the 2010-2011 school year to expend funds generated by the weighted factors in the MFP formula for at-risk students, special education students, gifted and talented students, and career-technical education students on personnel, professional services, instructional materials, equipment, and supplies that served the needs of students who generate these funds. Also requires local school boards to submit an annual report to BESE on how these funds are expended and provides that these reports be posted on the Department of Education website.

**HOME STUDY STUDENTS**

**House Bill 531 by Representative Henry (pending conference)** would have provided eligibility for home study students enrolled in BESE approved home study programs to participate in public school interscholastic athletic activities. Such students must live in the attendance zone for the public school, be approved by the school principal, meet the academic standards required of public school students for participation and meet all other standards and requirements applicable to public school students attending the school. Certain school systems are exempt from the provisions of the bill.

**SCHOOL BOARDS**

**Senate Concurrent Resolution 9 by Senator Nevers (enrolled) and House Concurrent Resolution 37 by Representative Patricia Smith (enrolled)** requests public school boards to select a high school student from the school district to serve as a student representative on the school board in an informative, advisory, and nonvoting capacity.

**House Concurrent Resolution 164 by Representative Patricia Smith (enrolled)** requests BESE to conduct an in-depth study of the financial burden on local school systems imposed by the rising costs of providing for health care benefits for retired employees. Provides for BESE to convene a study group composed of representatives of various educational stakeholders to provide input, recommendations, and advice.

### **SCHOOL FACILITIES**

**Senate Bill 90 by Senator Gray Evans (pending House committee)** would have established the Louisiana Statewide Education Facilities Authority to provide funding, coordination, assistance, and oversight for the repair, renovation, and construction of public school facilities. Participation by local school systems is voluntary. Local school systems can apply to the authority for assistance in designing and financing local school construction projects.

**House Bill 802 by Representative Fannin (Act 226)** includes language creating the Statewide Education Facilities Fund within the state treasury. Monies in this fund may only be used for the purposes of the Statewide School Facilities Authority.

### **STUDENTS**

**House Bill 590 by Representative Barrow (Act 297)** provides for the enrollment and placement of foster children in schools. Allows children in foster care to remain in the school they were originally enrolled in when they entered foster care.

Authorizes the state to enter into the Interstate Compact on Educational Opportunity for Military Children that will

govern the enrollment and placement of children of military families in Louisiana's public schools.

**House Bill 602 by Representative LeBas (Act 145)** requires local school boards to allow public school students to permit a student with asthma to carry and self-administer certain asthma medications if a student's parent or other legal guardian and physician provide the school with certain documentation. Provides for limitation of liability for the school and its employees and for disciplinary consequences for a student who misuses such medications.

## Postsecondary Education

by: Sherri Breaux  
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### ARTICULATION

**Senate Bill 285 by Senator Nevers (Act 356)** and a similar bill, **House Bill 568 by Representative Hutter (VETOED)**, both provide for a comprehensive system of articulation and transfer of credits between and among public secondary and postsecondary education institutions.

Under Act 356, the postsecondary education management boards, BESE, and the local school boards are jointly responsible for developing and implementing articulation and transfer programs and agreements that facilitate and maximize the seamless transfer of credits between and among public secondary and postsecondary education institutions and that make the most efficient use of faculty, equipment, and facilities. The commissioner of higher education, in consultation with the postsecondary education management boards and BESE, will establish a Statewide Articulation and Transfer Council to oversee articulation and transfer agreements between and among secondary schools, technical colleges, and 4-year colleges and universities. At the heart of this system will be the development of 2-year associate of arts and associate of science transfer degrees that will transfer fully to a 4-year institution and apply toward a 4-year degree. Also, faculty advisory groups will determine course compatibility and required content and will assign common course numbers, so there will no longer be confusion over which courses are equivalent and which courses will transfer.

### Articulation

agreements:

The Board of Regents and BESE are required to enter into a statewide articulation agreement to govern the articulation and transfer of credits between and among public secondary and postsecondary education institutions that will:

- (1) Guarantee the transfer of general education courses and common degree program prerequisite courses to a 4-year institution.
- (2) Guarantee that every graduate of a community college awarded an associate of arts and associate of science degree approved by the council for transfer to a 4-year college or university is deemed to have met all general education and other core curriculum requirements and must be granted admission to the upper division of any state public 4-year college or university, except to limited access programs or a program that has audition or other specialized admission requirements.
- (3) Provide that associate of arts and associate of science degree graduates who transfer to a 4-year college or university is not required to take any additional general education courses to fulfill baccalaureate degree

requirements. And, transfer associate degree graduates will be given admission priority to a 4-year institution over out-of-state students.

- (4) Guarantee the statewide articulation of appropriate career and technical education programs and workforce development programs and transfer of course credits between secondary schools and technical and community colleges.
- (5) Provide for acceptance by postsecondary education institutions of credits earned in accelerated programs.
- (6) Guarantee the transfer of equivalent courses, under the statewide course numbering system, and provide for a common college transcript.

#### Course numbering system:

The Board of Regents, in accordance with council policy and with the utilization of appropriate faculty committees, is required to develop, coordinate, and maintain a statewide common course numbering system for postsecondary and dual enrollment education in all public secondary and postsecondary educational institutions as a means to facilitate program planning and the transfer of students and course credits; and to provide for its prioritized, phased-in development and implementation.

#### Common core curricula:

The Board of Regents, in collaboration with the postsecondary education management boards, is required to identify:

- College/university degree programs and postsecondary career and technical education programs.
- Courses meeting general education requirements within each major area of study, identified by their statewide course number.
- Courses offered by institutions and accepted for credit toward a degree, and identify such in the statewide numbering system as either general education or required as a prerequisite for a degree.
- Common degree program prerequisite courses and course substitutions across all postsecondary institutions.

The Board of Regents must also develop a centralized database containing the list of courses and course substitutions that meet the prerequisite requirements for each postsecondary certificate, industry-based certification, and associate and baccalaureate degree program. The management boards are required to identify their core curricula. Technical colleges, community colleges, and 4-year institutions must work with BESE and public schools and school districts to assure that high school curricula coordinate with the core curricula and to prepare students for college-level work.

#### Standard number of credits:

The Board of Regents is required to determine and establish a standard number of credits required to complete each baccalaureate degree program and establish a standard number of credits required to earn associate degree programs for transfer to a 4-year college or university. The baccalaureate degree programs must not require more than the number of credits established by the board

for degree completion without approval from the board. An associate in arts and an associate in science degrees will require no more than 60 semester hours of college credit, including 39 hours of general education course work and 21 hours of coursework that constitute prerequisites for a baccalaureate degree.

Technical career certificate, diploma and degree programs:

The commissioner of higher education will appoint faculty committees representing community and technical colleges and public high school faculties to recommend criteria, including a standard program length, for each postsecondary career certificate program, diploma, and degree offered by a technical college or a community college.

Student guidance and counseling:

The Board of Regents is required to develop and maintain a comprehensive web-based system to provide information to students, advisers, and faculty regarding statewide articulation relative to the council and the statewide articulation agreement, the statewide course numbering system, articulation policies and rules, general education courses and common degree program prerequisites, course and degree requirements for all fields of study, and planning and advising resources. Each educational institution must designate an existing staff or faculty member to serve as a transfer counselor to advise students and administer articulation and transfer functions and operations.

Implementation schedule:

The statewide articulation agreement must be developed and adopted not later than

March 1, 2010. Full articulation and transfer of the associate of arts and associate of science degrees must be implemented for the 2010-2011 academic year.

There will be a phased-in implementation of the statewide course numbering system. Courses required for completion of the associate of arts and associate of science transfer degrees must also be completed by the 2010-2011 academic year. All remaining lower division and undergraduate courses must be completed and fully implemented by the end of the 2011-2012 academic year.

## **POSTSECONDARY EDUCATION REVIEW**

**House Bill 794 by Representative Tucker (Act 309)** provides for the creation of a nine-member Postsecondary Education Review Commission. The Act requires the Board of Regents to establish the commission to review postsecondary education in Louisiana. The purpose of the commission is to review all aspects of postsecondary education in order to ensure that the enterprise is operating efficiently, effectively, and in a manner that best serves students, their families, and the state and to make recommendations for changes necessary to ensure such system operation. The review by the commission must be comprehensive and may include governance, facilities, all programs, funding, and other issues. The commission will further identify rules or regulations that are barriers to achieving administrative efficiencies. The commission will be housed at the Board of Regents' offices and the board will provide administrative support. Further, the commission must retain nationally recognized experts in postsecondary

education recommended by the Board of Regents to advise, research, and provide any assistance. The work of the commission must be completed, including submission of a written report of its findings and recommendations to the Board of Regents at least 45 days prior to the 2010 Regular Session; and, the Board of Regents must submit the report and its comments to the legislature at least 30 days prior to the 2010 Regular Session. The commission and authority for its existence terminates on Aug. 1, 2010.

## TUITION

**House Bill 872 by Representative Downs (Act 313)** authorizes the LSU Board of Supervisors to impose the following increases in tuition and attendance fee amounts effective for the Fall 2009 semester and thereafter:

- (1) For a full-time graduate student, an increase in tuition by an amount not to exceed \$30 per credit hour per semester.
- (2) For a full-time student who is seeking an MBA degree, an increase in tuition by an amount of \$1,000 per semester, which is inclusive of the \$30 cap per credit hour per semester.
- (3) For a full-time student who is enrolling in the School of Veterinary Medicine and seeking a Doctor of Veterinary Medicine degree, an increase in tuition by an amount of \$750 per semester.
- (4) For a full-time student who is enrolling in the School of Medicine at

the LSU Health Sciences Center in Shreveport and seeking a Doctor of Medicine degree, an increase in tuition by an amount of \$500 per semester.

- (5) For a full-time student who is enrolling in the School of Allied Health Professions at the LSU Health Sciences Center in Shreveport and seeking a Master's Degree in Occupational Therapy, Communications Disorders, or Health Sciences, an increase in tuition by an amount of \$500 per semester.

The boards of supervisors of Southern Univ. and the Univ. of La. may impose the following increases in tuition and attendance fee amounts effective for the Fall 2009 semester and thereafter:

- (1) For full-time graduate students, an increase in tuition by an amount which shall not exceed \$30 per credit hour per semester or academic session.
- (2) For a full-time student who is seeking an MBA degree, an increase in tuition by an amount of up to \$1,000 per semester or academic session, which is inclusive of the \$30 cap per credit hour(above).

The Act, however, requires the management boards to establish criteria for waiving the tuition increases in cases of financial hardship as determined by each board. Authority to impose the increases also includes the authority to impose proportional amounts for part-time students for summer sessions.

**House Bill 771 by Representative Hutter (Act 307)** authorizes the Board of Supervisors for Community and Technical Colleges to equalize the tuition and registration fee amounts for online courses offered by institutions under its jurisdiction by setting a uniform tuition and registration fee amount for each online course in an amount up to the highest amount authorized by law for such courses in effect on the effective date of the bill. The uniform tuition and registration fee amounts are prohibited from being raised unless authorized by law.

## Vocational/Technical Education

*by: Nancy Vicknair  
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### COMMUNITY/TECHNICAL COLLEGES

**House Bill 612 by Representative Fannin (Act 298) and Senate Bill 259 by Senator Kostelka (Act 246)** requires the State Board of Elementary and Secondary Education (BESE) to develop and adopt requirements for career major programs offered by school boards and to issue a career diploma to students who successfully complete such requirements. Requires a career diploma to be considered a regular standard diploma and be recognized by institutions under the management and supervision of the Board of Supervisors of Community and Technical Colleges. Changes the plan's name to "Five-Year Individual Graduation Plan" and requires a student to pursue the curriculum for his chosen major as approved by BESE throughout high school. Additionally allows students to change from one major to another at the end of any school year.

Requires that a career major provide a student with greater technical skill and a strong academic core and be offered to each high school student enrolled in a school system that offers a career major program. Requires a career major to be linked to postsecondary options; to prepare students to pursue a degree or certification from a postsecondary institution, an industry-based training or certification, an apprenticeship, the military, or immediate entrance into a career field; to be primarily designed for students not initially college bound; and to provide such students with alternatives to immediate

entrance into a four-year institution after graduation.

Authorizes students pursuing a career major to participate in dual enrollment with an institution under the management and supervision of the LCTCS board or a business internship or work-study program.

Requires public school systems to develop and offer at least one career major program, subject to BESE approval, and provides that any such system may be granted a waiver by BESE for good cause.

Requires schools to review majors each year and expand offerings as appropriate, including courses offered through articulation, correspondence, and technological methods and adds courses offered through dual enrollment to a list of expanded offerings.

Requires at least four English credits in courses with content equal to that of college prep. English and provides that courses include English I and II and two other courses comparable or identical to English courses taught at La. Technical College (LTC), as approved by BESE.

Increases the number of required math credits from three to four and requires inclusion of Algebra I, Algebra I part one, Algebra I part two, or an applied or hybrid math course, and additional applied or hybrid math courses comparable or identical to math courses taught at LTC, as approved by BESE.

Requires at least three science credits (one unit of biology and two courses chosen from a list of science courses related to a student's career major), as approved by BESE.

Requires at least three social studies credits (one unit of American history and one additional course). Requires  $\frac{1}{2}$  unit each of free enterprise and civics.

Requires at least two credits in health and P.E.

Requires at least seven credits in career and technical education courses with end of course testing as approved by BESE, including at least  $\frac{1}{2}$  credit in a career readiness course and one unit in a computer applications course. Provides that courses shall be selected to prepare a student for postsecondary education or a career.

Requires additional electives or career units as required by the school board, as approved by BESE.

Requires public school boards seeking to establish a career major to submit a proposed career major curriculum to BESE for approval.

Requires a student seeking to pursue a career major curriculum to meet one of the following conditions:

- (1) The student has fulfilled all requirements established by BESE and the local public school board for promotion to 9th grade.
- (2) The student is at least 15 or will turn 15 during the upcoming school year

and has scored at least approaching basic on either the English/language arts or math component of the 8th grade LEAP test and meets criteria established by the local school system's pupil progression plan to enter the 9th grade for the purpose of pursuing a career major curriculum. Such student must also complete a summer remediation program in the subject area of any LEAP test component on which he scored unsatisfactory. A student who fails to satisfactorily complete summer remediation must complete developmental courses (for credit) as deemed necessary to be prepared to undertake the coursework required for his chosen career major.

Requires BESE to certify that the pupil progression plan of each local school system that promotes a student who did not meet 8<sup>th</sup> grade LEAP standards to the 9th grade to contain the following requirements:

- (1) Such student must have earned a cumulative grade point average of 1.5 on a 4.0 scale for coursework required for completion of the 8<sup>th</sup> grade.
- (2) Such student must have demonstrated acceptable attendance and behavior standards as determined by BESE.
- (3) Such student must participate in a BESE approved dropout prevention and mentoring program, developed in consultation with school guidance personnel, during their first year in high school.

Requires a student seeking to pursue a career major to have written permission from his parent or legal guardian after consultation with a guidance counselor or school administrator and a determination that participation in a career major curriculum and pursuit of a career diploma is appropriate and in student's best interest.

**House Bill 771 by Representative Hutter (Act 307)** authorizes the LCTCS board to set a uniform tuition amount for all online courses offered by institutions under its jurisdiction.

**Senate Bill 182 by Senator Crowe (Act 344)** authorizes the Board of Supervisors of LCTCS to transfer specified state properties to the St. Tammany Parish School Board for the construction and maintenance of a vocational-technical school.

## Elections

by: Alden Clement  
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Although primarily focused on fiscal issues, the 2009 Regular Session saw several bills relative to elections law and related matters.

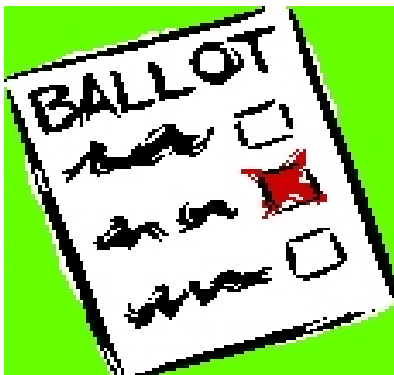
**House Bill 194 by Representative Dixon (Act 181)** provides that if, because of an emergency as declared by the governor or by the parish president, the registrar is unable to open at least one office in the parish on the day that registration records are to be closed, the registrar shall close the registration records on the first business day thereafter that the registrar is opened for business. This bill also provides that an application for an entry or change in a registration received by the registrar on this day shall be deemed to have been received as of the day the registration records were to be closed.

**House Bill 420 by Representative Richard (Act 369)** makes numerous changes to present elections law. It provides, among other things, that the names of registrants on the inactive list of voters are not to be counted in computing the number of commissioners at a precinct and the number of voting machines to be allocated and used at a precinct. It also requires poll watchers to be qualified voters of the state of Louisiana, and that a law enforcement officer shall not interfere with the

conduct of the election, the voters, or the election officials at an early voting polling place.

**House Bill 520 by Representative Cromer (Act 187)** allows a person who has a valid Louisiana driver's license or Louisiana special identification card to apply to register to vote or to make changes to his existing registration by completing and submitting an electronic voter registration application on the secretary of state's website. It also requires that the information submitted by the applicant be immediately checked to ensure that the driver's license or identification card number submitted by the applicant matches the information maintained by the Department of Public Safety.

Both **House Bill 645 by Representative Ellington (Act 218)** and **Senate Bill 157 by Senator Appel (subject to call-House final passage)** repeal the provision of present law that provides that the annual canvass of voters in each parish shall not be conducted prior to: (1) a regularly scheduled primary or general election for municipal and ward officers not elected at the same time as the governor or members of congress; or (2) a regularly scheduled primary or general election for parochial and municipal officers in a parish containing a municipality with a population of 475,000 or more; or (3) prior to the presidential preference primary.



**House Bill 827 by Representative Simon (Act 436)** makes various revisions to the election code relative to voters with special needs. Among other things, it allows a person who resides in a nursing home or veterans' home to register and vote at the address of the nursing or veterans' home, allows a voter who has a visible physical disability or who presents a current mobility-impaired identification card, as well as the person who is assisting him in voting, to go to the front of the line to vote. This bill also authorizes the secretary of state to adopt rules and regulations to effectuate the nursing home early voting program.

**Senate Bill 212 by Senator Claitor (Act 176)** provides that on those days that a registrar's office is open, the office hours shall be from 8:00 a.m. until 4:30 p.m. However, a registrar may keep his principal office open during additional hours and on additional days.

Finally, **Senate Bill 314 by Senator Adley (pending in Senate and Governmental Affairs Committee)** would have returned Louisiana to an open primary system for congressional elections. Apparently, the legislature was not ready for this drastic change only two years after implementing a closed congressional primary system.

## Environment



by: JW Wiley  
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### **SULPHUR**

#### **House Bill 539**

**by Representative G. Jackson (Act 117)** repeals the prohibition on

granting a permit, license, registration, variance, or compliance schedule to construct or modify certain facilities that handle sulphur in a solid state. The Department of Environmental Quality through its powers and duties will regulate the handling of sulphur.

### **Senate Bill 317 by Senator Hebert (assigned to House Natural Resources)**

would have provided that no person shall construct, establish, or expand a construction and demolition debris facility, within 5,000 feet of an airport serving piston-powered aircraft or within 10,000 feet of an airport serving turbine-powered aircraft. The distance would be measured from the point of the property line of the facility to the runway end closest to the facility's property line.

### **WASTES**

**Senate Bill 140 by Senator Riser (Act 235)** establishes the standard of care to be held liable for any violation of handling of a hazardous material. Any person who handles, stores, or otherwise maintains a hazardous material in a negligent or unreasonable manner without regard for the hazards of the material and causes a significant impact to public health and safety as a result of a reportable release of a hazardous material will be in violation of law. The bill decreases the civil penalty from \$25,000 per violation to \$10,000 per violation. The bill also provides for the reimbursement to the Department of Public Safety and Corrections for reasonable and extraordinary costs of emergency response, including actions taken by the department to mitigate such reportable release.



## Ethics

by: Alden Clement  
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Despite being primarily a fiscal session, the 2009 Regular Session saw its share of bills designed to revise and clarify the ethics laws that govern the conduct of public servants.

### FINANCIAL DISCLOSURE

Several bills this session expand or refine the financial disclosure requirements already in place.

**House Bill 101 by Representative Richard (pending in House and Governmental Affairs Committee)** would have excluded from the current financial disclosure requirements any income received by a public official's spouse from the Louisiana State Employees' Retirement System, the Teachers' Retirement System of Louisiana, the Louisiana School Employees' Retirement System, and the State Police Pension and Retirement System.

**House Bill 896 by Representative Richard (VETOED)** would have provided that a person holding public office who represents a voting district with a population of 5,000 or more must file pursuant to "Tier 3" reporting requirements instead of "Tier 2" if that person serves on a "tiered governing authority." "Tiered governing authority" is defined as the governing authority of a political subdivision composed of at least one person holding a public office who represents a voting district with a population of 5,000 or more, and at least one person holding a public office who represents a voting district with a

population of fewer than 5,000.

It also

would have added to the list of persons required to file pursuant to "Tier 3" each member of a board or commission with the authority to expend, disburse, or invest \$10,000 or more of funds in a fiscal year, and who is not required to file pursuant to "Tier 2.1," as well as each person holding a public office who represents a voting district having a population of 5,000 or more persons and who serves on a "tiered governing authority."

**Senate Bill 14 by Senator Morrell (pending in Senate and Governmental Affairs Committee)** would have excluded members of a board of commissioners of a neighborhood crime prevention and security district from the current financial disclosure requirements.

**Senate Bill 195 by Senator Kostelka (Act 238)** requires individuals who contributed or loaned over \$1,000 to a campaign and who were employed as an agency head, and persons who were appointed to a state board or commission that is subject to the financial disclosure requirements of present law, to record such contribution on their personal financial disclosure forms if the contribution or loan occurred within one year of their employment or appointment.

**CAMPAIGN FINANCE REFORM**

**House Bill 239 by Representative Talbot (pending in House & Governmental Affairs Committee)** would have provided that neither a candidate for public service commissioner, nor any political committee that is organized primarily to support or oppose a candidate for PSC, can accept a contribution, loan, transfer of funds, or in-kind contribution from any common carrier or utility company regulated by the PSC.

**House Bill 695 by Representative Green (Act 430)** provides that the governor's campaign finance disclosure report is to be filed electronically through the Board of Ethics Computerized Data Management System, is to be filed on forms prepared by the Board of Ethics, and that such forms must be substantially similar to forms used for filings of campaign finance reports office prepared by the board acting as the Supervisory Committee on Campaign Finance Disclosure. These forms must be accompanied by the governor's affidavit certifying that the information contained in the report is true and correct to the best of his knowledge, information, and belief. It also provides that financial records of the gubernatorial transition and inauguration are public records subject to the Public Records Act.

**GIFTS, FOOD, AND DRINK**

**House Bill 591 by Representative Ellington (Act 534)** provides that the present law restriction on food, drink, or refreshment does not apply to a gathering held in conjunction with a meeting related to a national or regional organization, or a meeting of a statewide organization of governmental officials or employees, provided that at least ten persons associated with the organization

are invited to the gathering. It also clarifies that a "gathering held in conjunction with a meeting related to a national or regional organization or a meeting of a statewide organization of governmental officials or employees" includes both (1) an event held during the same time period and in the same general locale as a meeting of such an organization and to which some persons associated with the organization are invited, and (2) an event that is part of the scheduled activities at a meeting of such an organization and open to persons attending the meeting.

**Senate Bill 265 by Senator Kostelka (pending in Senate and Governmental Affairs Committee)** would have provided definitions of "program honoree" and "speech" in the context of present law exceptions to the general prohibition against public servants accepting any thing of economic value from certain prohibited sources. A "program honoree" is "a public servant who is distinguished or recognized on the official program or agenda of a civic, non-profit, educational, or political event," and a "speech" is "the act of delivering a formal spoken communication to the audience or attendees of a civic, non-profit, educational, or political event regarding a topic or topics reasonably related to the stated, published, or advertised purpose of the civic, non-profit, educational, or political event."


**OTHER AREAS**

**House Bill 88 by Representative McVea (Act 178)** allows part-time elected officials to hold employment with the U.S. government while serving in their part-time elective office, unless the particular combination of duties is adverse to the public interest.

# Finance

by: Jay Lueckel  
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## Appropriations and Funds



**House Bill 1 by Fannin (Act 10)**, the General Appropriation Act, provides for the ordinary operating expenses of state government for Fiscal Year 2009-2010 (effective July 1, 2009). In addition, a number of operating expense items for FY 2010 were contained in HB 881. HB1 and HB881 contain a total of \$7.6 billion of State General Fund (Direct) and a total means of financing of \$28.6 billion for the two bills.

**House Bill 802 by Fannin (Act 226)**, generally provides for the transfer and deposit of monies among certain state funds. Transfers monies to the state general fund from various fund appropriations reduced in the Deficit Reduction Plan approved by the governor by executive order and by action of the Joint Legislative Committee on the Budget on Jan. 9, 2009 (effective 6/30/2009).

Provides relative to the Budget Stabilization Fund that no appropriation or deposit shall be made into the Budget Stabilization Fund in the same year that an appropriation, use, or withdrawal is made from the Budget Stabilization Fund, except

pursuant to a specific legislative appropriation or until the official forecast exceeds state general fund collections for FY 2008 (effective 7/1/2009).

Establishes various special funds in the state treasury, including: the Hurricane Recovery Health Insurance Premium Fund, the Center for Excellence for Autism Spectrum Disorder Fund, the Statewide Education Facilities Fund, the Walking the Walk for Our Kids Fund, and the Technology Commercialization Fund (effective 7/1/2009). Also provides for the allocation of monies in the Vermilion Parish Visitor Enterprise Fund (effective 7/1/2009).

Abolishes the Insure La. Incentive Program Fund in the state treasury and transfers any unexpended, unencumbered monies in the fund for deposit in and credit to the state general fund (effective 7/1/2009). Directs the state treasurer to deposit \$90 million from the Coastal Protection and Restoration Fund into the State Emergency Response Fund (effective 7/1/2009).

Extends bridge loan funding from the State Emergency Response Fund to the Department of Education which was due no later than the end of FY 2009 pursuant to Act 196 of the 2007 RS to the end of FY 2010 (effective 6/30/2009).

**House Bill 689 by Peterson (Pending in Conference Committee)**, would have created the La. Statewide Education Facilities

Fund, but Senate amendments deleted that fund and proposed the establishment of the Higher Education Restoration Fund for the purpose of funding higher education and the delay of the phase-in of excess itemized deductions.

**House Bill 881 by Fannin (Act 122)**, provides for supplemental appropriations for Fiscal Year 2008-2009 (FY 2009 Sections effective June 30, 2009) and operating expenses for Fiscal Year 2009-2010 (FY 2010 Sections effective July 1, 2009); also see HB 1 above.

**House Bill 720 by Jane Smith (Act 519)**, enacts the La. Tax Delinquency Amnesty Act of 2009 which requires the Department of Revenue (DOR) to develop and implement a tax amnesty program to be effective for a period not to exceed two months between 7/1/2009 and 6/30/2010. The Act authorizes DOR to retain certain monies collected under the amnesty program for administrative, collection, and related advertising costs. Remaining monies shall be deposited into the state treasury. The first \$90 million shall be transferred to the Coastal Protection and Restoration Fund, and in the event that monies have been withdrawn from the Budget Stabilization Fund, the treasurer shall transfer an amount not to exceed the amount withdrawn or \$86 million into the Fund. The treasurer shall transfer all remaining monies into the state general fund. Effective 7/10/2009.

**Senate Bill 1 by Chaisson (Pending conference)**, would have authorized the legislature to establish a procedure to determine a projected deficit and a method for adjusting appropriations to eliminate the

deficit. The proposed constitutional amendment as it left the Senate increased the amount of reductions to appropriations or dedicated funds in any fiscal year from 5% to 10%. Proposed House amendments limited the amount of adjustments to dedicated funds whose dedication or appropriation is derived from a fee and excludes the Transportation Trust Fund and the Conservation Fund from such adjustments.

**Senate Bill 2 by Chaisson (Act 479)**, provides relative to projected deficits and the method for adjusting appropriations to eliminate such deficits. The Act repeals provisions that limited the cumulative percentage reduction in the constitutionally or statutorily protected or mandated appropriations, allocations, or expenditures from any fund exceeding 5% in any two consecutive fiscal years. Effective 7/10/2009.

**Senate Bill 34 by Chaisson (Pending Senate concurrence)**, relative to the procedure to determine a projected deficit and method to adjust appropriations to eliminate such deficit, the proposed law as it left the Senate increased the amount of reductions to appropriations or dedicated funds in any fiscal year from 5% to 10% and repealed the 5% limitation in any two year period on the cumulative percentage reductions. Proposed House amendments change limits relative to the reductions and funds subject to the 5% as well as providing for approval requirements in implementing certain reductions.

**Senate Bill 267 by Michot (Act 492)**, proposed law requires the division of administration to establish a procedure to assure that the activities supported by certain special funds in the state treasury are subject

to the same level of transparency and accountability as activities supported by the state general fund. The Act provides that beginning 10/1/09 and every two years thereafter, the division of administration in conjunction with the Joint Legislative Committee on the Budget shall conduct a review of not more than 25% of the special funds and report the findings to the speaker of the House, president of the Senate, governor, and the commissioner of administration. Effective 7/1/2009.

**Senate Bill 283 by Walsworth (Act 1)**, relative to the Mega-project Fund, defines "mega-project" to mean a project which provides either: 500 new direct jobs or a minimal initial investment of \$500 million or a substantial return on the investment by the state as measured by projected tax revenues. It also means a project for a military or federal installation which is important to the state and may be subject to base realignment and closure or for the purchase of land for a mega-project. It also includes a project resulting in re-creating or saving at least 500 direct jobs, through transfer of ownership of a facility that has been closed or is at risk of closure. The law limits state investment to 30% of the total cost of the project except for projects that are a military or federal installation or for the purchase of land and requires that cooperative endeavor agreements describe state investment and total mega-project. Effective 5/12/2009.

# Gaming

by: Michelle Ducharme  
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## CHARITABLE GAMING

During the Regular Session of 2008, there was an attempt to ban electronic video bingo in parishes that voted to prohibit video draw poker in 1996. Since the ban did not come to fruition, Senator Long introduced **Senate Bill 192 (Assigned to Senate Judiciary B)**. Without hearing, this bill was converted to **Senate Concurrent Study Request 1 by Senator Long (Study Request Approved)**. This request urges the Senate Committee on Judiciary B and the House Committee on the Administration of Criminal Justice to meet and function as a joint committee to study and make recommendations with respect to the impact of electronic video bingo in Louisiana and its effect on the charitable organizations that receive a portion of the proceeds collected from electronic video bingo.

## RIVERBOATS

**Senate Bill 188 by Senator Alario (Act 109)** is a local bill for the parish of Jefferson. This bill expands the use of fees which are allocated to the parish governing authority to provide for repairs or rehabilitation of storm damaged properties that are owned or operated by Jefferson Parish and are located within any incorporated or unincorporated areas of Jefferson Parish on the West Bank of the Mississippi River. This bill was co-authored by many members of the Jefferson Parish Delegation.



## HORSE RACING

The most controversial of the horse racing bills was **Senate Bill 293 by Senator Nick Gautreaux (Assigned to Senate Judiciary B)**. This bill would have allowed the Horsemen's Benevolent and Protective Association to be an eligible applicant and primary licensee and thereby entitled to become a licensee of an offtrack wagering facility with all rights and privileges, subject exclusively to certain privileges and conditions.

**Senate Bill 231 by Senator Nick Gautreaux (Act 242)** prohibits an association from conducting offtrack wagering in Louisiana unless it conducts live horse racing for at least one hundred thirty racing days within each fifty-two week period. This legislation also provides that the required minimum racing days shall not be less than eighty-four thoroughbred horse racing days conducted during twenty-one consecutive weeks and not less than forty-six quarter horse racing days conducted during twelve consecutive weeks.

The Fairgrounds has a different number of thoroughbred and quarter horse racing days. The legislation provides that the Fairgrounds shall, over a fifty-two week period, maintain at least eighty thoroughbred horse racing days conducted during twenty consecutive weeks and at least ten quarter horse racing days conducted during three

consecutive weeks.

**Senate Bill 292 by Senator Nick Gautreaux (Act 177)** provides that the investment of monies by the Horseman's Bookkeeper may include the granting of a loan for the repayment of certain and pending claims for overpayments of purses made by the Harrah's Bossier City Investment Company, L.L.C. d/b/a Louisiana Downs provided the loan is at interest, secured by statutorily dedicated purse revenue streams of Louisiana Downs, and the claims are the subject of a final judgment of dismissal from the court of record based upon a final mutual release and settlement agreement between the horsemen and entities claiming overpayments of purses.

#### **VIDEO POKER DEVICE**

**Senate Bill 273 by Senator Martiny (Act 248)** prohibits issuance of a license, as of June 1, 2010, to any truck stop facility, unless previously applied for or licensed as of June 1, 2010, located within two thousand five hundred feet of any designated residential district.

The bill also provides that if the parish or municipality does not have a zoning ordinance which designates certain property within their jurisdiction as residential districts, the governing authority of the parish or municipality shall have the authority to designate certain areas of their jurisdiction as residential districts.

It was also necessary for the legislation to define "residential property" to mean any property which is wholly or partly used for or intended to be used for living or sleeping by human occupants and which includes one or

more rooms, including a bathroom and complete kitchen facilities. Mobile homes and manufactured housing are included in the definition, but the definition excludes hotels and motels.

**House Bill 123 by Representative Wooton (Act 274)** allows the owner or lessor of a qualified truck stop facility to close the restaurant on the premises of the truck stop facility during a statutorily defined legal holiday.

**House Bill 361 by Representatives Templet and Wooton (Act 92)** provides that on or after August 15, 2009, a licensee who employs a designated representative at a licensed qualified truck stop facility, Louisiana State Racing Commission licenses pari-mutuel wagering facility, or an offtrack wagering facility shall obtain conviction records of an applicant seeking employment as a designated representative and determine that, based upon those conviction records, the applicant meets the suitability requirements.

## Health & Hospitals

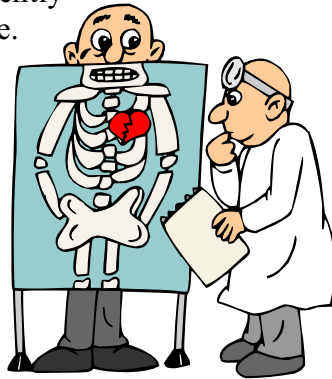
by: Greg Waddell  
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### HEALTHCARE WORKFORCE/ MEDICAL EDUCATION

Two pieces of legislation this session sought to tackle the healthcare workforce shortage that currently exists in the state.

#### **House Bill 772 by Representative Wilmott (Act 383)**

provides for changes to the Health Professional Development Program which is a scholarship program administered by the Department of Health and Hospitals. This legislation narrows the program to increase the number of primary care practitioners and dentists in underserved rural areas. In order for a student to be considered for the rural primary care scholarship the student must be from a rural area and in order to be considered for the urban underserved primary care scholarship the student must be from an urban underserved area. This legislation specifies that the amount of the scholarship is equal to the lowest base tuition of a public medical school in the state. Any student who receives a scholarship must agree to work in a health professional shortage area after graduation for an agreed upon time, not to exceed a total of five years of service, and failure to fulfill this requirement would result in a substantial penalty. Scholarships would be awarded through a scholarship awards committee within DHH. The scholarship award



committee is comprised of the following persons or designee: the secretary of DHH, the chancellor of LSUHSC-New Orleans, the chancellor of LSUHSC-Shreveport, the dean of the Tulane School of Medicine, the dean of the LSU School of Dentistry, the speaker of the House, and the president of the Senate.

The second piece of legislation, **House Bill 797 by Representative Simon (Pending Senate Health and Welfare)**, would have expanded the membership and duties of the Medical Education Commission. The objectives of the commission are to provide recommendations to improve the value received by the state of Louisiana for the investments made in medical education, to align graduate medical education in the state with public policy goals, and to report on progress towards these objectives. The legislation would expand the commission membership from four members to ten members. Additionally, the commission's duties would be the following: (1) analyze the medical education system in Louisiana compared to national best practices and make recommendations to the secretary of the Department of Health and Hospitals on how to improve the production and retention of physicians in Louisiana, with particular attention towards underserved rural areas and underserved populations in the specialties of primary care, dentistry, and behavioral health. This includes recommendations of the specific need for new training programs as well as current and future workforce requirements in Louisiana; (2) analyze national best practices

and make recommendations to the secretary of the DHH regarding the medicaid graduate medical education policy in Louisiana to structure payments for physician education in line with the state's specific public policy goals; (3) design and make recommendations to the secretary of the DHH regarding demographic and performance measures which reflect the value the state is receiving for its investment in medical education, allow for national comparisons where possible, and measure progress towards the state's public policy goals; and (4) produce an annual report of state, federal, and other expenditures on medical education programs which includes the demographic performance measures recommended and approved by the secretary of the Department of Health and Hospitals. The commission would also be required to submit a yearly report to the legislature which details the commission's findings.

## **DEPARTMENT OF HEALTH AND HOSPITALS**

Several pieces of legislation were a part of the Department of Health and Hospitals legislative package. **House Bill 405 by Representative Katz (Act 96)** clarifies the definition of a home and community based service provider by listing certain health care providers which are specifically excluded from having to obtain a license.

**House Bill 432 by Representative Burford (Act 35)** provides for the types of reportable crimes for mandatory criminal history checks on nonlicensed persons and licensed ambulance personnel. This legislation expands background checks to include all crimes arrested for, convicted of, or pled nolo contendere to and the dates when such crimes were committed. Current law

allows an employer to waive criminal history checks and the prohibition on hiring an individual who committed certain crimes. This legislation eliminates the employer's discretion with respect to the following crimes: manslaughter (R.S. 14:31), aggravated battery (R.S. 14:34), aggravated second degree battery (R.S. 14:34.7), simple battery of the infirm (R.S. 14:35.2), aggravated assault (R.S. 14:37), assault by drive-by shooting (R.S. 14:37.1), aggravated assault with a firearm (R.S. 14:37.4), forcible rape (R.S. 14:42.1), sexual battery (R.S. 14:43.1), aggravated kidnaping of a child (R.S. 14:44.2), armed robbery (R.S. 14:64), felony carnal knowledge of a juvenile (R.S. 14:80), molestation of a juvenile (R.S. 14:81.2), cruelty to juveniles (R.S. 14:93), cruelty to the infirmed (R.S. 14:93.3), exploitation of the infirmed (R.S. 14:93.4), and sexual battery of the infirmed (R.S. 14:93.5). Further provides that the employee shall not hire or contract with such a person convicted of such an enumerated crime.

**House Bill 837 by Representative Mills (Act 384)** consolidates the offices of addictive disorders and mental health within the Department of Health and Hospitals into the office of behavioral health within the Department of Health and Hospitals. The legislation creates an implementation advisory committee within DHH and directs the committee to recommend to the secretary of DHH a specific plan for the implementation of the consolidated administrative functions of the office of behavioral health. The implementation of the consolidation plan would begin on Jan. 31, 2010 and would be completed by July 1, 2011. The legislation requires that DHH submit the implementation plan for approval to the Senate and House

committees on health and welfare by March 1, 2010. The legislation also provides a 24-hour toll-free telephone service to provide information regarding available assistance for persons with compulsive or problem gambling behavior and requires any patient who is given a urine drug screen in a state-operated outpatient or inpatient alcohol or drug abuse facility as part of his treatment to pay a co-payment of not more than \$12 per screen to the provider.

**Senate Bill 51 by Senator Heitmeier (Pending House Final Passage - Subject to Call)** would have provided that DHH is authorized to accept intergovernmental transfers from local governing bodies, including but not limited to a parish, for the purpose of enhancing the delivery of health care services for the uninsured and Medicaid patients. The legislation would have allowed DHH to establish a methodology utilizing a pool, or pools, to facilitate distribution of any transfers received in addition to any federal financial participation earned through the use of such transfers, as authorized herein. The methodology is to be created with the intent to maximize, to the fullest extent possible, the return to the providers located within the jurisdiction of the local governing body from which such transfer is derived. The department may create criteria for qualification to participate in any pool methodology and to establish criteria and priorities for reimbursement within the respective pool. Any such criteria may include health care providers which reside outside the jurisdiction of the transferring body.

The legislation would have authorized DHH to submit waivers or state plan

amendments to the Centers for Medicare and Medicaid Services (CMS) in order to secure federal financial participation in relation to any such payments or reimbursement with the stipulation that payments shall only be made in accordance with an approved waiver or state plan amendment.

**Senate Bill 191 by Senator Alario (Act 363)** allows the department to conduct certain mortality reviews. The legislation provides that in conducting the reviews, DHH shall (1) obtain data and records relevant to the causes and circumstances of death from providers, including health care providers, as well as from other sources; (2) identify patterns and systemic problems to determine what changes, if any, should be made in service delivery; and (3) prepare an annual report for public distribution which sets forth aggregate information including the number of deaths reviewed, identify all provider remediation and quality improvements initiated or recommended as a result of the review. The legislation also protects the identity by prohibiting disclosure of any information which would identify a particular person or entity.

## SMOKING

**Senate Bill 186 by Senator Marionneaux (Pending House Health and Welfare)** would have prohibited smoking in restaurant and bars which serve food at any while the establishment is open to the public. Under current law smoking is allowed in bars even if food was being served.

**House Bill 368 by Representative Burrell (Act 162)** prohibits the sale or delivery of tobacco products through a self-service display unless the machine is a

vending machine that complies with either of the following conditions: (1) The machine is located in an establishment to which persons under the age of 18 are denied access or (2) The machine is located in facilities where the dealer ensures that no person younger than 18 years of age is present or permitted to enter at any time, and the machine is located within the unobstructed line of sight of a dealer or a dealer's agent or employee who is responsible for preventing persons younger than 18 years of age from purchasing tobacco products through that machine. The legislation provides an exception for retail tobacco businesses and tobacconists.

## **FOOD SAFETY**

**Senate Bill 93 by Senator Thompson (Act 341)** requires that beginning January 1, 2011, every food processing plant operating within the state shall maintain a written food processing plan and a written food recall plan which shall be immediately available for review by DHH upon request. This legislation provides that any person or firm operating a food processing plant that fails to maintain either of these written plans shall be subject to a civil fine of not more than \$500. In addition, the legislation requires that whenever any person or firm that operates a food processing plant in this state obtains information from testing of samples or specimens of finished foods or finished ingredients which indicates a confirmed positive test result, the person or firm shall report such test results to the department within twenty-four hours of obtaining such information. The state health officer may, based upon a showing of probable cause by the department that the food processing facility is producing food which may be adulterated or is processing food in a manner

which may cause an imminent menace to the public health, order the food processing facility to submit samples to a laboratory, specified by the department, for testing at the expense of the food processing facility.

**House Bill 551 by Representative Mills (Act 330)** creates a public safety campaign and labeling program for Chinese seafood products to warn the public of the risks of consuming Chinese seafood even if it is deemed safe by the seafood inspection program. The legislation requires the state health officer and the La. Restaurant Association to employ a marketing campaign that highlights the benefits of eating domestic seafood and to produce a statement to include on labels, placards, menu boards, or other promotional signage that encourages consumers to consume La. seafood. The legislation further creates the Seafood Safety Task Force that is charged with obtaining: (1) the method in which the imported seafood is inspected in La.; (2) the frequency of inspections of imported seafood; (3) the substances for which imported seafood are currently being tested; and (4) the results of sampling analysis of potentially harmful substances in imported seafood. The task force shall compile the results of these findings and develop seafood and safety recommendations to be reported to the House and Senate committees on health and welfare and the House and Senate committees on agriculture, forestry, aquaculture, and rural development by March 1, 2010.

## **HEALTH CARE PROVIDERS**

**House Bill 207 by Representative LeBas (Act 129)** authorizes the Louisiana Board of Pharmacy to waive electronic reporting requirements for certain dispensers

whose practice activities are inconsistent with the intent of the prescription monitoring program. The legislation allows the board to rescind any exemptions that are issued without the necessity of having an informal or formal hearing.

**House Bill 257 by Representative Sam Jones (Act 281)** requires that any person who owns or maintains a business engaged in the practice of selling and fitting hearing aids shall be licensed to sell and fit hearing aids and provides for which individuals within an organization shall hold a license. Under current law a corporation or like organization may sell and fit hearing aids as long as the corporation or like organization employs or contracts with natural persons licensed in the practice of selling and fitting hearing aids. This legislation also requires all persons who are licensed hearing aid dealers to file a list of the hearing aid dealers employed under each person.

**House Bill 449 by Representative Anders (Act 289)** makes several changes to the regulatory authority of the Louisiana State Board of Optometry Examiners. The legislation expands the board's regulatory authority by (1) allowing the board the ability to levy civil penalties not to exceed \$1,000 against any person who fails to attend a hearing as a witness, or otherwise, after that person has been timely served with a summons or subpoena; (2) authorizing the board's legal counsel to represent the state and the board in courts and before the agencies of this state or the U.S. to further the purposes of regulating the practice of optometry; and (3) allowing the board to seek an injunction in a court having jurisdiction to stop persons from engaging in acts or practices which they are

not licensed to perform.

This legislation also expands the requirements a person must satisfy in order to become licensed by the board by requiring a person hold the graduate level Doctor of Optometry degree and requiring that applicants must have demonstrated that they have reached the qualification level necessary to become certified to treat abnormal conditions and pathology of the human eye and its adnexa, as established by state law and the rules and regulations administered by the board. The legislation also changes the entity administering the examination for licensure from the International Association of Boards of Optometry to the National Board of Examiners in Optometry.

**House Bill 517 by Representative LeBas (Act 372)** allows a person, or public employer, or public entity, to elect not to provide certain health care services that violate its conscience. The legislation defines "conscience" as a sincerely held religious belief or moral conviction. The legislation further protects persons from punitive measures such as liability, discrimination, adverse employment action, prejudice, or general damage for refusing to provide certain health care services. The legislation requires that a health care provider notify a patient before consultation or administering any health care services that they will decline to provide certain services which violate their conscience. The legislation also defines "health care service" to be limited to abortion, dispensation of abortifacient drugs, human embryonic stem cell research, human embryo cloning, euthanasia, or physician-assisted suicide.

**House Bill 687 by Representative Pearson (Act 429)** requires the Louisiana Board of Dentistry to promulgate rules and regulations which regulate the practice of mobile dentistry. Mobile dentistry is relatively new practice model to the state where a dentist or dental group contracts with a local school board to provide dental services to children while they are in school. As originally filed, this legislation would have prohibited this type of practice model but the legislation was amended to give the board an opportunity to promulgate rules and regulations and regulate the various aspects of this type of practice.

**Senate Bill 348 by Senator McPherson (Act 357)** creates a state registration program within the Department of Health and Hospitals for certified nurse aides which are employed by a nursing facility or contracted by a nursing facility to provide nursing assistant services to the residents of a nursing facility. The legislation requires that each CNA shall apply for registration with the department and the registration will be listed on the Louisiana's Certified Nurse Aide Registry. Under this legislation, no certified nurse aide shall be employed by a nursing facility or contracted by a nursing facility to provide services unless the certified nurse aide has a valid and current registration with the department.

The legislation creates a two tiered registration consisting of unrestricted and restricted registration. A certified nurse aide shall be placed on restricted registration if the certified nurse aide is found to have committed any of the following violations: (1) abandonment of duties; (2) failure to perform assigned certified nurse aide duties when such

failure results in a potential for more than minimal harm to a resident; or (3) conduct unbecoming a certified nurse aide which is defined by under the legislation. A certified nurse aide who has been placed under a restricted registration shall be required to practice under at least one of the following restrictions: (1) work in a licensed nursing facility only as a direct employee of the nursing facility under the direct supervision of a certified nurse aide supervisor or other licensed healthcare professional, for a minimum of six months or (2) be required to complete mandatory training or education.

The legislation further requires that prior to employing or contracting with a certified nurse aide, a nursing facility shall verify through the Louisiana Certified Nurse Aide Registry that the certified nurse aide is currently certified and has a current state registration. In addition, any medical staffing agency employing or contracting with a certified nurse aide to verify that the certified nurse aide is certified and listed on the Louisiana's Certified Nurse Aide Registry and perform or have performed a criminal background check on each such certified nurse aide and no medical staffing agency shall employ or contract with a certified nurse aide who holds a restricted registration.

**House Bill 728 by Representative Schroder (Act 381)** moves the licensing and regulation of adult residential care homes from the Department of Social Services to the Department of Health and Hospitals. Under current law, both agencies license these type of facilities. This legislation would place all of these types of facilities under the regulation and control of the Department of Health and Hospitals.

**MEDICAID**

**Senate Bill 80 by Senator Cheek (Pending House Health and Welfare)** would have allowed the Department of Health and Hospitals to provide coverage and reimbursement to a unique provider of health services for catastrophically ill children to the same extent that it would provide coverage for services furnished within the boundaries of the state and shall insure that reimbursement to such institution shall be equal to the reimbursement rate of in-state children's hospital for pediatric care. For example, this would allow the state to reimburse St. Jude Children's Hospital through the state medicaid program which under current law is only possible for services that are not being provided in the state of Louisiana.

**EMERGENCY MEDICINE**

**Senate Bill 107 by Senator Cheek (Act 397)** provides for the Uniform Emergency Volunteers Health Practitioners registration system for out-of-state health care providers who come to this state in response to a natural disaster or emergency to provide health care services. Under this legislation while an emergency declaration is in effect, DHH may limit, restrict, or otherwise regulate: (1) the duration of practice by volunteer health practitioners; (2) the geographical areas in which volunteer health practitioners may practice; (3) the types of volunteer health practitioners who may practice; and (4) any other matters necessary to coordinate effectively the provision of health services during the emergency. Any health care practitioner who provides services in this state will be required to be registered before they can commence providing any services.

The legislation also provides for certain duties that a host entity that uses volunteer health practitioners to provide health services in this state shall comply with: (1) consult and coordinate its activities with DHH, to the extent practical, to provide for the efficient and effective use of volunteer health practitioners; (2) verify the identity of the volunteer health practitioner; (3) confirm that the volunteer health practitioner is registered with a registration system; (4) confirm that the registration system has verified the accuracy of information concerning whether a health practitioner meets the requirements under the legislation; (5) confirm that the volunteer health practitioner has not had a license revoked, suspended or placed under the terms, conditions or restrictions in any state; (6) notify the state licensing authority of any adverse action against the volunteer's privileges; and (7) comply with any laws relating to the management of emergency health services.

The legislation also provides for the requirements that must be satisfied in order to qualify as a health practitioner registration system and requires that upon request of the Department of Health and Hospitals, a state licensing authority, or a host entity in this state, a registration system located in this state shall notify the entity of the identities of the volunteer health practitioners registered with it and whether the practitioners are licensed and in good standing. This legislation allows a volunteer health practitioner, registered with a registration system and licensed and in good standing in the state to practice in this state while an emergency declaration is in effect.

The legislation requires a volunteer health practitioner shall adhere to the scope of practice for a similarly licensed practitioner established by the licensing provisions, practice acts, or other laws of this state and does not authorize a volunteer health practitioner to provide services that are outside the practitioner's scope of practice, even if a similarly licensed practitioner in this state would be permitted to provide the services.

The legislation also provides for a limitation of liability for damages for an act or omission of the practitioner in providing services and in addition provides that no person shall be vicariously liable for damages for an act or omission of a volunteer health practitioner if the practitioner is not liable for the damages. This limitation of liability will not be applicable in the following circumstances: (1) willful misconduct or wanton, grossly negligent, reckless, or criminal conduct; (2) an intentional tort; (3) a breach of contract; (4) a claim asserted by a host entity or by an entity located in this or another state which employs or uses the services of the practitioner; or (5) an act or omission relating to the operation of a motor vehicle, vessel, aircraft, or other vehicle.

#### **VITAL STATISTICS\ BIRTH CERTIFICATES**

**House Bill 60 by Representative Perry (Pending Senate Final Passage - Subject to Call)** was legislation filed in response to litigation currently pending in the United States Court of Appeals for the Fifth Circuit encaptioned *Smith v. Adar*. The litigation stems from a New York state adoption of a child born in Louisiana by an unmarried couple. The plaintiffs jointly

adopted the child in New York and obtained an Order of Adoption. The plaintiffs allege that they sought from the office of public health of the Department of Health and Hospitals, an amended birth certificate from the State of Louisiana that properly identifies both of them as the child's legal parents. According to the plaintiffs, the office of public health "rejected" the request to issue an amended birth certificate listing the plaintiffs as parents through a letter dated April 27, 2007. In that letter, the office of public health concluded that Louisiana law and public policy do not permit her to issue a birth certificate with the names of unmarried adoptive parents. The office of public health further relied on an advisory opinion from the Louisiana Attorney General's Office, which concluded that Louisiana is not required to give full faith and credit to an out-of-state adoption decree that violates Louisiana public policy. Plaintiffs aver that to this day, they have been unable to obtain an accurate birth certificate for their child, which has caused harm to the plaintiffs. This legislation would have clarified existing vital records law to provide that the registrar shall issue a new birth certificate for a child born in La., but adopted in a court in another state, only where the adoptive parent is a single person or the adoptive parents are a married couple, which is consistent with adoption laws in Louisiana. The legislation further would have provided that the provisions regarding the issuance of a new birth certificate for a child adopted in another state or a foreign country are procedural and not substantive which allows the law to become retroactive and be used in the pending litigation.

## Homeland Security/Military Affairs

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### HOMELAND SECURITY

Legislative efforts to address issues in homeland security continued during the 2009 Regular Session with a bill aimed at preventing price gouging during declared states of emergency. **Act 512 by Representative Talbot** would define what a "designated emergency area" is, limiting such areas to the actual affected local area or parish or parishes or such areas as designated in an executive order or proclamation of the governor or parish president. The bill also removes the current requirement that the price gouging occur during a named tropical storm or hurricane in or threatening the Gulf of Mexico. The proposal would trigger price gouging prohibitions for 30-day periods pursuant to the initial declared emergency and would require renewal by subsequent proclamations renewing the declared state of emergency. The bill remained on the House calendar, subject to call, awaiting concurrence of Senate amendments as the session headed toward final adjournment.

**Act 538 by Senator Walsworth** provides that the director, deputy director and all employees of the Governor's Office of Homeland Security and Emergency Preparedness shall serve in unclassified service of the state civil service. The bill, a constitutional amendment requiring a 2/3 vote of both houses and approval by voters at a future statewide election, was amended in the House and the Senate concurred in those changes.

**Act 524 by Representative White** requires that each parish or police jury president create an advisory committee on



emergency management. The committee shall offer advice and counsel to the parish or police jury president on homeland security and emergency management issues. The committee would consist of a fire chief from the parish as a representative of all fire chiefs in a parish, a chief executive officer from one of the municipalities of the parish, as a representative of all chief executive officer of the parish, a police chief from the parish as a representative of all police chief of the parish, the sheriff of the parish or his designee, and a senior executive from the emergency medical services community within a parish. The members shall be appointed to the committee by those persons holding the same position within the parish. The committee must meet not less than twice per year and shall submit a report to the director of GOHSEP on or before April 1 of each year, starting April 1, 2010. The proposal also specifies that the annual report shall address those issues identified by the director in consultation with the regional parish office of emergency preparedness parish directors' subcommittee and shall be submitted by January 1 of each year. The bill was scheduled to be heard by the full House

on concurrence of Senate amendments on 6/23/09.

**Act 295 by Representative Landry** had passed both the Senate and House by the last week of the session and was headed for the governor's desk for his veto or signature into law. The bill provides immunity for certain volunteers during a declared state of emergency. It protects any person in coordination with the state or its political subdivisions who gratuitously and voluntarily renders any disaster relief or recovery services shall not be civilly liable for causing death or injury to a person or property, unless the damage was intentional or caused by a grossly negligent act of the provider.

#### **EMERGENCY PREPAREDNESS.**

**Act 494 by Senator Heitmeier** prohibits excessive fuel pricing during a declared state of emergency or during a named tropical storm or hurricane in or threatening the Gulf of Mexico. The proposal also creates an exception to the Unfair Sales Law and allows all gasoline sold or offered for sale at retail or wholesale for use in the operation of motor vehicles, generators, power tools or small engines to be sold for a lower than sales or wholesale prices during a time period and in the specific geographic area in which the price gouging statutes apply. Such time periods shall be for five days or until the state of emergency ends. Although the declaration of emergency must be declared by the governor, the chief executive officer of any political subdivision or the district judge, district attorney or the sheriff of the parish, or the public safety director of a municipality, may request the governor to proclaim a state of emergency within any part or all of the territorial limits of such local government.

The measure also does not create a private cause of action in favor of any person damaged by a violation of the proposed law. The bill was amended by the House and returned to the Senate. It was scheduled to be heard 6/22/09.

Another fuel issue was addressed by **Act 527 by Representative Ligi** which would require alternate generated power capacity at newly constructed or completely rebuilt motor fuel dispensing facilities in certain areas of the state. The bill would affect such facilities for which a certificate of occupancy is issued on or after October 1, 2009. The proposal would apply only in the parishes of Beauregard, Allen, Evangeline, St. Landry, Pointe Coupee, West Feliciana, East Feliciana, St. Helena, Tangipahoa, and Washington and all parishes located south of them. It would not apply to automobile dealers, persons who operate a fleet of motor vehicles, or persons who sell motor fuel exclusively to a fleet of motor vehicles.

**Act 46 by Representative Aubert** authorizes the governor to delegate authority to the secretary of the Department of Transportation and Development to waive certain permit requirements during periods of disaster, emergency, or emergency preparedness. The waiver would allow issuance of special permits during such times for vehicles that do not conform with certain state laws relating to size, width, height, length and weight of loads.

#### **MILITARY AFFAIRS**

**Act 169 by Representative Ernst** had passed both the Senate and House and was headed for the governor's desk late in the session. The measure provides for changes to

the benefits paid to members of the military forces and for expanded power for military judges to punish for contempt of court for certain courts-martial. Under it, military judges of a special or general court-martial shall have the same powers as that of a judge for a state district court for punishments of contempt of court as provided for in the state's Code of Criminal Procedure. The requirement that state forces activated by lawful authority receive benefits established by law for the regular army of the United States was removed from law, but such state forces will continue to receive equivalent pay and allowances. The proposal also provides that the state's Military Department may operate morale, welfare, and recreation facilities and exchanges and may create and operate Non-Appropriated Fund Instrumentalities.

**Act 167 by Representative Jane Smith** had reached the governor's desk by the closing days of the session. It establishes the Louisiana Initiative for Veteran and Service-Connected Disabled Veteran Owned Small Entrepreneurships. Also known as The Veteran Initiative, it provides for certification of certain veteran and service-connected disabled veteran-owned small entrepreneurship by the secretary of the Department of Economic Development and establishes criteria for such certification. The commissioner of administration will be required to set annual goals for the use of veteran and service-connected disabled veteran-owned small entrepreneurship in state procurements and public contracting. The level and number of goals shall be at the discretion of the commissioner. Methods of source selection may be utilized by state agencies for contracting with veteran and service-connected disabled veteran-owned

small entrepreneurship. The commissioner of administration is also required to establish policies for and assist agencies with implementation of the initiative, including standard contract clauses for use by agencies in requests for proposals, advertisements, and solicitations for bids. It also requires the commissioner to provide periodic training for state employees to acquaint them with the requirements of the initiative. The commissioner shall also conduct a training program to acquaint veteran and service-connected disabled veteran-owned small entrepreneurship with state procurement and public contract proposal and bidding practices. The Department of Veterans Affairs shall assist those certified under the initiative with requirements by law relative to procurements and public contracts. The commissioner of administration shall also prepare a report to the legislature on the progress of the initiative in the most recently ended fiscal year and the report shall include contract volumes, dollar values and on graduation rates of initiative participants.

**Act 18 by Representative Edwards** provides that state health care facilities for war veterans shall be available to certain veterans and nonveterans. Such veterans and service-connected disabled veterans who served on active duty and were discharged under other than dishonorable conditions during all periods of peace from the end of World War I up to the beginning of Desert Storm shall be eligible for admission to state war veterans' facilities. Parents and spouses of veterans who were killed in action while in service to our country may be eligible for admission into Louisiana's state war veterans homes if they are eligible un Title 38 of the U.S.C.

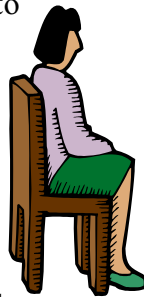
**SB 185 (pending passage Senate Revenue and Fiscal Affairs) By Senator Marionneaux** was an attempt to assist military personnel for services performed full time for not less than 120 days, in-state or out-of-state. Currently, Louisiana law provides for an exemption from the state income tax for the first \$30,000 of income earned by full-time military personnel for services performed outside of the state for the U.S. armed forces. This exemption is effective for all taxable years beginning after December 31, 2002. The proposal died when it failed to move in the Senate.

## Human Resources

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### TAX RELIEF FOR EMPLOYERS

**House Bill 10 by Representative Gary Smith (Referred to the House Ways and Means Committee)** would have provided an additional tax incentive to employers already receiving tax credits, rebates, or incentives for creating jobs in Louisiana. The new incentive would be one-half of one percent of the amount of the existing credit, rebate, or incentive when you give preference and priority to "Louisiana labor and material manufactured in Louisiana."



**Senate Bill 269 by Senator Jack Donahue (Assigned to Senate Revenue and Fiscal Affairs)** would have provided a tax credit for employers paying health insurance premiums for their employees. The credit would apply against Louisiana income tax and the corporate franchise tax when you directly pay health insurance premiums for the benefit of your employees. The credit would be six percent of the total amount of health insurance premiums paid. Payments for spousal and dependent health insurance premiums wouldn't count toward the credit.

The proposed law authorizes the Department of Revenue to adopt rules to carry out its provisions, which could address the specifics of how the credit would work. If passed, the law would become effective for taxable periods beginning on or after January 1, 2010.

**House Bill 100 by Representative Franklin Foil (Assigned to House Ways and Means)**, similar to SB 269 would have specified that the expenses must be incurred for "Louisiana residents" who have lived in Louisiana for at least half of the applicable taxable year. It also would limit the credit to employers that maintain their principal place of business in Louisiana. HB 100 proposed a larger credit for employers (15% of the total premiums paid for employees who are Louisiana residents). The bill would have applied to taxable periods beginning January 1, 2010, and would give the Department of Revenue the authority to promulgate rules and regulations necessary to carry out its purpose.

### UNEMPLOYMENT CONTRIBUTIONS AND BENEFITS

**House Concurrent Resolution 9 by Representative Cedric Richmond (assigned to House Labor & Industrial Relations)** would have expressed the Louisiana Legislature's desire to accept funding allocated for unemployment compensation through the American Recovery and Reinvestment Act of 2009 (ARRA). The resolution notes that a change in unemployment law would be necessary to accept funding, but if adopted, it would convey the legislature's commitment to making that change.

**House Bill 304 by Representative Neil Abramson (assigned to House Ways and Means)** would have provided a credit against individual corporate income taxes for increases in the cost of unemployment insurance contributions attributable to the expansion of unemployment benefits under the ARRA. The credit would be allowed for employers that, in the applicable taxable year, made unemployment insurance contributions for the company or its employees, provided the cost was greater than that paid in the previous tax year for the same individuals.

The amount of the credit would be the difference between contributions paid in the previous tax year and the applicable tax year. The total credit, however, could not exceed the tax liability for the applicable tax year.

**Senate Bill 311 by Senator Lydia Jackson (assigned to Senate Labor & Industrial Relations)** would have expanded unemployment coverage to qualify for funding from ARRA. The proposed law would amend the current unemployment compensation law to provide a special extended benefit program for individuals who have exhausted all rights to regular unemployment compensation under the Louisiana law. To be eligible, participants would have to be enrolled and making satisfactory progress in a state-approved training program or a job training program authorized under the Workforce Investment Act of 1998 and not receiving similar stipends or other training allowances for nontraining costs.

The proposed law would prohibit the denial of unemployment benefits to individuals based on their unavailability for work or failure to apply for work while

enrolled in an approved training program. Persons failing to make satisfactory progress in an approved training program would be ineligible for extended benefits.

The bill prohibits extended benefits from being charged to the experience rating record for "base period" employers. If passed, the bill would allow for the use of an alternate base period, defined as the last four completed calendar quarters immediately preceding the benefit year. The maximum amount of extended benefits per individual would be 26 times his weekly benefit amount.

**House Bill 610 by Representative Cedric Richmond (assigned to House Labor & Industrial Relations)** would have expanded unemployment compensation benefits to individuals who leave employment for "compelling family reasons." Those reasons include (1) domestic abuse, as defined and verified under current law, that causes the individual to reasonably believe continued employment will jeopardize her safety, the safety of immediate family members, or the safety of other employees, (2) the illness or disability of a member of the individual's immediate family, and (3) the relocation of a spouse that makes the individual's commute impractical.

For the proposed law, "disability" would mean a verified mental or physical disability (temporary or permanent, partial or total) that necessitates the care of the family member for a period of time longer than the employer is willing to grant leave. The bill also would redefine the base period as the last four completed calendar quarters immediately preceding the first day of an individual's benefit year.

**House Bill 615 by Representative Sam Jones (assigned to House Labor & Industrial Relations)** would allow individuals seeking or accepting part-time work, rather than full-time work, to receive unemployment benefits. To be eligible, the unemployment claim must be based on the loss of part-time work, and the individual must be willing to accept new work under the same conditions as his previous job.

Similar to SB 311, the bill would extend benefits up to 26 additional weeks to individuals enrolled and making satisfactory progress in state-approved training after exhausting all regular benefits. Individuals receiving allowances or stipends under federal or state law for the training would not be eligible. Additionally, the bill would redefine the base period as the last four completed calendar quarters immediately preceding the first day of an individual's benefit year.

**House Bill 799 by Representative Michael Jackson (substitute adopted on House Floor - became HB 891)** would penalize employers for failing to file payroll reports or make contributions for unemployment purposes within 20 days after they are due by law. The penalties would be five percent of the total amount due if the delinquency is 30 days or less, with an additional five percent for each additional 30-day period (in part or in full), not to exceed 25 percent of the amount due. The penalties also would apply to delinquent filings.

#### **EQUAL PAY FOR WOMEN**

**House Bill 705 by Representative Barbara Norton (failed House final passage)** would have created a new law known as the Louisiana Equal Pay for Women

Act. The Act would have established the state's public policy that payment of lower wages to members of one sex for comparable work and jobs adversely affects worker morale and the general welfare of the state's citizens. The new law would have made it unlawful for any employer with four or more employees to discriminate against a worker based on sex by paying wages as a rate of less than half that paid to other employees of the opposite sex for the same or substantially similar work on jobs requiring equal skill, effort, education, and responsibility.

Pay differential based on a seniority system, merit system, system that measures earnings by quantity or quality of production, or bona fide job-related factors other than sex that further legitimize business purposes would have been allowed under the new law. The bill would have prohibited retaliation against individuals who have (1) filed a charge or initiated a proceeding based on an alleged violation of the law, (2) given or are about to give information in connection with an inquiry or proceeding based on an alleged violation of the law, or (3) testified or are about to testify in connection with any inquiry or proceeding relating to rights provided by the law.

Employees would have been required to provide written notice of the alleged violation. After receiving notification, the employer would have 90 days to remedy the violation before the employee could initiate a proceeding against you. Violations would have been subject an employer to damages in the amount of any unpaid wages and an additional amount (one-half the unpaid wages) as liquidated damages, plus reasonable attorney's fees and costs. Employees would have been able to recover monetary relief for

violations occurring within the 36 months preceding written notification of the violation. Employment, reinstatement, promotion, and lost benefits may also have been awarded.

Employees who pursue frivolous claims may have been liable for reasonable damages, attorneys' fees, and costs. Claims would have had to be filed within one year of the date the violation, although the one-year limitation would be suspended during the 90-day notice period. The proposed law also requires you to maintain records of employees' names, addresses, occupations, and wages for a period of three years.

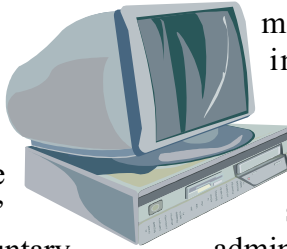
**Senate Bill 286 by Senator Yvonne Dorsey (assigned to Senate Labor & Industrial Relations)** is nearly identical to HB 705, with one exception: SB 286 wouldn't suspend the one-year filing deadline during the 90-day notice period.

## Information Technology

by: Gary Schaefer  
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### BOATS

**House Bill 478 by Representative Harrison (Act 508)** provides for titling of outboard boat motors and adds such titling to the Department of Wildlife and Fisheries' computer system that allows the voluntary electronic recording of instruments relative to the perfection of and releasing of security interests in titled vessels.



monitoring and reading of sales information regarding products containing these substances at the point of sale instantly and on a real-time basis. The central computer system shall be located within and administered by the Department of Public Safety and Corrections in the office of state police.

### BOARDS/COMMISSIONS

**House Bill 407 by Representative Smiley (Act 12)** requires the commissioner of administration, by March 1, 2010, to establish and maintain a website to post contract information, membership information, employee information, and financial and budget information concerning certain boards, commissions, and like entities that are licensing agencies. The bill requires all submissions of information shall be made in an electronic format designated by the commissioner of administration.

### CONTROLLED SUBSTANCES

**House Bill 890 by Representative Mills (Act 314)** provides for the sale and monitoring of nonprescription products containing ephedrine, pseudoephedrine and phenylpropanoamine; the bill provides that upon the recordation of the transaction information, the pharmacy shall transmit the information immediately to a central computer system for purposes on monitoring the sale of these products. The central computer system shall be designed and operated to allow the

### CRIME

**House Bill 569 by Representative White (pending senate commerce)** would have imposed a fee on Internet providers to fund the Internet Crimes Investigation Fund for use by the Department of Justice in the investigation and prosecution of crimes involving the Internet.

### CRIME/PUNISHMENT

**Senate Bill 145 by Senator Crowe (Act 193)** creates the crime of unauthorized use of a wireless router system for the purpose of downloading, uploading, or selling pornography involving juveniles.

### CRIME/SEX OFFENSES

**House Bill 87 by Representative Carmody (Act 198)** amends elements of the crime of indecent behavior with juveniles involving lewd or lascivious communications to include any communication of any kind, whether electronic or otherwise, made through the use of the U.S. mail, any private carrier, personal courier, computer on-line service, Internet service, local bulletin board service, Internet chat room, electronic mail, on-line

messaging service, or personal delivery or contact. The bill further provides fines and imprisonment with or without hard labor for not more than seven years or both.

**House Bill 310 by Representative Hazel (Act 58)** provides that the crime of computer-aided solicitation of a minor includes the circumstance where a person solicits, through electronic textual communication, sexual conduct for a third party from a person under the age of seventeen.

**House Bill 366 by Representative Wootton (Act 205)** provides relative to monitoring of sex offenders and allows the periodic unannounced inspection of the contents of the offender's computer or any other computerized device or portable media device and the removal of such information, computer, computer device, or portable media device to conduct a more thorough inspection.

**House Bill 755 by Representative Edwards (Act 382)** provides law enforcement agencies that seize photographs, films, videotapes, or other visual reproductions of pornography involving juveniles shall provide copies of those reproductions to the Internet Crimes Against Children Division within the attorney general's office.

#### **DISTRICTS/SPECIAL**

**House Bill 647 by Representative Downs (Act 69)** authorizes the governing authority of Lincoln Parish to create the Lincoln Parish G.I.S. District.

#### **DWI**

**Senate Bill 15 by Senator LaFleur (pending judiciary b committee)** would have required the Department of Public Safety and Corrections to establish the Impaired Driver Tracking System as a component of the Integrated Criminal Justice Information System Project. The bill would have required that such tracking system be designed to provide accurate and reliable information regarding the arrest of each impaired driver for certain offenses (e.g., vehicular homicide, vehicular negligent injury, first degree vehicular negligent injuring, operating a vehicle while intoxicated) and information on prosecution, dismissal, conviction, disposition, or completion of the sentence. The bill would have further provided that all agencies participating in the Impaired Driver Tracking System would have had access to the data collected.

#### **GOVERNMENT ORGANIZATION**

**Senate Bill 320 by Senator Alario (Act 409)** abolishes the office of electronics services within the office of information technology in the division of administration and combines staff and selected duties into the office of information technology. The bill further provides that the Louisiana Geographic Information Systems Council will advise the chief information officer on the activities and duties of and provide oversight to the Louisiana Geographic Information Center. The Louisiana Geographic Information Center may apply for, accept, and utilize grants, contributions, and other funding in order to carry out its powers, functions, and duties and the directives of the chief information officer.

**HEALTH CARE**

**House Concurrent Resolution 107 by Representative Tucker (Enrolled)** urges and requests the Department of Health and Hospitals to study whether Louisiana should implement information technology utilized by the U.S. Department of Veterans Affairs.

**Senate Bill 282 by Senator Hebert (Act 354)** requires, no later than March 31, 2010, or thirty days from the effective day of a new contract, each hospital or ambulatory surgical center to provide to each health insurance issuer with which it contracts the National Provider Identifier (NPI) the name, business address, and business telephone number of each individual or group of anesthesiologists who provide services at that facility. Based on the information received, a health insurance issuer shall report on its website, no later than June 30, 2010, in a clear format and arranged by contracted facility information concerning each facility's name, address and phone number; and the names, business addresses and business telephones numbers of the practicing health care providers that are contracted with the health insurance insurer. A link to the health insurance issuer's website shall be provided to the Department of Insurance and the department shall make those links available on the department's website.

**HOSPITALS**

**Senate Bill 246 by Senator Cheek (Act 489)** enacts the Electronic Health Records Loan Program Act and authorizes the secretary of the Department of Health and Hospitals to enter into a cooperative endeavor agreement with the Rural Hospital Coalition, Inc. The agreement is to facilitate access to funding for the acquisition and

implementation of certified electronic health records technology, which includes telemedicine, by rural hospitals and health care providers that are eligible for enhanced Medicare reimbursement under the American Recovery and Reinvestment Act of 2009. The bill further provides for the expansion and administration of Louisiana Rural Health Information Exchange.

**JUDGES/JUSTICE OF PEACE**

**House Bill 712 by Representative Gary Smith (Act 222)** provides justices of the peace shall be notified of the Attorney General's Arrest Warrants Course by mail and the information about the courses shall be posted on the website of the attorney general.

**LEGISLATION/BILLS**

**House Concurrent Resolution 90 by Representative Billiot (pending senate final passage subject to call)** would have required the clerk of the house and the secretary of the senate to provide an electronic mail notification system that allowed a member of the public to select, via the Internet, one or more standing committees of the legislature and to receive electronic mail notifications identifying the instruments referred to such committee or committees. The resolution would not have required more than one electronic mail notification per committee per day per person regarding referred instruments, and would have become effective January 1, 2010.

**MILITARY AFFAIRS**

**House Bill 559 by Representative Jane Smith (Act 167)** provides for certification of veteran and service-connected disabled veteran-owned entrepreneurship and requires the Department of Economic

Development maintain an Internet listing of all veteran and service-connected disabled veteran-owned small entrepreneurship, to be updated monthly and report annually to the commissioner of administration with respect to the graduation rates for businesses that grew to exceed the eligibility requirements for certification in the last year.

## **PUBLIC CONTRACTS**

**House Bill 663 by Representative Ligi (pending house transportation committee)** would have authorized political subdivisions to develop uniform standards for the receipt of electronic bids.

**House Bill 823 by Representative Danahay (Act 227)** exempts special service districts created by a parish with a police jury form of government from the requirements relating to the receipt of bids via high speed Internet access. The bill provides any special service district created by a police jury form of government and which is unable to comply with R.S. 38:2212(A)(1)(f)(ii) without securing and expending additional funding shall be exempt from the provisions of this law. The special service district shall be exempted from any expenditures for high speed Internet access, software, personnel costs, training, or other office equipment directly relating to the receipt of bids via high speed Internet access.

## **SCHOOLS**

**House Bill 570 by Representative Hoffmann (Act 214)** provides policies, procedures, and practices at public elementary and secondary schools concerning electronic communications by an employee at a school with a student at that school. The bill provides records of any such reported

communication shall be maintained by the school board for a period of at least one year.

**House Bill 821 by Representative Carter (Act 310)** requires BESE, beginning with the 2009-2010 school year, to publish annually revenue and expenditure data on the state Department of Education's website. The bill provides the State Board of Elementary and Secondary Education shall establish a system for the uniform collection and reporting of all data required by this bill.

## **TAX/AD VALOREM TAX**

**House Bill 83 by Representative Tim Burns (Act 498)** provides for additional public notice requirements related to proposed increases in millage rates without voter approval. The bill requires that if the taxing authority has an Internet website the notice for the rolling forward of millages shall also be posted on the Internet website of the taxing authority.

**House Bill 632 by Representative Tim Burns (pending ways and means committee)** would have allowed for the taxing authority to roll forward ad valorem tax millages after reappraisal or a change in the homestead exemption; the bill would have required that on the first day of newspaper publication concerning the rolling forward of millages, the notice would have also been posted on the Internet website of the taxing authority or, in the absence of the same, the websites of the assessor and the parish governing authority. The Internet posting would have remained active until such time as the taxing authority had taken action to approve or disapprove, or had abandoned action on the proposed millage increase.

**TAX CREDITS**

**House Bill 126 by Representative Labruzzo (pending ways and means committee)** would have authorized an income or corporation franchise tax credit for the purchase of computer equipment for use in medical offices located in medically underserved areas of the state.

**House Bill 457 by Representative Henry (pending revenue and fiscal affairs committee)** would have removed the January 1, 2010, termination date for issuance of the digital interactive media producer tax credit.

**Senate Bill 201 by Senator Riser (pending revenue and fiscal affairs committee)** would have authorized the Department of Economic Development to grant refundable tax credits to one of the following six Vision 2020 cluster industries: biotechnology, biomedical, and medical industries serving rural hospitals; micro-manufacturing; software, auto regulation, Internet, and telecommunications technologies; environmental technology; food technologies; and advanced materials.

**House Bill 791 by Representative Greene (pending ways and means committee)** would have authorized the Department of Economic Development to grant refundable tax credits to one of the following six Vision 2020 cluster industries: biotechnology, biomedical, and medical industries serving rural hospitals; micro-manufacturing; software, auto regulation, Internet, and telecommunications technologies; environmental technology; food technologies; and advanced materials.

**Senate Bill 288 by Senator Walsworth (pending revenue and fiscal affairs committee)** would have created the Broadband Technology Tax Credit for telecommunication companies.

**House Bill 793 by Representative Greene (pending ways and means committee)** would have authorized the Broadband Technology Tax Credit for telecommunication companies.

**TAX/SALES**

**Senate Bill 315 by Senator Michot (pending revenue and fiscal affairs committee)** would have provided sales tax exclusions for computers and software that were an integral part of the machinery and equipment used directly in manufacturing.

**House Bill 643 by Representative Hines (pending ways and means committee)** would have excluded Internet sales from state and local sales and use taxes.

**TAX/TAXATION**

**Senate Bill 277 by Senator Duplessis (Act 454)** encourages development in Louisiana of a strong capital base for the production of digital interactive media products and platforms in order to achieve a more independent, self-supporting industry. The bill defines digital media and provides for digital media state income tax credits.

**TELECOMMUNICATIONS**

**Senate Bill 29 by Senator Riser (Act 105)** enacts the Louisiana Anti-Caller ID Spoofing Act to protect Louisiana citizens from caller ID scams, which have lead to financial loss, the loss of personal information, harassment, and to threatening

telephone calls. The bill exempts any private investigator licensed by the state and any duly authorized process server who is attempting to serve process on a person, which the court has determined has purposely avoided the services of process. The bill also clarifies that the exemption includes law enforcement agencies and federal intelligence or security agencies pursuant to an active criminal investigation.

#### **TRANSPORTATION DEPARTMENT**

**Senate Bill 258 by Senator McPherson (substituted became Senate Bill 351)** would have granted authority to the Department of Transportation and Development to execute design-build contracts and would have required a notice of intent be posted on the department's Internet webpage for a minimum of ten days.

**Senate Bill 351 by Senator McPherson (Act 262)** grants authority to the Department of Transportation and Development to execute design-build contracts and requires a notice of intent be posted on the department's Internet webpage for a minimum of ten days.

**Senate Bill 308 by Senator McPherson (Act 255)** provides for the selection of consultants by the Department of Transportation and Development, removes the requirement of advertising in certain media, and requires the advertisement to be posted on the department's website for a minimum of ten business days prior to the deadline for receipt of responses.

**House Bill 597 by Representative Little (Act 41)** provides for the electronic transmission of a notice to inform bidders that addenda have been posted to the Department

of Transportation and Development's website.

#### **VOTING/REGISTRATION**

**House Bill 507 by Representative Pugh (Act 186)** provides if records of a registrar of voters are destroyed as a result of a catastrophic loss or damage, every attempt shall be made to recreate the records. The bill provides that computer records from the secretary of state's database shall be deemed the original records until the records can be recreated.

**House Bill 520 by Representative Cromer (Act 187)** allows a person who has a valid Louisiana driver's license or Louisiana special identification card to register to vote or make changes to his existing registration by completing and submitting an electronic voter registration application on the secretary of state's website.

# Insurance

by: Cheryl Horne  
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Under the experienced leadership of a new committee chairman, the Senate Committee on Insurance tackled a full compliment of legislative instruments this session. Senator Troy Hebert set the tone for the committee by making certain that every piece of legislation was given full consideration by the committee with the foremost objective of working in the best interest of all the citizens of Louisiana. The committee extended the spirit of working in concert with the insurance industry representatives, the Department of Insurance and all legislators to address the all insurance issues facing the committee.

**Senate Bill 130 by Senator Hebert (Act 483)**, In the aftermath of hurricane Katrina, Louisiana Citizens Insurance Corporation ("Citizens") has continued to be in need of statutory refinement. The legislation filed by Senator Hebert, with the complete support of the Department of Insurance, changes the method of setting the rates charged by Citizens. Specifically, Citizens rates, except in certain circumstances, exceed by at least 10% the higher of one of the following:

- (1) The actuarially justified rate.
- (2) The highest rates charged among the assessable insurers that have a minimum of 2% of the total direct written premium in each respective parish for that line of business in the preceding year.

- (3) With respect to personal lines property insurance, excluding wind and hail policies only, the highest rates charged among assessable insurers in each respective parish which in the preceding year increased by at least 25 additional personal lines property insurance policies, excluding wind and hail policies, personal total number of policies in effect for the parish over the year before.

Further, until August 15, 2011, regardless of whether a competitive market exists, the increased rates charged by Citizens shall not apply in the parishes of Calcasieu, Cameron, Vermilion, Iberia, St. Tammany, St. Mary, Orleans, Jefferson, St. Bernard, Plaquemines, Terrebonne, and Lafourche.

**Senate Bill 170 by Senator Broome (withdrawn from the files of the Senate)** was the most contentious piece of legislation heard by the committee. Sponsored by the Department of Insurance, this complicated piece of legislation attempted to address the issue of health care provider network adequacy. As originally filed, the bill required a health insurance issuer to maintain a network that is sufficient in numbers and types of health care providers to ensure that all services to covered persons will be accessible without unreasonable delay. Access to emergency services twenty-four hours per day, seven days a week was a critical requirement. The bill further stipulated that where the issuer has an insufficient number or type of

providers, the issuer must ensure that the covered person obtains the covered health care service at no greater cost than if the covered health care service is obtained from network providers, or make other arrangements acceptable to the commissioner of insurance. As an additional requirement, when an out-of-state or out-of-network health care provider agrees to the network contracted reimbursement rate of the covered person's health insurance issuer and a covered person has been diagnosed with or is being treated for a life-threatening, terminal illness, such covered person would have the right to request covered health care services from that out-of-state or out-of-network provider.

Given the seemingly insurmountable task of passing the legislation, Senator Broome elected to proceed with a concurrent study request that is sure to keep both the Senate and House Insurance committees busy during the interim.

**Senate Bill 282 by Senator Hebert (Act 354)** provides that no later than March 31, 2010, or within 30 days of the effective date of a new contract, each base health care facility shall provide to each health insurance issuer with which it contracts, the National Provider Identifier (NPI) name, business address, and business telephone number of each individual or group of anesthesiologists, pathologists, radiologists, emergency medicine physicians, and neonatologists who provide services at that facility. Thereafter, the facility notify each health insurance issuer of any changes to the information as soon as possible but not later than 30 days following any change. The bill also provides that no later than March 31, 2010, or within 30 days of the effective date of a new contract, each

individual or group of anesthesiologists, pathologists, radiologists, emergency medicine physicians, and neonatologists who provide services at a contracted facility must provide the health insurance issuer with which it is contracted, the NPI, name, business address, and business telephone number of each group or individual so contracted. Thereafter, the group or individual so contracted notify each health insurance issuer of any changes to the information as soon as possible but not later than 30 days following any change. This legislation is a critical step in addressing the issue of insureds being surprised by out-of-network balance billing.

**House Bill 333 by Representative Kleckley (Act 134)** provides the following for all homeowners' insurance policies or other policies insuring one- or two-family owner occupied premises for fire and allied lines issued or renewed by authorized insurers on or after Jan. 1, 2010:

(1) Any separate deductible that applies in place of any other deductible to loss or damage resulting from a named storm or hurricane must be applied on an annual basis to all named-storm or hurricane losses that are subject to the separate deductible during the calendar year.

(2) If an insured incurs named-storm or hurricane losses from more than one named storm or hurricane during a calendar year that are subject to such separate deductible, the insurer may apply a deductible to the succeeding named storms or hurricanes that is equal to the remaining amount of the separate deductible or the amount of the deductible that applies to all perils other than a named storm or hurricane, whichever is greater. Insurers

are authorized to require policyholders to maintain receipts or other records of such losses, in order to apply such losses to subsequent named-storm or hurricane claims.

**House Bill 437 by Representative McVea (Act 36)** requires disclosure of separate hurricane, wind, or named-storm deductibles on homeowners' and fire insurance policies. All disclosures on such policies are for informational purposes only. Present law provides for certain disclosures on fire insurance policies on commercial property, including: which coverages are included; whether an increased deductible is required for hurricane damage; whether the insured has coverage for flooding or mold; that flood insurance is available through the National Flood Insurance Program; and that excess flood insurance may be available by a separate policy. This legislation would make such disclosures applicable to all fire insurance policies; however, the disclosure of whether an increased deductible is required for hurricane damage is removed. Instead, disclosure is required as to whether a separate deductible is necessary for hurricane, wind, or named-storm damage, and, if so, one standardized example of how such a separate deductible will be applied under the policy. Examples need not be customized for each policyholder. Additionally, any disclosure provided must be for informational purposes only and cannot amend, extend, or alter the coverages provided in the policy. These notices cannot be admissible in any action brought concerning the policy except for the sole purpose of showing that the notice was or was not provided.

## Judiciary



by: Tom Wade  
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In this year in which the members of the legislature were faced with severe economic conditions and budget issues the likes of which have not been seen in many years, few instruments were filed in the subject matter areas involving the judiciary, other than a few local measures affecting only one parish or a single judicial district. The one bill that had statewide impact for the judiciary was **House Bill 863 by Representative Fannin (Act 50)**, which provides funding for the ordinary expenses of the judicial branch.

**House Bill 863 (Act 50)** appropriates funds from the following sources: \$132,362,434 out of the State General Fund (Direct); \$8,670,000 through interagency transfers from the Dept. of Social Services; and \$9,126,715 from statutory dedications out of the Judges' Supplemental Compensation Fund, Trial Court Case Management Fund, and the Patients' Compensation Fund.

Funding for the ordinary operating expenses of the judicial branch of government is provided as follows, subject to the reduction provided for below:

(1)	Louisiana Supreme Court	\$ 68,959,391
(2)	Courts of Appeal	41,591,762
(3)	District Courts	32,432,104

(4)	Criminal Court, Parish of Orleans	5,371,703
(5)	Juvenile and Family Courts	2,227,779
(6)	Other Courts ( <i>Required by Statute</i> )	2,658,375
(7)	Other Courts ( <i>Not Required by Statute</i> )	616,012

**TOTAL           \$ 153,857,126**

It provides that the appropriations out of the State General Fund (Direct) contained in the Act shall be reduced by a total amount of \$3,697,977 pursuant to a plan adopted by the Judicial Budgetary Control Board or as approved by the Louisiana Supreme Court. It became effective July 1, 2009.

## Juvenile Justice

by: Camille Sebastien Perry  
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**Senate Bill 32 by Senator Chaisson (Act 195)** authorizes St. John the Baptist Parish to utilize special taxes that were previously levied for the purposes of funding the costs of housing and detaining juveniles that are currently on hand and any funds to be received for any other approved juvenile detention in St. John the Baptist Parish or in any other parish and further authorizes St. John the Baptist Parish to appropriate and expend such funds for operation and maintenance costs and for construction or renovation of a facility to house the juvenile probation officers, judges, counselors, and other personnel associated with juvenile services.

**Senate Bill 56 by Senator Donahue (Act 75)** increases the number of commissioners on the Florida Parishes Juvenile Justice Commission from seven to eight by authorizing both the district attorney of the Twenty-First Judicial District and the district attorney for the Twenty-Second Judicial District to appoint a commissioner to the commission for terms of four years.

**Senate Bill 61 by Senator Heitmeier (Act 230)** provides that upon a showing of good cause, the court may authorize the Department of Health and Hospitals to use appropriate restraints on the person of a child during transport until further order of the court. The bill was amended in House committee and now provides that subsequent to a finding that a child is incompetent to proceed pursuant to a felony charge, upon a

showing of good cause that a child presents a danger of flight, the court may authorize Department of

Health and Hospitals to use appropriate restraints on the person of a child during transport, until further order of the court. Additionally, the bill also requires that the use of restraints comply with the policy of the Department of Health and Hospitals on seclusion and restraints.

**Senate Bill 253 by Senator Gray Evans (involuntarily deferred in House Committee)** would have provided for a bill of rights for children adjudicated delinquent in the custody of the office of juvenile justice, and to children in pre-adjudication and post-adjudication held in juvenile detention centers. The bill provided as follows:

- (1) Every child in a facility has a right to personal safety and human dignity and no child shall be subject to unreasonable bodily restraints.
- (2) No child shall be subject to any physical, verbal or sexual abuse while in any facility and a zero tolerance policy is required regarding sexual harassment, abuse and exploitation, as well as training for all staff, policies on discrimination, implementation of a positive behavioral management system and a policy prohibiting the use of excessive force is also required.



- (3) Every child in a facility has the right to adequate medical, mental, and dental healthcare and provides that all medical records are confidential, unless disclosure is required for the protection of the child or for other good cause.
- (4) Every child in a facility has the right to maintain bonds with his family and community; therefore, the facility shall provide rooms for family visitation, a visitation schedule, information regarding the well-being of the child, free regular telephone calls and means for written communication.
- (5) Every child in a facility has the right to a free, appropriate education.
- (6) Every child in a facility has the right to at least one hour of outside exercise daily.
- (7) Every child in a facility has the right to be held in the least restrictive environment available which is necessary to meet the needs of the child and the public and children subject to out-of-home placement shall be held in a rehabilitative environment that is reasonably related to the purpose of the placement.
- (8) Every child in a facility has the right to access the courts; therefore, they shall be informed of the right to communicate with their attorney and the attorney shall be notified if the child suffers any injury that requires medical attention or is placed in isolation for more than 24 hours.

- (9) Every child in a facility has the right to the enforcement of the Children's Bill of Rights and access pursuant to the Louisiana Children's Code grievance process.
- (10) Each facility or agency is required to produce a grievance report at least twice a year to be sent to the Juvenile Justice Implementation Commission.

**Senate Bill 260 by Senator Claitor (Act 83)** provides that in support enforcement cases in East Baton Rouge, a support order may be transferred to the juvenile court or to family court.

**Senate Bill 302 by Senator Broome (Act 253)** provides that by June 30, 2009, the Jetson Center for Youth-East Baton Rouge Parish Unit shall be converted to a regional treatment facility and renamed the Louis Jetson Center for Youth. The facility will be required to have a design capacity aligned with national best practices and the design shall limit the dormitory capacity to twelve youths and implement a therapeutic setting. The regional facility shall not house more than ninety-nine youths. The bill also requires the office of juvenile justice to develop a comprehensive plan for the transitioning of these youth and conversion of the facility based upon the health, safety, and best interest of each child and the protection and public safety of society. The plan is to include strategies and activities to incorporate the following:

- (1) Use of standardized and validated assessment of youth risk need factors.
- (2) Use of treatment interventions that target known predictors of crime and

recidivism to prepare youth offenders for success in the community.

- (3) Use of evidence-based programs.
- (4) Staff development.
- (5) Family involvement.
- (6) Continuous quality improvement and evaluation of programs.
- (7) Staff-to-youth ratio in secure facilities with plans to achieve a staffing structure consistent with positive behavior treatment models.
- (8) Statistics of percentage of youth involved in fights in secure facilities with improvement plans.
- (9) A time line that highlights the benchmarks to successful implementation of the plan.

The plan is also required to include a recommendation for implementation and funding for three regional youth centers with populations not to exceed ninety-nine youths and dormitory units not to exceed twelve youths, and recommendations for the development of operating procedures to ensure that violence and other documented problems at Jetson Center for Youth-East Baton Rouge Parish Unit are not replicated at Louis Jetson Center for Youth. The secretary of the department is required to submit the plan on or before November 20, 2009, and a status report is required to be submitted to the Juvenile Justice Reform Act Implementation Commission until such time as the facility is

converted to the Louis Jetson Center for Youth detailing the total number of youths in the facility and other information requested by the commission.

The plan is required to be submitted to the Juvenile Justice Implementation Commission no later than December 30, 2009, and a progress report on the plan shall be submitted on an annual basis to the Juvenile Justice Implementation Commission.

**Senate Bill 347 by Senator Mount (Act 261)** provides that if a parent or legal guardian of a juvenile is charged and convicted of contributing to the delinquency of the juvenile by becoming involved in the commission of a crime of violence which is a felony or a violation of the Uniform Controlled Dangerous Substances Law or by becoming involved in the commission of any other felony, the sentence imposed under present law shall be without benefit of probation, parole, or suspension of sentence for a minimum of two years.

The bill was amended in the House Committee on the Administration of Criminal Justice and now provides that if a parent or legal guardian of a juvenile is charged with and convicted of contributing to the delinquency of the juvenile by enticing, aiding, soliciting or permitting the juvenile to become involved in the commission of a crime of violence or a felony drug offense, the parent or legal guardian shall be required to serve at least one year without benefit of probation, parole or suspension of sentence. The bill further provides that if a parent or legal guardian of a juvenile is charged with and convicted of contributing to the delinquency of the juvenile by enticing,

aiding, soliciting, or permitting the juvenile to become involved in the commission of any other felony offense, the parent or legal guardian shall be required to serve a minimum mandatory sentence of a least six months. Additionally, the bill as amended authorizes a court to order a child's caretaker to perform court-approved community service activities in any case in which the family has been adjudicated to be in need of services. Such community service is to be performed with the child when deemed to be in the best interest of the child. The bill also authorizes the court to order a child's parent or legal guardian to perform court-approved community service activities as a condition of probation if the child is adjudicated for a misdemeanor-grade delinquent act and the child is placed on probation in the custody of his parents or other suitable person. Such community service shall be performed by the child and his parent or legal guardian together when deemed to be in the best interest of the child.

**House Bill 221 by Representative Thibaut (Act 158)** deletes the present law provision that upon reaching the age of seventeen, if the child does not have a felony conviction in adult court and has not been adjudicated for a felony-grade delinquent act, the fingerprint card shall be destroyed with the juvenile records in accordance with law.

**House Bill 282 by Representative Champagne (Act 132)** provides that the early intervention pilot program in the parishes of Iberia, St. Mary, and St. Martin shall become a permanent program.

**House Bill 565 by Representative Ernst (Act 213)** clarifies that the consent of the district attorney is required when the court

utilizes a teen or youth court program when entering into an informal adjustment agreement and increases the duration of the period of informal adjustment for juveniles to a maximum of two years.

**House Bill 383 by Representative Hines (pending in Senate committee)** would have authorized the court to order a caretaker to perform court-approved community service activities in any case in which the family has been adjudicated to be in need of services. Additionally, the bill would have authorized the court to order a child's parent or legal guardian to perform court-approved community service activities as a condition of probation if the child is adjudicated for a misdemeanor-grade delinquent act and the child is placed on probation in the custody of his parents or other suitable person.

**House Bill 701 by Representative Thibaut (Act 100)** authorizes the board of commissioners of any juvenile justice district established by state law, if not otherwise prohibited by law, in addition to any other authority and power granted by law, to enter into a cooperative endeavor agreement with any other state, parish, or local agency to provide for the establishment and maintenance of evidence-based juvenile services and programs, including but not limited to any early intervention program established by any district attorney having jurisdiction within the juvenile justice district. Additionally, and if not otherwise prohibited by law, in association with such qualified programs, the board of commissioners is specifically authorized to expend any and all funds collected and pay any and all negotiated costs and expenses for these juvenile services and programs provided within the district.

**House Bill 715 by Representative Leger (involuntarily deferred in House committee)** would have provided that a fifteen or sixteen year old who has been tried and convicted of certain crimes following a transfer to adult court by present law provisions would become eligible for parole consideration upon reaching his thirty-first birthday, if not otherwise eligible at an earlier date.

**House Bill 894 by Representative Peterson (Act 170)** authorizes the court to recommend that a child, if eligible, participate in a Functional Family Therapy Pilot Program in addition to any other disposition which may be ordered as a result of adjudication. The bill further requires the Department of Public Safety and Corrections, youth services, office of juvenile justice, to establish and maintain the Functional Family Therapy Pilot Program to provide services to at risk juveniles and their families based upon a functional family therapy model of intervention. The program is to be based upon evidence-based practices and shall provide services which shall include but are not limited to substance abuse counseling and interventions aimed at enhancing interpersonal relationships, developing conflict resolution skills, and developing coping mechanisms for managing anger and stress. Additionally, the bill authorizes the office of juvenile justice to enter into cooperative endeavor agreements or contracts with any department or agency of the state or federal government, any nonprofit organization, any public or private service provider, or any community-based organization to implement the provisions of proposed law and requires the promulgation of administrative rules in accordance with the Administrative Procedure Act. The program is open to juveniles who are eleven years of

age or older, but less than eighteen years of age who have been adjudicated delinquent. The following juveniles shall not be eligible for participation:

- (1) A juvenile who is subject to the jurisdiction of the criminal court or has been transferred to the criminal court for prosecution as an adult.
- (2) A juvenile who is accused of committing a sex offense.
- (3) A juvenile who is accused of committing a crime of violence.

The provisions of present law regarding this program shall take effect and become operative if and when sufficient funds are appropriated for such purposes.

**House Concurrent Resolution No. 77 by Representative Baldone (Enrolled)** urges and requests the Judicial Council of the Supreme Court of Louisiana to study and make recommendations regarding the development of uniform standards and licensing procedures for local juvenile detention facilities, and report its findings and recommendations to the Louisiana Legislature prior to March 1, 2010.

**House Concurrent Study Request 2 by Representative Baldone (Approved)** requests the House Committee on Administration of Criminal Justice and the Senate Committee on Judiciary B to meet and to function as a joint committee to study the Missouri Model of rehabilitation of juvenile offenders and to report the findings of the joint committee to the legislature prior to the convening of the 2010 Regular Session.



## Labor/Employment

by: Mary O'Brien  
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### 2009 REGULAR SESSION

Looming over all the labor and employment legislation introduced and discussed in this legislative session was the issue of accepting federal stimulus dollars for extensions of Unemployment Insurance benefits (UI). The Jindal administration took a firm stance early in the year to not accept dollars that would require a statutory expansion of UI benefits to unemployed workers in Louisiana. As the discussion between the Louisiana Workforce Commission and the U.S. Department of Labor progressed, the questions moved from whether or not the required change in Louisiana law could be rescinded without the state being required to repay the funds to the impact of increased benefits paid on employers' experience ratings, upon which UI tax rates are based. At the final Senate Committee on Labor and Industrial Relations meeting, the Executive Director of LWC, Tim Barfield, pledged that the state will continue to work with the federal government to obtain a waiver of including these increased payments in the experience rating and social charges which are used in calculating costs borne by Louisiana's employers. While the Legislature in this session failed to change existing UI law and to accept, by resolution, the UI stimulus dollars, the acceptance of the funds remains a possibility until August, 2011.

### WORKERS' COMPENSATION

During the 2008 Regular Session, lawmakers and representatives of labor, business (including self-insured businesses), medical professionals and health care providers, and insurers sought ways to shorten the time that workers remain in the workers' compensation system and, at the same time, reduce costs. The Workers' Compensation Advisory Council was reassembled for the purpose of reviewing workers' compensation bills and advising the legislature about the advisability of such legislation. The council met often during the last year in an effort to produce a compromise that would meet the primary goal of shortening the time that workers are in the system and, secondarily, reduce workers' compensation costs in Louisiana. Medical professionals and health care providers were seeking the ability to dispense the appropriate care to their patients in a timely manner and with limited interference from insurers and employers.

**Senate bill 303 by Senator Neil Riser (Act 254)** provided for a process to develop medical treatment schedule lines for use in workers' compensation cases. The advantage would be that once the process produces a schedule comprised of guidelines, any medical professional or health care provider operating within the scope of the guidelines would be presumed to be delivering the necessary and appropriate care to the workers' compensation patient. This outcome should reduce the time needed for the patient to be treated, reduce litigation regarding necessary and appropriate

care, and, because of these two factors, result in both reduced time in the system and reduced costs for businesses and insurers. Medical professionals and health care providers would have considerably more certainty regarding payment for the care they dispense. The process of developing a schedule provides for a group of medical professionals to advise the director of the office of workers' compensation administration on the guidelines that would be appropriate for each of the numerous body parts which are frequently injured in workers' compensation situations. The director of OWCA would also contract for a medical director who would mediate disagreements regarding implementation of the medical treatment guidelines.

Workers' compensation coverage for volunteer firefighters was the focus of **House bill 729 by Representative Robert E. Billiot (Act 304)**. Currently, workers' compensation is statutorily allowed, but no insurer in Louisiana is writing such coverage. Representative Billiot's bill would require medical coverage only, would allow the state fire marshal to use a limited amount of dollars from the "Two Percent Fire Insurance Fund" to fund this coverage, and would limit coverage to those volunteer firefighters whose names appear on the roll of firefighters prior to the firefighter being injured. A maximum of three percent of the monies in the Two Percent Fire Insurance Fund may be used for the purpose of purchasing such insurance coverage for volunteer firefighters.

**House bill 658 by Representative Chris Roy (VETOED)** would have extended the prescriptive period for claiming workers' compensation benefits due to a developmental disability from two years to three years.

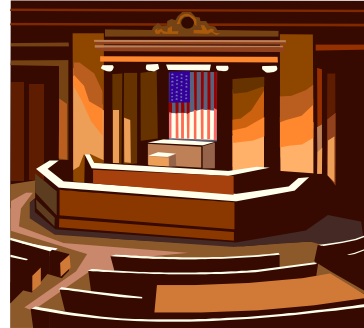
## **UNEMPLOYMENT INSURANCE BENEFITS**

The Louisiana Workforce Commission reported two significant issues regarding employers and their duties regarding benefits provided to unemployed workers. **House bill 891 by Representative Michael Jackson (Act 191)** establishes penalties for employers who do not timely report their payroll to the commission. The commission reported that nearly ten percent of employers are tardy in filing their payroll report. No penalties were provided for until passage of this legislation.

**House bill 892 by Representative Michael Jackson (Act 149)** also involves timely responses by employers. The legislation requires employers to timely, or within ten days, provide wage, employment, and separation information as requested by the administrator. Ten days is considered timely. If the information is not provided in a timely manner without good cause, the employer is considered to have abandoned his appeal rights. The commission shall have discretion whether to impose the penalty of forfeiture of appeal rights.

## Legislative Affairs

by: *Laura Gail Sullivan*  
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### LEGISLATIVE SESSIONS

**Senate Bill 5 by Senator Riser (Act 537)** proposes a constitutional amendment relative to the timing of legislative sessions. If approved by the voters, regular legislative session in even-numbered years would begin on the second Monday in March (rather than the last Monday in March) and in odd-numbered years would begin on the second Monday in April (rather than the last Monday in April). The amendment would further change the effective date of laws enacted during a regular session from August 15<sup>th</sup> to August 1<sup>st</sup> of the calendar year in which the regular session is held. The date changes would become effective January 1, 2012, after the terms of current legislators expire. Provides that the proposition shall be presented to the electors at the statewide election on October 2, 2010.

### COMPENSATION

**Senate Bill 67 by Senator McPherson (Act 539)** proposes a constitutional amendment relative to salary increases for statewide elected officials, including legislators. If approved by the electors at the statewide election to be held November 2, 2010, any increase in the salary of a statewide elected official, a legislator, or a public service commissioner shall not become effective until the beginning of the term of office following the adoption or enactment of the increase.

### TERM LIMITS

**Senate Bill 203 by Senator Shaw (Assigned to Senate & Governmental Affairs Committee)** would have prohibited any person who has served three terms in either house of the legislature from being elected for the succeeding term.

### LEGISLATIVE INTENT

**House Bill 591 by Representative Ellington (Act 534)** provides relative to certain expenditures at social gatherings by persons who are required to submit reports to the Ethics Board. The bill defines terms and phrases related to the \$50 limitation on food, drink, and refreshment given to a public servant at a single event.

Presently, the \$50 limit does not apply to "a gathering held in conjunction with a meeting related to a national or regional organization or a meeting of a statewide organization of governmental officials or employees."

The bill specifies that the phrase has the following meanings:

- (a) An event held during the same time period and in the same general locale as a meeting of such an organization and to which some persons associated with the organization are invited.

- (b) An event that is part of the scheduled activities at a meeting of such an organization and that is open to persons attending the meeting.

The bill additionally provides for reporting of expenditures at any gathering held in conjunction with a meeting of a national or regional organization of legislators, legislative staff, or executive branch officials.

## Local Government

by: James Benton  
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### HOUSING

**Senate Bill 167 by Senator Gray-Evans (Act 487)** requires not less than five million dollars of recovery funding to be allocated for emergency rental assistance if approved by the U.S. Department of Housing and Urban Development. Requires the Louisiana Recovery Authority or any other agency of the state designated to coordinate disaster recovery programs to partner with the Department of Social Services and other relevant state agencies for the implementation of emergency rental assistance programs.



approval of the board of aldermen. Provides for initial appointment upon expiration of the current term or other vacancy if there is an elected chief in office on the effective date of proposed law; provides for immediate appointment if not. Provides that the police chief's term shall be concurrent with that of the mayor and aldermen.

### Senate Bill 240 by Senator

**Mount (Act 350)** authorizes Calcasieu Parish to create waterworks subdistricts and to expand the membership of the boards of commissioners of waterworks districts. Provides that the subdistricts will be governed by the same board of commissioners that govern the waterworks district in which the subdistrict is located. Provides that the formation of these subdistricts shall not impair any obligations that may have been incurred by the waterworks district during the period of its existence.

### LOCAL AGENCIES

**Senate Bill 327 by Senator Morrell (subject to call-senate floor)** would have provided for judicial advertisements and local notices in Jefferson Parish. This bill would have allowed a weekly publication to be selected to publish judicial advertisements and legal notices in Jefferson Parish when the publication has maintained a public business office in the parish for at least five consecutive months prior to June 1, 2006, and maintained a total circulation of at least 25,000 for at least three years immediately prior to being selected.

### LOCAL OFFICIALS

**Senate Bill 235 by Senator Nick Gautreaux (Act 405)** provides for the appointment of the chief of police in the town of Duson. Provides that such appointment shall be by the mayor of Duson subject to the

### MUNICIPALITIES

**Senate Bill 71 by Senator Murray (assigned to Senate Local & Municipal Affairs)** would have provided that owners of transmission wires may be compelled to shift or adjust such wires at their own expense to accommodate the Orleans Parish public water, drainage, and sewerage system.

### SPECIAL DISTRICTS

The following acts created and provided for various special districts during

the **2009 Regular Session**. **Senate Bill 23 by Senator Dorsey (Act 171)** created the Concord Estates Crime Prevention District. **Senate Bill 104 by Senator Duplessis (Act 396)** provides for the creation of the Lakewood East Security and Neighborhood Improvement District. **Senate Bill 256 by Senator Murray (Act 490)** authorizes the French Quarter-marigny Historic Area Management District to levy taxes and parcel fees. **Senate Bill 337 by Senator Jackson (assigned to Senate Local & Municipal Affairs)** proposed changes to the boundaries of the Shreveport Downtown Development District. A duplicate bill from the House of Representatives (**Act 423**) passed without any need for further action on the Senate bill (**SB 337**).

#### MISCELLANEOUS

**Senate Bill 83 by Senator Shaw (assigned to House Ways & Means)** would have allowed sheriffs and ex officio tax collectors for the various parishes to accept electronic checks for any payment legally collected and authorizes the collection of a fee for processing electronic check payments. This bill would have also permitted sheriffs or tax collectors to collect a fee for processing the payments in an amount that is equal to the expense incurred by the sheriff or tax collector in processing the payment by credit card, not to exceed five percent of the amount to be collected plus any penalties or interest being paid.

**Senate Bill 84 by Senator Adley (Act 392)** increases the maximum amount of materials and supplies that can be purchased without public bid from \$20,000 to \$30,000.

**Senate Bill 43 By Senator Murray (Act 315)** provides for the rate extension of the fixed rate emergency telephone service charges in Orleans Parish.

## Natural Resources

*by: J.W. Wiley  
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### HUNTING

**House Bill 39 by Representative H. Burns (Act 322)** allows the use of a laser sight or sighting device which projects a beam of light to the target only by certain hunters while hunting for resident game birds, outlaw birds, game quadrupeds, and outlaw quadrupeds.

**House Bill 231 by Representative Little (Act 55)** allows the use of crossbows while hunting for turkeys, resident game birds, outlaw birds, game quadrupeds, and outlaw quadrupeds.

**House Bill 410 By Representative B. Badon (Act 208)** provides that any opossums, racoons, nutria, or beaver that are found destroying crawfish in a private pond primarily used for the purpose of commercially cultivating crawfish or destroying the structure of such pond may be taken with a .22 caliber rimfire rifle by the crawfish farmer or landowner from a boat or vehicle with no bag limit any time of the year during daytime or nighttime hours.

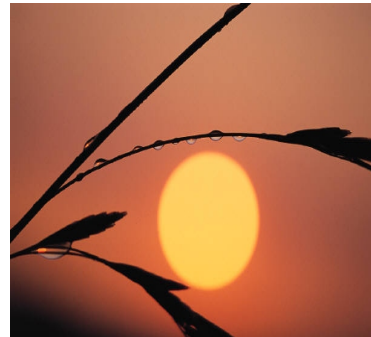
**Senate Bill 55 by Senator Dupre (Act 339)** requires that no person authorized to issue a hunting license shall knowingly issue such a license to a person, born on or after September 1, 1969, who has not satisfactorily completed a firearm and hunter education course taught or approved by the department.

### FISHING

**House Bill 98 by Representative Danahay (Act 360)** provides relative to the use of skimmers at night in portions of Cameron Parish. The bill provides that no person may use a skimmer net in Calcasieu Lake from one half hour after sunset until one half hour before sunrise; however, skimmer nets may be used during open season to take shrimp during the day and at night in all areas of Cameron Parish west of the western shore of Calcasieu Lake. The bill would also allow the use of shad gill nets in water bodies in Iberville Parish.

**House Bill 233 by Representative Gallot (Act 131)** moves the Louisiana Seafood Marketing and Promotion

Board under the office of fisheries in the Department of Wildlife and Fisheries.



**House Bill 237 by Representative St. Germain (Act 22)** allows a nonresident to purchase a temporary saltwater license valid for the number of days specified by the purchaser at a fee of seventeen dollars and fifty cents per day. The license enables the nonresident to fish in the saltwater areas of the state for the period of time indicated on the license.

**House Bill 299 by Representative St. Germain (Act 115)** allows the taking of live bait shrimp by qualified permit holders during the closed season beginning May first of each year and between the spring and fall shrimp seasons. The permit fee will be increased from \$100 to \$110.

**House Bill 390 by Representative Henderson (Act 417)** allows the Department of Health and Hospitals, in consultation with the Department of Wildlife and Fisheries, to annually grant an exemption from the National Shellfish Sanitation Program's *Vibrio parahaemolyticus* and *Vibrio vulnificus* management plans to licensed oyster harvesters and certified oyster dealers if the licensed oyster harvester or the certified oyster dealer has not been epidemiologically linked to a *Vibrio parahaemolyticus* or *Vibrio vulnificus* oyster related illness.

**House Bill 542 by Representative LaBruzzo (Act 374)** requires the Department of Wildlife and Fisheries to adopt rules and regulations authorizing the use of a credit or debit card or business check to purchase commercial licenses or permits and for the purchase of oyster tags. The rules and regulations must include the criteria the purchaser and the credit or debit card or business check must meet in order to qualify for use.

**House Bill 587 by Representative Harrison (Act 376)** provides relative to the eligibility requirements to qualify for the oyster seed ground vessel permit. The bill specifies that the harvest is for commercial purposes and makes the qualifying conditions applicable to vessels licensed between Jan. 1, 2004, and May 1, 2009, with landings during

that same period; vessels purchased or constructed and licensed between Jan. 1, 2004, and May 1, 2009, with landings between the date of purchase or construction complete and May 1, 2009; or a boat at least 50% complete on May 1, 2009.

## BOATING

**House Bill 232 by Representative Smiley (Act 5)** requires that the operator of any watercraft involved in a collision, crash, or other casualty in which a fatality occurs has given consent to, and must be administered, a chemical test or tests of his blood, urine, or other bodily substance for the purpose of determining the presence of any abused substance or controlled dangerous substance as set forth in R.S. 40:964 or any other impairing substance.

**House Bill 236 by St. Germain (Act 27)** requires that no person under the age of sixteen may operate a personal watercraft on the waters of this state. The bill also removes the exception that allows persons thirteen years of age or older on January 1, 2005, who have not attained the age of sixteen but who has completed a boating safety education course and carry proof of completion of the course may operate a personal watercraft.

**House Bill 478 by Representative Harrison (Act 508)** adds the titling of outboard motors to the Vessel Titling Act.

**House Bill 636 by Representative Monica (Act 513)** suspends the privilege to operate a watercraft when a test shows a blood alcohol level above the limit. The bill requires every person 16 years of age or younger to wear a life jacket in a watercraft less than 26 feet in length that is underway,

except a person who is over the age of 13 and who is engaged in commercial fishing operations on a commercial vessel does not have to wear a life jacket. Also, the bill changes the age for those required to take boating safety education.

**House Concurrent Resolution 49 by Representative Richardson (Enrolled) and Senate Concurrent Resolution 71 by Senator Mount (Enrolled)** requests the Department of Wildlife and Fisheries to study the issue of requiring of personal flotation devices and the issue of wearing of "comp vests".

#### **MINERALS**

**House Bill 159 by Representative H. Burns (Act 126)** allows for the issuance of a six month or a one-year permit for the drilling of oil or gas wells.

**House Bill 661 by Representative Morris (Act 517)** creates the Louisiana Geologic Sequestration of Carbon Dioxide Act. The bill authorizes the commissioner of conservation to regulate the storage of carbon dioxide and the transmission of carbon dioxide to such storage facilities, and issue certificates of public convenience and necessity for such facilities and associated pipelines, in addition to other powers and duties.

**Senate Bill 41 by Senator Dupre (Act 196)** changes the name of the State Mineral Board to the State Mineral and Energy Board and changes the name of the Mineral Resources Operation Fund to the Mineral Energy Operation Fund. The bill also allows that the monies in the fund be used for the regulation of minerals, ground water and

related energy activities.

#### **MISCELLANEOUS**

**House Bill 162 by Representative S. Jones (Act 361)** creates the Lake Fausse Point and Grand Avoille Cove Advisory Board. The board will provide advice to the secretary of the Department of Wildlife and Fisheries pertaining to the preservation of the Lake Fausse Point and Grand Avoille Cove area and to the development of recreational opportunities in the area.

**House Bill 451 by Representative Foil (Act 370)** adds Bayou Manchac to the historic and scenic rivers systems.

**House Bill 624 by Representative G. Jackson (Act 217)** provides for the collection and use of waste fats, oils, and grease in the manufacturing of biodiesel fuel.

## Property

by: *Danielle Doiron*  
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### COMMUNITY DEVELOPMENT

**Senate Resolution 120 by Senator Broome (Enrolled)** requests the Louisiana Recovery Authority to develop plans to allocate Community Development Block Grant funds in certain ways and to aggressively identify other funding for housing priorities.

**Senate Bill 102 by Senator Duplessis (Act 394)** provides relative to the East New Orleans Neighborhood Advisory Commission in the area within the boundaries of the industrial canal to the west, the intracoastal canal to the south, the St. Tammany Parish line to the east and provides for definitions. Provides that the commission area shall include each neighborhood in New Orleans East that is represented on the commission by the president or appointed representative of the neighborhood association or organization, and shall consist of the president of each neighborhood association or organization or an appointed representative of that neighborhood association or organization. The party representing the neighborhood association or organization must submit an affidavit attesting to their status as president or being an appointed representative from their respective organization or association, and two at-large members shall be elected. Further provides for terms and rules relative to the commission.

**House Concurrent Resolution 43 by Representative Ellington (Enrolled)** approves a proposed amendment, Action Plan

Amendment Number 1, to the Action Plan for Utilization of Community

Development Block Grant Disaster Recovery Funds in Response to Hurricanes Gustav and Ike for the La. Farm Recovery Loan and Grant Program and the La. Critical Farm Infrastructure Grant Program.

**House Bill 283 by Representative White (Act 57)** creates the Greenwood Crime Prevention and Improvement District in East Baton Rouge Parish.

**House Bill 468 by Representative M. Jackson (Act 139)** creates the Melrose East Crime Prevention District in East Baton Rouge Parish.

**House Bill 528 by Representative Chandler (Act 420)** creates the Olla, Urania, Tullos, Standard Economic and Industrial Development District in LaSalle Parish to promote and encourage industrial development and stimulate the economy through commerce, industry, and research and for the utilization and development of natural and human resources of the area by providing job opportunities. There shall be six board of commissioners of the district.

**House Bill 749 by Representative Schroder (Act 71)** provides for assessments of service charges by road lighting districts in

St. Tammany Parish. Further provides that all assessed charges shall be equal for all customers and the proceeds of such charges shall be used to cover the cost of payment of utility charges incurred in providing road lighting, maintenance and operation of the district facilities and equipment, and collection costs of service charges. Requires the assessment of charges is subject to voter approval. The district shall have the authority to use any necessary and proper means to collect and enforce the collection, including contracting with another political subdivision within St. Tammany Parish or with a utility regulated by the La. Public Service Commission. Further provides that the district may reimburse the collecting entity up to 5% of the charges actually collected, in addition to the service charges. Any charges assessed against owners of undeveloped immovable property within the district shall be added to the tax rolls of the parish and shall be added to the annual ad valorem tax bill for the property. Such charges shall be collected at the same time and in the same manner as the parish ad valorem taxes are collected. Further provides that the sheriff, as tax collector, may use reasonable means to collect the service charge. The governing authority of the road lighting district shall reimburse the sheriff an amount up to 8% as a collection fee, in addition to the service charges collected.

**House Bill 785 by Representative S. Jones (VETOED)** would have created the St. Mary Hydroelectric Authority as a political subdivision within St. Mary Parish.

**House Bill 887 by Representative Barras (Act 526)** creates the New Iberia Redevelopment Authority to provide for the utilization of appropriate private and public

resources to eliminate and prevent the development or spread of slum, blighted, and distressed areas. Provides that the authority is a special district and political subdivision of the state. Provides that the authority shall be activated

and implemented by the city governing authority recognizing and confirming the appointment of the initial seven members of the board.

**House Bill 904 by Representative Franklin (Act 529)** creates the Lake Charles North Redevelopment Authority to provide for the utilization of appropriate private and public resources to eliminate and prevent the development or spread of slum, blighted, and distressed areas. Provides that the authority is a special district and political subdivision of the state. Provides that the authority shall be comprised of specified territory in the city of Lake Charles. Provides for a five-member board of directors.

## COMMUNITY PROPERTY

**House Bill 363 by Representative Aubert (Act 204)** provides for rules relative to reimbursement claims of spouses asserted after termination of the community property regime. Provides that a reimbursement claim may be asserted only after termination of community property regime. The bill also clarifies that actions other than divorce may terminate the community property regime and that attorney fees in actions incidental to the divorce, such as child support, are also community obligations. It further provides and clarifies rules for reimbursement relative to community property regime.

**EXPROPRIATION**

**House Bill 182 by Representative Robideaux (Act 19)** authorizes the city of Lafayette and the parish of Lafayette to expropriate property by a declaration of taking under certain circumstances.

**House Bill 502 by Representative Cortez (Act 290)** authorizes the city of Youngsville to expropriate property by a declaration of taking property needed for the Chemin Metairie Phase II Project. Further provides that the governing authority shall give, at least, a 15-day notice to the property owner of record before filing a petition for expropriation, the governing authority shall file a petition, which includes an itemized statement of the full extent of the owner's loss, the court shall issue an order directing that the amount of the estimate be deposited in the registry of the court and declare that the property has been taken for the public purpose, title to the property shall vest in the governing authority upon final court order, and the right to just and adequate compensation shall vest in the former property owner, upon vesting of title the governing authority may take possession of the property, and the former property owner may apply for a trial to determine the measure of compensation to which he is entitled by filing an answer within one year from the date he is notified in writing by the governing authority of the expropriation.

**HOUSING**

**Senate Concurrent Resolution 64 by Senator Erdey (Enrolled)** requests the Baton Rouge House Moving Board and the Intrastate House Movers' Association to urge their membership not to move houses or loads larger than 18 feet wide during peak rush hour

traffic within metropolitan planning organization areas.

**Senate Bill 167 by Senator Gray Evans (Act 487)** requires not less than five million dollars of recovery funding to be allocated for emergency rental assistance if approved by the U.S. Department of Housing and Urban Development. Provides an Imported Tainted Drywall Assistance Program from Road Home funding or other available federal and state resources. Requires not less than \$5 million be allocated to the Imported Tainted Drywall Assistance Program.

**Senate Bill 193 by Senator Long (Act 404)** repeals the homeowner policy premium assistance program whereby unused money in the Insure Louisiana Incentive Program Fund would be used to assist individuals with homeowner's insurance premiums.

**Senate Bill 262 by Senator Martiny (Act 407)** provides relative to commissioners to local housing authorities, and clarifies the "commissioner who is a recipient of other assistance" shall also be chosen from a list of names submitted to the appointing authority by tenants of a local housing authority development. Further provides that for a housing authority to be deemed in compliance with proposed law, any current vacancy shall be filled by the appointment of either a tenant commissioner or a commissioner who is a recipient of other assistance. Repeals provisions of present law relative to which commissioner is replaced by an appointed tenant commissioner.

**House Bill 120 by Representative Thibaut (Act 273)** provides for a change in the Louisiana Timeshare to reduce the number of required completed or proposed units from 65 to 40 located within a timeshare plan for a timeshare project.

**House Bill 168 by Representative Ernst (Act 128)** clarifies that local housing authorities are not state agencies for any purpose, including specifically certain provisions relative to the accrual of annual leave by state employees.

**House Bill 441 by Representative Ponti (Act 327)** provides relative to the installation of modular housing, and deletes the provision that allows a residential building contractor licensed by the La. State Licensing Board for Contractors to perform installation work for modular homes with a value less than \$37,500. Requires a modular home with a value of less than \$37,500 to be installed pursuant to the La. State Uniform Construction Code (LSUCC) by a contractor licensed by the La. Manufactured Housing Commission. Further allows a contractor licensed by the La. Manufactured Housing Commission to obtain local permits for the installation of a modular home. Requires a modular home with a value equal to or greater than \$37,500 to be installed pursuant to the LSUCC by a residential building contractor licensed by the State Licensing Board for Contractors. Provides that the value of the installation shall not include the cost of the component parts of the modular home in the condition each part leaves the factory, and requires the seller to maintain an itemized list of all other related costs, and the installer or seller shall also maintain an itemized list of installation costs. Further defines "modular

home" as a structure designed for residential occupancy, designed and constructed to the standards of the LSUCC, which is manufactured in one or more sections in a factory for installation on a permanent foundation at its final location.

**House Bill 781 by Representative Hines (VETOED)** would have created the Louisiana Homeless Assistance and Prevention Act. Provided a program for homeless assistance and prevention within the Department of Social Services, the position of a director and the Louisiana Interagency Council for the Homeless. Further provided how the council shall exercise and perform its powers, duties, functions and responsibilities, and provides that the purpose of the council shall be to study evidence-based practices aimed at reducing and preventing homelessness and to recommend a ten-year comprehensive strategy to reduce homelessness. Further provided for the members, which shall be appointed by the governor upon recommendation by the director and shall serve three-year terms, and without compensation. Further required DSS to provide staff and facilities for the council, and requires annual reports with status updates, and requires the council shall submit the annual report to the governor, the speaker of the House of Representatives, the president of the Senate, the chair of the House Health and Welfare Committee, and the chair of the Senate Health and Welfare Committee.

## **IMMOVABLE PROPERTY**

**Senate Bill 184 by Senator Murray (Act 81)** provides relative to small succession procedure and ownership interest in certain immovable property. Provides that on and after Jan. 1, 2010, "small succession" shall be

defined as the succession of a person who dies leaving property in Louisiana, the deceased's interest in which has a gross value of \$75,000 or less, and that it is not necessary to judicially open the small succession of a person who died intestate leaving no immovable property other than an ownership interest in small succession immovable property as defined. Further provides for definitions, and provides that a person appointed as public administrator by the governor may use the affidavit procedure set forth in the present law to take possession of the estate of the deceased for transmittal to the state, provided there is no surviving spouse or other heir present or represented in the state and provided that the estate does not include any immovable property other than small succession immovable property, and provides for further rules regarding immovable property.

**House Bill 558 by Representative Billiot (Act 38)** authorizes the municipalities in Jefferson Parish to dispose of certain immovable property.

#### **MOVEABLE PROPERTY**

**House Bill 58 by Representative Chandler (Act 152)** increases the criminal penalty for the disposal of property with fraudulent or malicious intent when the value of the encumbered property exceeds \$1,000 and requires the offender to be fined not more than \$1,000, imprisoned with or without hard labor for not more than one year, or both.

#### **PUBLIC PROPERTY**

**House Bill 61 by Representative Wooton (subject to call-House final passage)** would have provided for the return to the Grand Prairie Levee District of land expropriated in the Bohemia Spillway.

**House Bill 670 by Representative Ernst (Act 428)** provides relative to The Road Home Program including that certain provisions of law relative to the sale of public property do not apply to the property of The Road Home Corporation, and provides that the corporation is subject to audit by the legislative auditor.

**House Bill 685 by Representative Dixon (Act 518)** creates the Central Louisiana Regional Infrastructure Beltway Commission to establish and construct a transportation and utility corridor for the growth of residential, commercial, and industrial developments serving the urban and rural areas of Rapides and south Grant parishes. Provides that the commission shall be domiciled in Rapides Parish and the commission shall be composed of 14 directors with full power to promulgate rules and regulations for the maintenance and operation of the commission.

#### **REAL ESTATE**

**Senate Bill 24 by Senator Amedee (Act 104)** adds two at-large members to the Louisiana Real Estate Commission, which consists of nine members appointed by the Governor. One appointee shall be selected from either the Fourth Congressional District or the Fifth Congressional District, and one appointee shall be selected from either the First, Second, Third, Sixth, or Seventh Congressional District, and the two appointees shall serve one six-year terms.

**House Bill 381 by Representative Hoffmann (Act 502)** creates exceptions on license requirements for real estate appraisers. Provides for an exemption for any person or firm contracted by a state, parish, or municipal tax authority to perform mass appraisal

assignments. Establishes the Louisiana Appraisal Management Company Licensing and Regulation Act, and provides for definitions. Requires an appraisal management company to obtain a license to do business in Louisiana. Provides for requirements for ownership in an appraisal management company, and provides for record keeping. Requires the appraisal fee to be listed separately on the real estate closing documents. Prohibits an appraisal management company from withholding or threatening to withhold the appraisal fee in order to coerce or influence the development, reporting, or review of the appraisal. Provides that the appraisal fees shall be in compliance with the Uniform Standards of Professional Appraisal Practice. Provides for adjudication of disputes between an appraisal management company and an appraiser. Provides for enforcement. Provides for disciplinary hearings. Provides for rulemaking authority through the Administrative Procedure Act. Requires administrative rules to be approved by the House of Representatives Committee on Commerce and the Senate Committee on Commerce, Consumer Protection, and International Affairs prior to adoption.

#### **SEIZURES /SALES**

**House Bill 261 by Representative Connick (Act 201)** provides relative to the homestead exemption from seizure and sale. Increases the homestead exemption from seizure from \$25,000 to \$35,000, and prohibits the seizure of a homestead, if the judgment upon which seizure is based is a judgment for credit card charges.

#### **UNCLAIMED PROPERTY**

**House Bill 65 by Representative G. Jackson (Act 86)** adds cashier's checks,

teller's checks, or other official bank issued checks to the types of unclaimed checks which are subject to the custody of the state when those checks are presumed abandoned under the Uniform Unclaimed Property Act. Further includes unclaimed cashier's checks, teller's checks, or other official bank issued checks as payment for the purchase of abandoned property in the custody of the state.

## Public Safety

by: Christopher Adams  
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### DWI

**Senate Bill 166 by Senator Dupre (Act 236)** criminalizes operating a vehicle while under suspension for certain prior offenses and provides for an exception for obtaining emergency medical care. This legislation provides that whoever commits the crime of operating a vehicle while under suspension for certain prior offenses will be imprisoned for not less than fifteen days nor more than six months without benefit of suspension of imposition or execution of sentence. This legislation provides that when the operator's driving privileges were suspended for manslaughter, vehicular homicide, or negligent homicide resulting from the operation of a motor vehicle, the offender will be imprisoned for not less than sixty days nor more than six months without benefit of suspension of imposition or execution of sentence.

**House Bill 349 by Representative Hazel (Act 183)** provides for authorization to use an out-of-state lab to conduct chemical analyses of a person's blood, urine, breath, or other bodily substance, provided that the chemical analyses is performed in accordance with the methods approved and promulgated by Department of Public Safety and Corrections and performed by an individual possessing a valid permit. This legislation provides that any chemical lab analyses of a person's blood, urine, breath, or other bodily substance, performed by an out-of-state

laboratory will be considered valid, and admissible and competent evidence of intoxication in any court of law.



**House Bill 444 by Representative Perry (Act 287)** provides for scope of administrative hearings related to driver's license suspension and provides that an administrative hearing conducted after a person's driver's license has been suspended will be limited to certain issues including matters relating to the legal rights of the person. This legislation provides that administrative hearing discovery in driver's license suspension cases be limited to requests for the production of documents and can not include depositions of law enforcement witnesses.

**House Bill 445 by Representative Baldone (Act 288)** increases suspension of driving privileges upon refusal to submit to a chemical test. If the person refused to submit to the test, his driving privileges will be suspended as follows:

- (1) One year from the date of suspension on a refusal;
- (2) One year, without benefit of eligibility for a hardship license, in the event that a fatality occurred or a person sustained serious bodily injury as a result of an accident and the person's intoxication is determined by a trier of fact to be the contributing factor of the fatality or serious bodily injury;

- (3) Two years from the date of suspension on the second and subsequent refusal occurring within five years of the date of a refusal to submit to the test;
- (4) Two years from the date of suspension on the second and subsequent refusal occurring within five years of the date of a refusal to submit to the test, without the benefit of eligibility for a hardship license in the event that a fatality occurred or a person sustained serious bodily injury as a result of an accident and the person's intoxication is determined by a trier of fact to be the contributing factor of the fatality or serious bodily injury.

#### **MOTOR VEHICLES**

**House Bill 499 by Representative Monica (Act 166)**, also similar to **Senate Bill 168 by Senator Riser (Failed House final passage)** provides that all occupants in a vehicle are required to wear a seatbelt unless they are 13 years of age or younger and required to be in a special child passenger restraint system.

**Senate Bill 187 by Senator Heitmeier (Act 175)** deals with medical exemptions from prohibitions on certain window tinting. A person seeking a medical exemption for window tint must have a state-licensed medical provider fill out and answer a section of the required medical exemption affidavit prepared by the office of state police. The office of state police may seek the Louisiana Medical Advisory Board to review the exemption affidavit, and the applicant must release to the office of state police their medical records dealing with medical condition causing the exemption to be sought.

**House Bill 55 by Representative LaFonta (Act 124)** provides that sound amplification systems can not be installed on the exterior of a chassis of a vehicle, including but not limited to vehicle grill or undercarriage, or used in such a manner as to emit sound outside of a vehicle, and vehicle horns shall not be wired in order to make a sound other than the sound made by the manufactured installed horn. The proposed legislation will not apply to emergency response vehicles, recreational vehicles, vehicles while in a parade, vehicles towing trailers, or vehicles used solely for commercial purposes. Violator is punished by a fine of not less than five hundred dollars.

**House Bill 146 by Representative Badon (Assigned Senate Transportation, Highways, and Public Works)** would have prohibited the use of wireless telephone or electronic communication devices by operators of moving motor vehicles except when the device is a hands-free wireless telephone, or the electronic communication device is used hands-free or for an emergency.

**House Bill 453 by Representative Pugh (Act 453)** requires the applicant seeking a medical exemption for window tint submit a full set of fingerprints to Louisiana Bureau of Criminal Identification and Information, and Louisiana Bureau of Criminal Identification and Information will perform the required background check on the applicant. The legislation provides for Department of Public Safety and Corrections issue a decal to persons with a medical exemption that allows for tinted motor vehicle windows and requires that the decal be displayed on the vehicle.

**House Bill 725 by Representative M. Jackson (Act 147)** is named the Colin Goodier Protection Act. The operator of a motor vehicle, when overtaking and passing a bicycle proceeding in the same direction on the roadway, must leave a safe distance between the motor vehicle and the bicycle of not less than three feet and must maintain such clearance until safely past the overtaken bicycle. The legislation directs the Department of Transportation and Development to place signs in areas frequently used by bicyclists in an effort to make motorists aware of the need to share the road with bicyclists. Department of Transportation and Development is directed to include a summary of this law in any instructional publication for drivers. Louisiana Highway Safety Commission is directed to engage in a public awareness campaign. Violators will be fined not more than two hundred fifty dollars. This legislation makes it unlawful to harass, taunt, or maliciously throw objects at or in the direction of any person riding a bicycle, and violators will be fined not less than two hundred dollars or imprisoned for not more than thirty days.

**House Bill 855 by Representative Reed (Act 190)** provides that the left lane is for passing only, and no vehicle can be driven in the left-hand lane on any multilane highway except when directed otherwise, preparing for a left turn at an intersection or private road or driveway, overtaking or passing another vehicle proceeding in the same direction, or when right-hand lanes are congested. The legislation provides that no vehicle traveling in the left-hand lane can be driven at a speed slower than any vehicle traveling to its right on the same roadway, and the proposed legislation will not apply during a declared

state of emergency when contra-flow has been activated. Department of Transportation and Development is directed to include a summary of this law in any instructional publication for drivers, and Department of Transportation and Development is directed to place signs on multilane highways. Louisiana Highway Safety Commission and Department of Transportation and Development are directed to engage in a public awareness campaign.

### **CRIME**

**House Bill 44 by Representative LaFonta (Act 150)** creates the crime of reckless discharge of a firearm at a parade, demonstration, or gathering for which a permit is issued by a governmental entity. Violators will be sentenced to imprisonment at hard labor for not less than five years nor more than ten years with at least three years of sentence being served without the benefit of parole, probation or supervision, and violator will be fined not more than five thousand dollars.

**House Bill 155 by Representative Hardy (Act 199)** is named the Luna McDaniel and Michael 'Blaise' Landry Act, and the legislation amends the definition of negligent injuring and negligent homicide to include attacks by dogs or other animals. Violators will be sentenced to no more than five years with or without hard labor or fined not more than five thousand dollars or both. Legislation provides liability coverage, which would otherwise be valid under the terms of the policy, will not be declared void under any contract provision which specifically denies coverage for any and all acts committed due to criminal conduct, where such criminal conduct is due to the criminally negligent ownership or handling of a dog or other animal pursuant to R.S. 14:32(A)(2) or

R.S.14: 39(A)(2).

**House Bill 523 by Representative Ernst (VETOED)** would have amended current law and makes the illegal carrying of a firearm at a parade a violation of R.S. 14:95 within one thousand feet of any parade or demonstration for which a permit is issued by a governmental entity would have provided that it would not apply to:

- (1) A federal, state, or local law enforcement officer in the performance of his official duties.
- (2) Any constitutionally protected activity which cannot be regulated by the state, such as a firearm contained entirely within a motor vehicle.
- (3) The possession of a firearm occurring within 1,000 feet of a parade and entirely on private property, within a private residence, or in accordance with a concealed handgun permit.
- (4) The possession of a firearm by a person who holds a valid certificate as a living historian in the use, storage, and handling of black powder issued by the office of state parks for the purpose of historic re-enactments if the firearm is a black powder weapon which is an antique firearm.
- (5) The possession of a firearm which is authorized as a part of the parade.
- (6) Active and retired law enforcement officers authorized to carry concealed weapons under federal law.

#### **LAW ENFORCEMENT**

**Senate Bill 313 by Senator McPherson (Act 408)** prohibits the body of a deceased person from being disturbed from the position in which it is found by any person without authorization from a coroner, or his

designee, when such death occurs in which a moving conveyance is involved. This legislation makes an exception to this prohibition for an investigating law enforcement agency in order to obtain identification of the deceased, to preserve the body from loss or destruction, or to maintain the flow of traffic on a highway or railroad. The legislation provides that in all cases of death when organs are to be used in a transplant, it is not mandatory that an additional physician, who is not a member of the transplant team, make the pronouncement of death.

**House Bill 626 by Representative Downs (Act 188)** requires local law enforcement bodies seated in jurisdictions not governed by home rule charters to forward fines and penalties collected for citations issued for exceeding the posted speed limit by less than ten miles per hour on an interstate highway to the state treasurer and to be used by the La. Highway Safety Commission.

#### **MOTORCYCLES**

**House Bill 442 by Representative Smiley (Act 138)** transfers the Motorcycle Safety, Awareness, and Operator Training Program to the Department of Public Safety and Corrections.

**House Bill 639 by Representative Morris (Assigned Senate Health and Welfare)** would have required that only motorcycle operators and riders under 21 years of age wear a safety helmet and requires any person 21 years of age or older who chooses not to wear a helmet to have "economic only" uninsured motorist liability coverage with certain minimum limits and to provide proof of such insurance upon request

of any law enforcement officer.

#### **FIREARMS**

**House Bill 27 by Representative Wooton (Failed House final passage)** would have authorized the carrying of handguns on college, university, or postsecondary vocational-technical school campuses by individuals who possess a concealed handgun permit.

## Retirement

by: Lauren Bailey  
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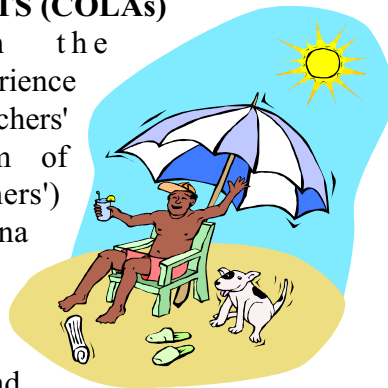
### SOCIAL SECURITY OFFSETS

**Senate Concurrent Resolution 32 by Senator Butch Gautreaux (Enrolled) and House Concurrent Resolution 85 by Representative Hoffman (Enrolled)** both memorialize the Congress of the United States to review and consider eliminating provisions of federal law which reduce Social Security benefits for those receiving pension benefits from federal, state, or local government retirement or pension systems, plans or funds. This resolution is specifically aimed at two different offsets which can reduce a Louisiana public employee's Social Security benefits, called the Government Pension Offset (GPO) and the Windfall Elimination Provision (WEP). These offsets were enacted by the federal government in the late 1970s and early 1980s.

### COST-OF-LIVING

#### ADJUSTMENTS (COLAs)

Although the balances in the experience accounts of the Teachers' Retirement System of Louisiana (Teachers') and the Louisiana State Employees' Retirement System (LASERS) were sufficient to fund cost-of-living adjustments (COLAs), the amount of any COLA paid from those accounts is statutorily limited to the lesser of 3% or the consumer price index (CPI). For



the 2008 calendar year, the CPI was .01%, which would have resulted in an extremely minimal adjustment of approximately twenty dollars annually for the average retiree. No legislation was filed to grant this COLA because of its meager size.

However, **House Bill 586 by Representative Doerge (Act 144)** grants a minimum benefit increase to certain Teachers' and LASERS retirees whose benefit was less than \$1,200 per month. As of June 30, 2008, there were 13,376 Teachers' retirees and 5,137 LASERS retirees below the 2008 poverty level of approximately \$10,000 per one person household. This bill increases the monthly retirement benefit of those employees below the poverty level that had given 30 years of public service. The bill increases the monthly benefit by the lesser of an additional \$300 per month or the amount necessary to bring it to \$1,200 per month. The funding for this minimum benefit increase will come from the experience account of each system.

**House Bill 96 by Representative Pearson (Act 270)** provides that, at retirement, a member of a state or statewide retirement system, may irrevocably elect a retirement payment option with a reduced monthly benefit and a 2.5% COLA annually on the retiree's anniversary date. A retiree must be 55 or older to receive the annual COLA. A retiree who elects this option shall also receive any additional COLA that may be granted by the system's board of trustees.

**EMPLOYER CONTRIBUTIONS****Payment of Past Liabilities**

**Senate Bill 296 by Senator Butch Gautreaux (Act 497)** consolidates the debts of LASERS and Teachers'. The liabilities and funds of each system remain separate. It utilizes various monies that have been set aside for the payment of these debts including the Texaco account and appropriations from the surpluses in past sessions. The bill also sweeps the experience accounts of Teachers' and LASERS to apply these funds to the liabilities. It provides manageable and sustainable payment schedules for the State of Louisiana. It reduces future payments the state must make to these retirement systems by at least \$550 million.

**Actuarial Losses**

Due to the decline in the market this past year and the actuarial losses sustained by the state and statewide retirement systems employer contribution rates are expected to rise. In an effort to reduce the magnitude of these impending increases, the actuary of six systems suggested the idea contained in two bills.

**Senate Bill 264 by Senator Kostelka (Act 247)** was filed on behalf of the Sheriffs' Pension and Relief Fund and **House Bill 561 by Representative Pope (Act 296)** was requested by the Louisiana Assessors' Retirement Fund, Clerks' of Court Retirement and Relief Fund, Municipal Employees' Retirement System of Louisiana, Parochial Employees' Retirement System of Louisiana, and Registrars of Voters Employees' Retirement System. Currently five of the six systems are collecting employer contributions above the minimum actuarially-required amount. These bills establish an account

called the "funding deposit account" into which the excess contributions shall be directed and provides additional options to the boards to direct how the additional contributions shall be used. The options provided in this bill are: 1) to reduce the unfunded accrued liability, 2) to reduce the present value of future normal costs, and 3) to pay all or a portion of any future net direct employer contributions.

**House Bill 540 by Representative Bobby Badon (Act 422)** Currently actuarial gains and losses at the Firefighters' Retirement System are amortized over a fifteen year period. This bill extends the period to 20 years for the losses in the fiscal year ending June 30, 2009. For each fiscal year thereafter, the amortization period is reduced by one year until it reaches fifteen years.

**LAY-OFF AVOIDANCE MEASURES****Furloughs**

Furloughs are one of the lay-off avoidance measures recognized by civil service and used as a tool to reduce payroll without a reduction in force. Furloughs may be used by state agencies including institutions of higher education to manage the budget cuts which must be implemented over the next two to three fiscal years.

**House Bill 673 by Representative Pope (Act 301)** allows members of LASERS and Teacher' who are involuntarily or voluntarily furloughed as a result of budget reductions by public colleges or universities to choose to continue to pay contributions and accrue service credit for the periods of furlough. Such credit shall be used for calculation of benefits and attaining retirement eligibility. The employer shall remit the

employee and employer contributions which would have been remitted if not for the involuntary furlough.

### **Early Retirement**

**House Bill 513 by Representative Richard (vetoed)** would have allowed for the early retirement of members of LASERS with 10 years of service credit who had attained the age of 50 with an actuarially-reduced benefit. The positions vacated under this Act would have been abolished subject to certain exceptions. This bill was vetoed based on concerns that there were no exceptions for critical positions that have direct impact on patient care or for critical positions that have a direct impact on public safety.

### **REHIRING OF RETIREES**

**House Bill 651 by Representative Armes (Act 516)** applicable to the Louisiana School Employees' Retirement System allows for the rehiring of certain retired school bus drivers without a reduction in benefits. Current law provides that any employer who elects to reemploy a bus driver with no benefit reduction or suspension shall pay to the system all the actuarial costs to the system of reemployment of such bus driver. This bill provides that any employer who elects to reemploy a bus driver without suspension or reduction in benefit shall pay to the system the aggregate actuarial cost as determined by the system's actuary on a yearly basis. The bill requires that the superintendent of any employer school reemploying a retired school bus driver without a reduction in benefit to certify to the Board of Elementary and Secondary Education that a shortage of qualified bus drivers exists in the school district of such employer. Authorizes the legislative auditor to audit or investigate as to

whether such shortage exists.

### **CONSOLIDATION OF RETIREMENT SYSTEM BOARDS**

**House Bill 230 by Representative Arnold (Pending House Retirement)** would have consolidated administrative duties of the four state retirement systems into one board of trustees.

The author of the bill asked that the committee defer the bill.

### **LOUISIANA BROKER-DEALERS**

**House Bill 357 by Representative Arnold (Pending House Retirement)** would have increased to 50% (from 10%) the requirement of all trades of domestic and international equities that the four state retirement systems make to be through Louisiana broker-dealers and would have made the program permanent. The retirement systems reported that this requirement presently has a cost to the systems. The systems testified the increase would exacerbate that cost.

### **DEFERRED RETIREMENT OPTION PLAN - (DROP)**

#### **Back-DROP for State Police**

**Senate Bill 57 by Senator Butch Gautreaux (Act 480)** Changes the State Police Pension and Retirement System from offering a Deferred Retirement Option Plan (DROP) to offering a Back-Deferred Retirement Option Plan (Back-DROP). Back-DROP allows the member to choose between two known benefit structures: (1) A monthly amount based on the member's normal benefit accrual on his retirement date, or (2) A lump sum plus a (reduced) monthly benefit based on the member's accruals on a date within the past three years as selected by the member.

An increase in the employee contribution rate from 8% to 8.5% for members of the system funds the cost of implementing the Back-DROP.

**House Bill 584 by Representative Tucker (Pending House Retirement)** sought to restrict the participation in the Deferred Retirement Option Plan (DROP) for members of the state retirement systems. This bill generated more calls from constituents in opposition than any other retirement related piece of legislation filed this session. It was referred to the House Committee on retirement and was never scheduled for debate.

## Revenue & Taxation

by: Riley Boudreaux  
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The most noted tax bill during the current session was **Senate Bill 335 by Senator L. Jackson (House subject to call)**, would have delayed the phase-in of the state deduction for excess federal itemized deductions for three years, leaving it at 65% of the federal deduction.

Regardless of all the discussions and debate about declining revenue in the state, the legislature still found the need to enact new, or to continue and expand many current, tax benefits in this odd-year session when such enactments are allowed by the Louisiana Constitution. Small tax breaks for crawfish bait and feed **House Bill 5 by Representative Guinn (Act 455)** or larger inducements for construction in and use of Louisiana ports were in order, set out below in categories.

### AD VALOREM PROPERTY TAX

There has been a large amount of controversy in some parishes concerning very large reappraisal values of residences for property tax purposes - and then, in addition to the large increase in value, property tax authorities were "rolling forward" millages [which the constitution had otherwise required to be rolled back] with a 2/3's vote to capture more taxes, thus increasing the tax assessment on those values.

Figuring that voters would exercise control over elected tax authorities, **House Bill 903 by Representative Arnold (Act 542)**



adds a constitutional amendment which limits the power of unelected tax authorities to increase millage rates without voter approval to annual increases which do not exceed 2.5% of the property tax collections for the immediately preceding calendar year. The bill excludes special fire protection or fire department districts and ports, and certain constitutional millages levied by levee districts.

**House Bill 83 by Representative T. Burns (Act 498)** requires a taxing authority to give the public 30 days notice of the hearing at which such "roll forward" tax increases will be considered, requires posting on the authority's website if there is one, and specifically requires advertisement and publicizing if the meeting is canceled or postponed.

It should be mentioned that **Senate Bill 69 by Senator Crowe (failed House final passage)** would have authorized those eligible for the special assessment level (i.e. mainly those 65 years of age and older) which freezes the value of their homesteads to receive a credit for taxes paid if they file for the special assessment level after the first year in which they are eligible.

### "GREEN" TAX BENEFITS

Not to be left out of the 2000's Zeitgeist, the state is either expanding or adding new tax benefits for environmentally friendly industries.

**Senate Bill 91** by Senator N. Gautreaux (pending conference) and **House Bill 110** by Representative J. H. Smith (Act 469) increases the amount of the tax credit from 20% to 50% of the cost of "qualified clean-burning motor vehicle fuel property" (which either allows a vehicle to operate on alternative fuels or is related to the delivery of an alternative fuel into the fuel tank) and in case of a motor vehicle purchased by a taxpayer with such property installed by the manufacturer increases the amount of the tax credit to 10% of the cost of the motor vehicle or \$3,000, whichever is less.

**House Bill 733** by Representative Leger (Act 520) authorizes a tax credit between 10% and 25% of the investment in a "state-certified green project" (an infrastructure project directly related to "green job industries"), and an additional credit of 10% of the amount of payroll for residents, limited to \$1 million per project, and further limited to a grant of \$5 million in tax credits per year. "Green job industries" are energy efficiency and renewable energy industries, energy-efficient building industries, renewable electric power industries, the energy efficient drive train vehicle industries, the biofuels industries, the deconstruction and materials use industries, the energy efficiency assessment industries, and manufacturers that produce sustainable products using environmentally sustainable processes and materials.

#### ENTERTAINMENT TAX BENEFITS

In an attempt to keep up with the tax benefits now being offered to movie productions by other states and foreign countries, **Senate Bill 245** by Senator Adley (vetoed as duplicate) and **House Bill 898** by

**Representative Henry** (Act 478) deletes the phase-down of the tax credit for movie and TV productions and makes the credit 30% permanently, but offsets the cost by reducing the tax credit for payroll paid to Louisiana residents from 10% to 5%. It also expands the law to make eligible for the credit "cash equivalent" expenditures, sales of property not acquired from a "source within the state" and services not "procured in the state", and any rentals and leases of property in the state that would be subject to the state's sales tax.

Although the authorization to grant tax credits for 40% of the investment made in a state-certified infrastructure project terminated on January 1, 2009, there have been serious disagreements concerning the effect of Act 456 of 2007 on those infrastructure projects certified on or before August 1, 2007, even resulting in a law suit. **House Bill 693** by **Representative Greene** (vetoed) would have provided rules for such projects. It would have done the following:

1. Excluded those projects from extensive terms and conditions provided in the law for other infrastructure projects, and requires such "terms and conditions to be in accordance with the immediate and long term objectives" of Act 456 of 2007".
2. Required a pre-August 1, 2007 infrastructure project to expend a minimum of 20% or \$10 million of the total base investment established by its initial certification letter, whichever is less, no later than December 31, 2009.

3. Imposed an annual \$25 million cap on infrastructure project tax credits, but allows unused credits to be carried forward for use in the next fiscal year.
4. Created time limits for DED action on a request for certification or for grant of tax credits and established the right to an appeal in case of their denial to the Division of Administrative Law.

**Senate Bill 277 by Senator Duplessis (Act 454)** eliminates the phase-down of the tax credit for digital interactive media producer tax credit and increases it from a range of 20% to 10% to 25% and grants an additional payroll credit for Louisiana residents of 10%. It refocuses the tax credits from just video games to the design and development of all types of digital interactive media such as simulation software, interactive educational or training products, Internet sites designed and developed as social media, software applications that provide connectivity and communications between mobile devices and digital interactive media web platforms, and technology designed to stream live or pre-recorded video content over the Internet. The credit specifically includes the costs of payroll and component parts in the tax base, and excludes post production expenses and non-production related overhead. The law requires such media to contain at least two of the following types of data: text, sound, fixed images, animated images, video, or 3D geometry. Finally, changes the definition of an "expenditure in the state" to include (as in the movie tax credit) sales of property not acquired from a "source within the state" and services not "procured in the state", and any rentals and leases of property in the state that would be

subject to the state's sales tax.

The sound recording investor tax credit was set to terminate on January 1, 2010. **Senate Bill 123 by Senator Michot (vetoed as duplicate) and House Bill 458 by Representative Talbot (Act 475)** changes the credit to a cash rebate and extends the termination date to January 1, 2015 for "productions", but limits the right to a rebate to "infrastructure projects" which have applied on or before August 1, 2009. Broadens the definition of "expended in the state in a somewhat different manner than the other credits, providing that the term means an expenditure to acquire property from a source within the state which is subject to state sales or use tax, or an expenditure as compensation for services performed within the state which is subject to state income tax.

The musical and theatrical production income tax credit also is tweaked in **House Bill 798 by Representative Carter (Act 465)**. It makes DED the agency in charge of the credit; allows as an expenditure a contemporaneous exchange of cash equivalents; appears to limit "production expenditures" eligible for the credit to construction and operation expenses, eliminating a more extensive list of indirect expenditures; specifically makes ineligible non-touring music and cultural festivals, industry seminars, and trade shows; provides for facilities with multiple uses; and levies an application fee of 2/10ths of one percent of estimated credits which is used to promote and market Louisiana's entertainment industry.

## TAX BENEFITS FOR ORDINARY PEOPLE

In order to eliminate a recent discovery that the sales tax exemption for meals provided to the staff and students of educational institutions and the patients of hospitals and mental institutions has been "suspended" and those meals are now taxable, **House Bill 189 by Representative Greene (Act 473)** provides a retroactive exemption.

The deduction for school expenses has been corrected in **House Bill 338 by Representative Greene (Act 460)** to eliminate the need for uniforms or supplies to be purchased from the school in order to be eligible for the deduction, and changes it so that the deduction is limited to children who qualify as a dependency deduction on the taxpayer's income tax return.

**Senate Bill 338 by Senator Gray-Evans (vetoed as duplicate), Senate Bill 206 by Senator Adley (pending conference), and House Bill 756 by Representative Montucet (Act 756)** adds Fuller Center for Housing covenant partners to Habitat for Humanity's current sales tax exemption for construction materials purchased for use in constructing new residential dwellings, and gives a similar exemption for organizations constructing or renovating residences damaged by Hurricanes Katrina and Rita.

In addition to the regular annual Sales Tax Holiday for all types of consumer purchases, **Senate Bill 52 by Senator Marionneaux (Act 453)** now grants an Annual Louisiana Second Amendment Weekend Holiday each calendar year on the first full weekend of September for consumer purchases of firearms, ammunition, and

hunting supplies.

By January 1, 2010, **House Bill 251 by Representative Greene (Act 599)** provides that any "factory built home" which is subject to sales tax because it is not considered an "immovable" under Louisiana law shall be required to pay sales tax in the same manner as mobile homes, that is, on 46% of the price (being the approximate cost of materials). There will no longer be the need (or the ability) to file any papers declaring the homes "immovables" in order to avoid 100% of the price of the home.

## BUSINESS-ORIENTED TAX BENEFITS

### New tax benefits:

**Senate Bill 194 by Senator Broome (vetoed)** would have granted a new tax credit for employers who allow parents to take paid leave for a period of not more than four hours per month during the school year for the purpose of participating in activities directly related to the employee's child at the school or child day care center attended by the employee's child up to the 3<sup>rd</sup> grade, limited to parent-teacher conferences, special presentations, and school-related committees, all during regular school hours. The credit would have been an amount per hour of leave granted which is equal to the lesser of \$45 per hour or two and one-half times the employee's hourly wages

Businessmen and women who sell their businesses would be eligible under **House Bill 106 by Representative Greene (Act 457)** for a deduction from their Louisiana individual income tax for net gains arising from the sale or exchange of an equity interest in or substantially all of the assets of a nonpublicly traded business organization

commercially domiciled in this state.

**House Bill 618 by Representative Greene (Act 476)** provides tax relief, especially to smaller corporations, from the corporate franchise tax, by deleting the annual minimum tax.

A new refundable tax credit of 5% of the qualified expenditures for a capital project which requires at least \$5 million of investment in order to "modernize" a business is granted in **Senate Bill 252 by Senator Walsworth (Act 447)**. DED is limited to granting \$10 million of credits per calendar year. "Modernization" is defined as either (1) an increase of maximum capacity or efficiency of the facility of greater than 10% as a result of adopting "best practices" technology and a requirement that the company establish that without the investment the facility would be a high risk for closure in the foreseeable future, or (2) investment from a company with multi-state operations with "an established competitive capital project program."

**Senate Bill 228 by Senator Gray-Evans (subject to call - House final passage)** would have granted a new \$300 tax credit for 2009, 2010, and 2011 for homeowners who are paying mortgage interest but are forced to reside in leased residential property because of recent hurricanes.

The LHFA would have been authorized to grant a new tax credit in amounts up to \$250,000 per calendar year for projects receiving reservations and/or allocations of federal low income housing tax credits in **Senate Bill 221 by Senator Brome (VETOED)**.

Various new sales tax exemptions were granted:

For the price of property consumed in the manufacturing process and a phase-out by July 1, 2013 of the tax on repairs and maintenance of manufacturing machinery and equipment [**House Bill 818 by Representative Ellington (Act 466)**].

For capital equipment for certain radiation treatment centers [**House Bill 734 by Representative Carter (Act 462)**].

For commercial farm irrigation equipment [**House Bill 473 by Representative Little (Act 461)**].

For the machinery and equipment of a glass container manufacturer [**House Bill 320 by Representative Gallot (Act 459)**].

Current tax benefits:

**House Bill 578 by Representative Richmond (vetoed)** would have expanded the current credit against tax for the employment of first time drug offenders under 25 to the employment of all of those under 35 convicted of a non-violent offenses, provided that the person has not been released from incarceration for more than 365 days.

A terminated research and development credit is re-activated by **House Bill 790 by Representative Greene (Act 477)**. The credit is 8% of the state's apportioned share of the taxpayer's expenditures for increasing research activities, if the taxpayer is an entity that employs 100 or more Louisiana residents; 20%, if the taxpayer

employs 50 to 99 residents; 25% if the taxpayer claims the alternative incremental tax credit under 26 U.S.C. §41; and 40% if the taxpayer employs fewer than 50 residents.

### **TAX BENEFITS FOR PORT DEVELOPMENT**

**House Bill 215 by Representative Hutter (Act 474)** provides two credits which benefit ports:

1. The Investor tax Credit authorizes the DED to grant a tax credit until January 1, 2015 equal to the total capital costs of a qualifying project in a Louisiana port to be taken at 5% per tax year if the commissioner of administration, after approval of the Joint Legislative Committee on the Budget and the state bond commission, certifies to the secretary of the department that there will be sufficient revenue received by the state to offset the effect to the state of the tax credits.
2. The Import Export Cargo Credit grants a credit against the tax of a taxpayer who has received certification from DED equal to the product of multiplying \$5.00 by the taxpayer's number of tons of qualified cargo for the taxable year but only for the total amount of the allocation provided to the taxpayer by the secretary of DED for such taxable year. The tax credit is only allowed for all or a portion of a fiscal year if the commissioner of administration and the state bond commission certifies to DED that there will be sufficient revenue received by the state to offset the effect to the state of the tax credits

whether from increased utilization of public port facilities because of the tax credit or otherwise.

### **TAX BENEFITS FOR DELINQUENTS**

In an effort to collect revenue that might otherwise take years of litigation to collect, or which might be missed altogether, **House Bill 720 by Representative J. H. Smith (Act 519)** establishes another Tax Amnesty program. It directs the DOR to implement a tax amnesty program for two consecutive months between July 1, 2009 and June 30, 2010 which requires the delinquent taxpayers to pay all taxes, fees, and costs assessed and one-half of the interest due. Penalties are waived.

## Social Services

by: Ann S. Brown  
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### FEDERAL FUNDING OF SOCIAL PROGRAMS

During the 2000 federal decennial census, Louisiana had one of the lowest citizen response rates in the nation on mailed questionnaires which seriously impacted the accuracy of the state population count. As such, this under reporting led to eight major programs being underfunded in Louisiana. Those programs involved health care, social services and education. In an effort to prevent the same problem **House Concurrent Resolution 230 by Representative Gallot and Senator Kostelka (Enrolled)** acknowledges April 1, 2010 as Census Day for the federal decennial census of 2010 and encourages citizens to participate in Census 2010 by completing their census forms and mailing them back to the United States Census Bureau.

### HOUSING ASSISTANCE

**Senate Bill 167 by Senator Gray-Evans (Act 487)** requires the Louisiana Recovery Authority (LRA) to prepare an Action Plan Amendment for implementing two new programs, as appropriate, within 30 days of enactment. Provides that proposed law will become effective when the Action Plan Amendment is approved by the U.S. Department of Housing and Urban Development. Programs added:

1. ***Emergency Rental Assistance Program*** which is a program that provides rental assistance to families expiring out of FEMA's temporary

housing program or HUD's Disaster Housing Program, whose income is less than 80% of the area median income and who are not receiving permanent housing vouchers or other permanent affordable housing assistance. Provides that not less than \$5 million of Community Development Block Grant (CDBG) disaster funding, supplemental disaster Social Service Block Grant funding, or other available federal and state resources shall be allocated for emergency rental assistance.



2. ***Imported Tainted Drywall Assistance Program*** is a program which provides for identification and remediation of imported tainted drywall. "Remediation" shall include, but not be limited to, the removal and replacement of tainted imported drywall. Requires that the Action Plan creating this program be submitted to HUD providing that any Imported Tainted Drywall Assistance Program funding unallocated or unexpended one year after HUD approves the program shall be transferred to the Louisiana Housing Trust Fund. Proposed law further adds that not less than \$5 million of the Road Home

Program, or other available federal and state resources shall be allocated for imported tainted drywall assistance.

**Senate Bill 279 by Senator Walsworth and Representative Peterson (Act 353)** provides that public facilities, including schools, postsecondary education facilities, and other facilities owned or leased by the state or local governments, excluding hospitals or nursing homes, which are suitable for use as public evacuation shelters, during a declared emergency, will be made available at the request of the director of the parish office of Homeland Security and Emergency Preparedness.

**House Bill 781 by Representative Hines (Vetoed)** would have provided for the La. Homeless Assistance and Prevention program and the La. Interagency Advisory Council for the Homeless within the Dept. of Social Services. Provided that the programs' goals was to prevent and reduce homelessness and to provide services to homeless people in Louisiana.

## CHILDREN

### Licensure of child care facilities

**Senate Bill 137 by Senator Jackson (Act 400)** transfers the functions related to the licensure of child care facilities and agencies from the secretary of the Dept. of Social Services to the office of community services within DSS and provides that all child placing agencies shall be licensed as Class A only.

**Senate Bill 238 by Senators Mount et al (Act 194)** provides that Dept. of Social Services shall promulgate rules and regulations for the creation and maintenance

of one advisory council relative to licensure or standards of Class A or Class B child care facilities. Creates the Louisiana Advisory Council on Child Care and Early Education and further requires DSS to seek input and guidance from the advisory council for any proposed rules or regulations. Abolishes the LA Advisory Committee on Licensing of Child Care Facilities and Child Placing Agencies and the LA Committee on Private Child Care.

### Protection of children

**House Bill 319 by Representative Willmott (Act 284)** requires *public* school governing authorities to provide high school students, enrolled in Health Education, with at least 30 minutes of age and grade appropriate instruction each school year relative to the state's safe haven relinquishments law.

**House Concurrent Resolution 45 by Representative Willmott (Enrolled)** requests that each *nonpublic* high school provide students with at least 30 minutes of classroom instructions, that is age and grade appropriate, each school year relative to the state's safe haven relinquishments law.

**House Bill 590 by Representative Barrow (Act 297)** requires public school governing authorities to:

1. Ensure that a child in foster care is allowed to remain enrolled in the same school in which he was enrolled, upon entering foster care, if it is determined to be in the child best interest. Further requires that such governing authorities and the Dept. of Social Services shall provide transportation if the foster care placement is beyond

the school's jurisdictional boundaries.

2. Ensure that barriers to educational opportunity and access for children of military families are removed pursuant to the Interstate Compact on Educational Opportunity for Military Children. Authorizes the governor to enter into the compact on behalf of the state, with the states joining therein, for cooperative efforts for the enrollment and placement of children of military families in schools. Identifies various barriers to educational opportunity and access such as, timely enrollment; on-time graduation; immunization requirements; variations in attendance, scheduling, sequencing, grading, age, course content or assessments; facilitating qualification and eligibility for enrollment in special educational programs and participation in extracurricular academics, athletics, and social activities. Further provides that the compact applies only to public local education agencies and only to the children of the following:

- (1) Active duty members of the uniformed services as defined in the compact, including certain members of the National Guard and Reserve on active duty orders.
- (2) Members or veterans of the uniformed services who are

severely injured and medically discharged or retired for a period of one year after medical discharge or retirement.

- (3) Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

**House Concurrent Resolution 84 by Representative Labruzzo (Senate Committee)** would have urged and requested the House and Senate committees on governmental affairs to study the feasibility of implementing a daycare facility in the state capitol complex.

**House Bill 703 by Representative Katz (Act 221)** expands the list of persons for which the Dept. of Social Services may receive criminal history record information to include persons receiving services from the office of community services. Mandates that DSS conducts criminal background checks on potential employees whose duties will include investigations of child abuse or neglect, the supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys. Authorizes DSS to utilize the National Crime Information Center for criminal background checks. Further requires the Bureau of Criminal Identification and Information to facilitate national criminal history record checks of potential owners, operators, employees or volunteers of child care residential facilities licensed by DSS.

**House Bill 784 by Representative Katz (Act 47)** mandates Dept. of Social Services to conduct a search of the central registry of justified abuse or neglect reports prior to hiring certain employees to determine if the potential employee's name is on the registry and poses a risk to children. If the potential employee is listed on the central registry and is found by a risk evaluation panel to pose a risk to children, DSS is prohibited from hiring that individual. Provides for an appeals and judicial review process. Directs DSS to conduct an assessment of the cost of utilizing central registry information to expanded groups of individuals who work in the child care industry and are determined by DSS to pose a risk to children.

**House Bill 905 by Representative Landry (Act 388)** mandates the disclosure of records in the state central registry for owners, operators, current or prospective employees, and volunteers in child care facilities licensed by the Dept. of Social Services and provides for penalties for the falsification of such records. One who knowingly falsifies the information on the disclosure form shall be guilty of a misdemeanor offense and fined not more than \$500 or imprisoned for six months or both.

**Senate Bill 171 by Senators Broome et al (Act 343)** provides that each licensed child care facility, before Nov. 1<sup>st</sup>, shall make available to each child's parent or legal guardian information relative to the risks associated with influenza and the availability, effectiveness, known contraindications and possible side effects of the influenza immunization. Further provides that the Dept. of Social Services shall provide such information to each licensed child care

facility, which shall make the information available to each child's parent or legal guardian.

**Senate Bill 251 by Senator Erdey (Act 351)** provides that day care centers shall make available to parents or legal guardians information on how to view or obtain copies of child care licensing surveys from the Dept. of Social Services.

### **DELIVERY OF SERVICES TO SPECIAL GROUPS**

**House Bill 728 by Representative Schroder (Act 381)** transfers the authority to license adult residential care homes from the Dept. of Social Services to the Dept. of Health and Hospitals by July 1, 2010. Requires that all adult residential care providers, whether facilities, agencies, providers, institutions, societies, corporations, partnerships, entities, residences, person or persons, or any other groups providing adult residential care are to be licensed.

**Senate Concurrent Resolution 48 by Senator Broome (Enrolled)** creates the Southern University Center for Equitable Development Task Force to study and develop statewide recommendations for local strategies and initiatives to meet the economic, social, health, and human resource development needs of economically depressed communities across the state.

**House Bill 521 by Representative LaFonta (Act 141)** creates the La. Council on the Provision of Governmental Services to Latin Americans and charges the council with proposing ways to remove obstacles to the effective delivery of governmental services to Latin Americans.

**House Bill 894 by Representative Peterson (Act 170)** creates a pilot program within the Dept. of Public Safety and Corrections to provide services to certain at risk juveniles and their families based upon a functional family therapy model of intervention. The program services are aimed at enhancing interpersonal relationships, developing conflict resolution skills, and developing coping mechanisms for managing anger and stress.

## State Government

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### CRIMINAL PROCEDURE

In an effort to protect the witness in a violent offense, **House Bill 33 by Representative Jones (Act 263)**, creates the Witness Protection Services Board (board) and provides for protection services for certain witnesses in criminal cases. The board will be placed within the office of the governor and consist of seven members and will conduct meetings through telecommunication and teleconference.

The board will be subject to open meetings laws except that it may meet in private session to consider or act on matters concerning the identity, location, or award of protection to critical witnesses or their immediate family.

The Act provides for immunity for the board and its members in providing or failing to provide witness protection services.

The board will provide for the following services for witnesses and immediate family members of witnesses:

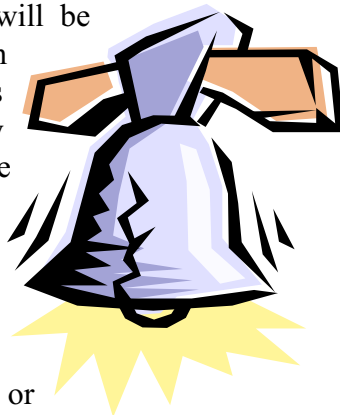
- (a) Any necessary armed protection or escort, marked or unmarked surveillance, or periodic visits or contact by law enforcement officials prior, during, or subsequent to a criminal proceeding.

- (b) Physical relocation to an alternate shelter, housing, or residence.
- (c) Reasonable housing expenses.
- (d) Transportation or storage of personal possessions.
- (e) Basic living expenses.
- (f) Assistance in assumption of a new identity and relocation.
- (g) Petition for a protective order against any individual identified as a threat to a critical witness.

The Act provides for a petition procedure for requesting witness protection services. Furthermore, the Act provides for a written memorandum of understanding regarding witness protection services and the agreements between the individuals receiving protection services and the state regarding those services. The board and program will be implemented to the extent that funds are appropriated by the legislature or made available through grants or federal funds.

### CHILDREN/ABUSE

Attempting to add another layer of protection for children, **House Bill 784 by Representative Katz (Act 47)**, requires the Department of Social Services (DSS) to search the central registry to assess potential employees of the department who would be working with children and would prohibit



DSS from hiring certain employees who are found to pose a risk to children and provides for an appeal and judicial review process. The department is further directed to conduct an assessment of the cost of utilizing central registry information to expanded groups of individuals who work in the child care industry and are determined by DSS to pose a risk to children.

The Act requires that DSS terminate a current employee whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys when, subsequent to the promulgation of rules and regulations regarding the risk evaluation panel, that employee's name has been recorded on the central registry, unless the risk evaluation panel has determined in writing that the employee does not pose a risk to children. DSS is required to establish criteria for assessing a potential or current employee's risk to children and to create a risk assessment panel that is charged with determining level of risk for a potential or current employee. That panel is required to provide any determinations of the potential or current employee in writing.

The Act further provides for an administrative appeal and judicial review process within DSS for potential or current employees who have been determined by the risk evaluation panel to pose a risk to children. DSS is also required to conduct an assessment of the impact and cost of utilizing the information in the central registry to prohibit individuals from owning, operating, being employed, or volunteering at child care and child residential facilities licensed by DSS and

requires DSS to submit a report of assessment results to the legislature.

## BOARDS & COMMISSIONS

In an attempt to downsize the number of boards and commission in the state, **House Bill 852 by Representative Smiley (Act 438)**, abolishes certain boards, commissions, political subdivisions, authorities, and like entities; in some cases also abolishes the functions and responsibilities of the entity; in other cases provides that some other person or entity is responsible for the functions and responsibilities of the abolished entity, all as follows:

### Educational Assessment Testing Commission:

Created to study elementary and secondary education testing issues, indicators of student performance, and the results thereof and to serve as advisor to the State Board of Elementary and Secondary Education and recommend procedures for conducting, maintaining, and reporting reliable accountability measures of student performance. The bill abolishes the commission and its functions.

**Interim school board for Central Community School System:** Created to govern the school system only until the initial elected members of the Central Community School Board took office. The bill abolishes the interim school board and its functions.

**La. Home Instruction for Preschool Youngsters Advisory Board:** Created to assist in developing standards for funding qualified HIPPY programs

and raising public awareness of such programs and to provide consultation and guidance to the HIPPY coordinator and the Dept. of Education. The bill abolishes the board and its functions.

A. Z. Young Memorial Commission: Creates the A. Z. Young Memorial Commission to approve the design, content, and location of the plaque and memorial on state property formally occupied by the A. Z. Young Building. The bill abolishes the commission.

Archaeological Survey and Antiquities Commission: Creates the commission to promote the goals and objectives of the Dept. of Culture, Recreation and Tourism and to act in an advisory capacity to that department and its secretary in their administration of current law relative to protecting and preserving prehistoric and historic properties, artifacts, treasure troves, and objects of antiquity which have historical value or which are of interest to the public, and in other matters relating to antiquities, archaeology, and other cultural resources. The bill abolishes the commission and its functions.

La. Unmarked Burial Sites Board: Creates the board within the Dept. of Culture, Recreation and Tourism to protect unmarked burial sites and human skeletal remains and burial artifacts in such sites. Authorizes the board to implement current law through the exercise of various powers and

functions including: adoption of rules, institution of civil actions to restrain and prevent disturbance of unmarked burial sites and otherwise to enforce current law, to seek restitution and other monetary relief, and to issue permits for disinterment and scientific study of human remains and burial artifacts. The bill abolishes the board and transfers the powers, duties, and functions of the board to the secretary of the Dept. of Culture, Recreation and Tourism or his designee.

La. Medical Assistance Trust Fund Advisory Council: Current law authorizes the Dept. of Health and Hospitals to impose a fee for health care services provided by the Medicaid program. Provides for deposit of the proceeds of the fee into the La. Medical Assistant Trust Fund and the use of monies in the fund for the Medicaid program. Creates the advisory board to advise the secretary in the administration of the trust fund, advise on rules pertinent to the administration of the trust fund, and review the financial records and accounts of the fund and make recommendations to the secretary. The bill abolishes the advisory council and its functions.

La. Economic Development Council and Cabinet Advisory Group on Economic Development: Creates the council and provides that it is responsible for directing the economic development policymaking and strategic economic development planning of the state for recommendation to the governor and the legislature. Provides that the

council shall formulate the State Master Plan for Economic Development. Also creates the cabinet advisory group and provides that the group shall advise, coordinate with, and provide research, information, and staff support to the La. Economic Development Council upon the request of the council. The bill abolishes the council and its functions. Also abolishes the cabinet advisory group.

**Manufactured Housing State Administrative Agency:** Establishes regulations of the manufactured housing industry, including manufacturing, retail, and sales facets of the industry. Current law provides for the state administrative agency and state administrative agent. Authorizes the agent to carry out and enforce the state plan on behalf of the U.S. Dept. of Housing and Urban Development. The state plan outlines effective handling of consumer complaints and other information that relates to noncompliance, defects, or imminent safety hazards involving manufactured housing. The bill provides that the state fire marshal is the state administrative agent and his office is the state administrative agency.

**Economic Development Funding Board:** Creates this board within the La. Stadium and Exposition District (the superdome commission). Provides that the board is responsible for promotional and economic activities

of the district. Further provides that the board controls and manages certain surplus funds of the district, which are funds, tax proceeds, and otherwise, remaining after various obligations are met. The bill transfers these functions and duties to the La. Stadium and Exposition District.

**Uniform Payroll Insurance Committee:** Current law requires the governor to establish by executive order a uniform payroll study committee to study all issues related to the administration, availability, and purchase of certain insurance products by state employees through the state Uniform Payroll System. The bill repeals current law.

The Act removes references to the following previously abolished entities: the Adult Learning Task Force, the Disability Services and Supports System Planning Group, the Statewide Health Coordinating Council, and the Minority Health Affairs Commission.

The Act further creates the Board of Examiners of Certified Shorthand Reporters within the office of the governor for the purpose of encouraging proficiency in the practice of shorthand reporting as a profession, promoting efficiency in court and general reporting, and extending to the courts and to the public the protection afforded by a standardized profession by establishing a standard of competency for those persons engaged in it. Provides that the composition of the board shall be as follows:

- (1) The state Supreme Court appoints four members, one of whom shall be a

judge and three of whom shall be certified shorthand reporters.

- (2) The governor appoints three members, subject to Senate confirmation, each of whom shall be a certified shorthand reporter.
- (3) The speaker of the House and the president of the Senate each appoints one member, both of whom shall be attorneys.

### LAW ENFORCEMENT

In an effort to increase efficiency in law enforcement, **Senate Bill 143 by Senator Amedee (Act 401)**, provides that an application for any warrant or signature utilized by the judicial branch not be denied legal effect or enforceability solely because it is in electronic form and that it have the full effect of law. The Act requires that an electronic record satisfy a legal requirement that an application for any warrant be in writing and that if the law requires a signature, then an electronic signature will satisfy such requirement.

Any application used to attach a digital signature to any warrant or affidavit would be required to have security procedures in place to insure the authenticity of the digital signature.

The Act requires that the application be able to keep an electronic record of the warrant or affidavit, including the time and date when the signature was attached. Also requires that the application include encryption measures to ensure secure access of the application and provides that, unless

otherwise agreed to by a sender of a warrant application and the judiciary, an electronic signature is received when (1) the record enters an information-processing system designated and approved by local court rule for the purpose of receiving electronic applications for warrants and from which the recipient is able to retrieve the electronic record and (2) it is in a form capable of being processed by the system.

The Act provides that applications for testimony transcript certification or signature utilized by an office not be denied legal effect or enforceability solely because it is in electronic form and requires that such application, signature or record in electronic form have the full effect of law.

### STATE AGENCIES

Building a more efficient and effective state government, **Senate Bill 261 by Senator Donahue (Act 491)**, establishes the Commission on Streamlining Government to examine each agency's constitutional and statutory activities, functions, programs, services, powers, duties, and responsibilities, and to determine which of these activities, functions, programs, services, powers, duties, and responsibilities can be (1) eliminated, (2) streamlined, (3) consolidated, (4) privatized, or (5) outsourced in an effort to reduce the size of state government. The bill provides that the commission is to target agencies whose activities, functions, programs, or services can be consolidated or eliminated, in addition to identifying opportunities for privatizing and outsourcing current state activities, functions, programs, or services.

Furthermore, the Act provides that the commission is to examine the necessity and

performance of activities, functions, programs, and services in order to ensure that they are meeting current performance standards effectively and efficiently, and that they are meeting the needs of Louisiana citizens.

The commission would be composed of thirteen members as follows, seven of which will form a quorum:

- (1) The commissioner of administration, or the commissioner's designee.
- (2) The speaker of the House of Representatives, or the speaker's designee.
- (3) The president of the Senate, or the president's designee.
- (4) The state treasurer, or the treasurer's designee.
- (5) The secretary of the Department of Health and Hospitals, or the secretary's designee.
- (6) The secretary of the Department of Natural Resources, or the secretary's designee.
- (7) The executive director of the Louisiana Workforce Commission, or the director's designee.
- (8) The chairman of the House Committee on Appropriations, or the chairman's designee.
- (9) The chairman of the Senate Committee on Finance, or the chairman's designee.

- (10) Two individuals engaged in private enterprise, appointed by the governor, which individuals shall be subject to Senate confirmation.

- (11) One individual engaged in private enterprise, appointed by the speaker of the House of Representatives, which individual shall be subject to Senate confirmation.

- (12) One individual selected from a list of three individuals nominated by the AFL/CIO, and appointed by the president of the Senate, which individual shall be subject to Senate confirmation.

The reports submitted by the Commission on Streamlining Government may include any, or any combination, of the following:

- (1) Recommendations to eliminate, streamline, consolidate, privatize, or out source constitutional and statutory agency activities, functions, programs, services, powers, duties, and responsibilities to provide the same or greater type and quality of activity, function, program, or service that will result in cost reduction or greater efficiency or effectiveness.
- (2) Recommendations to ensure that agency activities, functions, programs, and services are necessary, meeting or exceeding performance standards, and meeting the needs of Louisiana citizens.
- (3) Recommendations for the elimination,

consolidation, privatization, or outsourcing of an agency to provide a more cost efficient or more effective manner of providing an activity, function, program, or service.

- (4) Recommendations providing for the use of alternative resources to the operation of agencies, activities, functions, programs, and services to provide a more cost-effective manner without impacting the quality or availability of needed services.
- (5) Recommendations for standards, processes, and guidelines for agencies to use in order to review and evaluate government activities, functions, programs, and services to eliminate, streamline, consolidate, privatize, or out-source.

The Act requires the commission to submit an initial report of its recommendations, including recommendations requiring legislation or administrative action, to the governor, the Senate president, the House speaker, the Senate and Governmental Affairs Committee, the House and Governmental Affairs Committee, and the commissioner of administration, no later than 12/15/09. The commission would be required to prepare the recommendations in the report as a reorganization plan and submit the plan to the Senate and Governmental Affairs Committee and the House and Governmental Affairs Committee for consideration by 1/4/10. The committees, meeting as a joint committee, will review the reorganization plan by 2/1/10, and may recommend adoption of the plan with

such additions, deletions, or modifications to the plan as the two committees meeting jointly deem necessary.

The commission is required to provide a report annually before January 1<sup>st</sup> consisting of the status and implementation of the reorganization plan approved by the Senate and Governmental Affairs Committee and the House and Governmental Affairs Committee to the governor, the Senate president, the House speaker, the Senate and Governmental Affairs Committee, the House and Governmental Affairs Committee, and the commissioner of administration.

Staffs of the Senate, House of Representatives, Legislative Fiscal Office, Legislative Auditor, office of the governor, and division of administration may provide staff support and otherwise assist the commission as requested by the commission.

The Act further provides that the commission may submit a written request for specific support and assistance from the staff of the above agencies and authorizes the commission to apply for, contract for, receive, and expend for the purpose of the Act any appropriation or grant from the state, its political subdivisions, the federal government, or any other public or private source.

## **CULTURE/RECREATION/TOURISM DEPARTMENTS**

Attempting to capitalize on the aging baby boomer population, **Senate Bill 158 by Senator B. Gautreaux (Act 342)**, provides for the recognition of the 50 year old and above demographic as an economic opportunity for the state. The Act renames the Louisiana Retirement Development

Commission within the office of the lieutenant governor to the Encore Louisiana Commission.

The Encore Louisiana Commission capitalizes on attracting retirees and potential retirees to the state through economic advantages and tourism.



## Transportation & Development

by: Cathy Wells  
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### CELL PHONES

**House Bill 146 by Representative A. Badon (Senate Committee)**

Drivers may still talk on hand held cellular devices while driving a motor vehicle as Representative Badon's prohibition on using hand held cell phones did not make it out of committee.

### DRIVERS LICENSE

**Senate Bill 229 by Senator Gray Evans (Act 349)** prohibits any fee from being charged for the issuance of a driver's license or identification card to children in foster care.

### LEEVE DISTRICTS

**Senate Bill 350 by Senator Morrell (Pending conference)** would have created a special commission to review and make decisions concerning the non-flood protection assets of the Orleans Levee District. This commission is would have required to hold it s first meeting by August 15, 2009 and to make its first report no later than March 15, 2010 to the Joint Transportation Committee.

**House Bill 787 by Representative Baldone (Act 225)** requires levee districts located in coastal areas and parish governing authorities located in coastal areas where no levee district exists to submit a levee elevation report on tidal levees once every three years to the office of coastal protection and restoration. Provides for levee districts located in coastal areas to establish adequate drainage, flood control, and water resource development.

Further provides that levee district located wholly or partially in the coastal area may expend funds **outside** of their normal jurisdictional bounds on the condition that the funds are used consistent with the purposes and intent expressed in R.S. 49:213.1 and will benefit the jurisdiction from which the funds are derived and if specially provided for by the Coastal Protection and Restoration Authority.

### MOTOR VEHICLES

**Senate Bill 187 by Senator Heitmeier (Act 715)** modifies the medical exemption to prohibition on **window tints** on motor vehicles. This legislation requires medical personnel to list recognized conditions in the World Health Organization International Classification of Disease ICD-9-CM, or describe a medical condition not listed when the medical exemption is being sought. Senate Bill 187 authorizes the office of state police may seek the opinion of the Louisiana Medical Advisory Board on whether to grant a medical exemption. This legislation further requires the individual seeking the medical exemption to sign a notarized release authorizing the release of all medical records dealing with the medical exemption to the Department of Public Safety.

**House Bill 453 by Representative Pugh (Act 371)** requires an applicant seeking a medical exemption for a **window tint** to submit a full set of fingerprints so the

Louisiana Bureau of Criminal Identification and Information can perform a background check on the applicant. Further requires the applicant to be responsible for the payments of fees associated with the required back ground check. Requires DPS&C to issue a decal to persons with a medical exemption that allows for tinted motor vehicle windows and requires that the decal be displayed on the vehicle.

**House Bill 55 by Representative LaFonta (Act 24)** prohibits the installation of any car amplification system on the exterior of a motor vehicle.

#### **PORTS**

**House Bill 779 by Representative Tucker (Subject to Call Senate Final Passage)** would have changed the composition of the board of commissioners for the Port of New Orleans to give a representative from Plaquemines Parish a voting position on the board. This legislation authorizes, subject to a favorable vote of the people of Plaquemines Parish, the board of commissioners for the Port of New Orleans to share jurisdiction with the board of commissioners for the Plaquemines Parish Port on any port project in Plaquemines Parish.

#### **SAFETY BELTS**

**House Bill 499 by Representative Monica (Act 166) and Senate Bill 168 by Senator Riser (Failed House Final Passage)** require each occupant, over the age of thirteen years, of a passenger car, van, or truck having a gross weight of ten thousand pounds or less, commonly referred to as a pickup truck, in this state to have a safety belt properly fastened about his or her body at all times when the vehicle is in forward motion, if a belt for his

seating space has been provided by the manufacturer.

#### **TRAFFIC**

**Senate Bill 313 by Senator McPherson (Act 408)** provides that when a death occurs when a moving conveyance is involved, the body of the deceased person cannot be disturbed from the position in which it is found by any person without authorization from the coroner, or his designee, except the investigating law enforcement agency may disturb the body in order to obtain the identification of the deceased, preserve the body from loss or destruction, or maintain the flow of traffic on a highway or railroad. This legislation additionally provides that in any and all cases of death, when organs are to be used in a transplant, it is not mandatory that an additional physician, not a member of the transplant team, make the pronouncement of death.

**House Bill 626 by Representative Downs (Act 188)** requires local law enforcement bodies seated in jurisdictions not governed by home rule charters to forward fines and penalties collected for citations issued for exceeding the posted speed limit by less than ten miles per hour on an interstate highway to the state treasurer and to be used by the La. Highway Safety Commission.

## Wildlife & Fisheries

by: Clifton Gillespie  
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### HUNTERS/HUNTING

**House Bill 39 by Representative Henry Burns (Act 322)** authorizes a person holding a physically challenged hunter permit who has a visual impairment to use a laser sighting device when hunting deer or turkey. The legislation requires certification by a Louisiana licensed optometrist or ophthalmologist. It also requires the hunter to be accompanied by another licensed hunter and provides that only the person holding the physically challenged hunter permit may discharge the firearm.

**House Bill 231 by Representative Little (Act 55)** authorizes the use of crossbows for taking of wild birds, including turkey and wild quadrupeds.

**House Bill 410 by Representative Bobby Badon (Act 208)** authorizes a crawfish farmer or landowner to take raccoons, opossums, nutria, or beaver that are destroying either crawfish on private ponds or the ponds themselves. Such takings may be from a boat or vehicle with a .22 caliber rimfire rifle with no bag limit any time of the year during the day or at night.

**House Concurrent Resolution 203 by Representative Armes (Enrolled)** memorializes the Louisiana congressional delegation and the U.S. Congress to preserve a decades-old tradition in Louisiana by

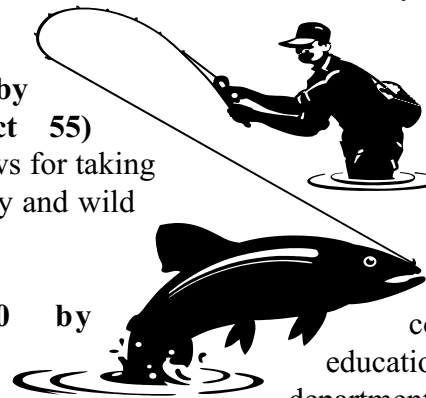
continuing to allow the use of dogs to hunt deer in the Kisatchie National Forest.

**Senate Bill 52 by Senator Marionneaux (Act 453)** establishes the Annual Second Amendment Weekend Holiday to exempt from state and local sales tax consumer purchases of firearms, ammunition, and hunting supplies from the first consecutive Friday through Sunday of September of each year. A similar bill, **House Bill 128 by Representative Henry**, was vetoed by the governor.

**Senate Bill 55 by Senator Dupre (Act 339)** provides that no person born on or after September 1, 1969, shall procure a hunting license of any kind, unless that person has been issued a certificate of satisfactory completion of a firearm and hunter education course taught or approved by the department. Additionally, the legislation provides that no person authorized to issue an hunting license shall knowingly issue such license to a person, born on or after September 1, 1969, who has not satisfactorily completed a firearm and hunter education course taught or approved by the department.

### FISH/FISHING

**House Bill 299 by Representative St. Germain (Act 115)** increases the fee for a bait shrimp permit and provides for when bait shrimp may be taken. The legislation specifies



that live shrimp may be taken by holders of the permit during the closed seasons beginning May 1 of each year. It also increases the cost of the permit from \$100 to \$110.

**House Bill 542 by Representative LaBruzzo (Act 374)** allows the purchase of commercial licenses with credit cards or debit cards and business checks. It requires the Department of Wildlife and Fisheries to adopt rules, which are to include criteria that must be met to qualify for the use of a credit or debit card or business check to purchase commercial licenses or permits. It also provides that no fee shall be charged to the purchaser by DWF for payment by money order, cashier's check or cash.

**House Bill 587 by Representative Harrison (Act 376)** provides relative to the Oyster Seed Ground Vessel Permit. The bill specifies that the harvest is for commercial purposes and makes the qualifying conditions applicable to vessels licensed between certain dates. It also specifies that a vessel owner shall be eligible for a permit only for each vessel that could be used to meet the permit qualifications.

**Senate Concurrent Resolution 29 by Senator Dupre (Enrolled)** continues the Louisiana Recreational Saltwater Fishing Task Force to advise the Department of Wildlife and Fisheries and other entities on various recreational saltwater fishing issues.

#### **BOATS/BOATING**

**House Bill 478 by Representative Harrison (Act 508)** authorizes the purchaser or possessor of an outboard motor to obtain a certificate of title from the Department of

Wildlife and Fisheries. The legislation prohibits selling or transferring a titled outboard motor without delivering the title. It also authorizes the department to adopt rules and regulations regarding the registration and titling of abandoned and scrapped vessels and outboard motors.

**House Concurrent Resolution 49 by Representative Richardson (Enrolled)** requests the Department of Wildlife and Fisheries to study the possibility of requiring all persons aboard a vessel to wear a personal flotation device and to report to the oversight committees prior to the 2010 regular session.

#### **WATER/WATERWAYS**

**House Bill 451 by Representative Foil (Act 370)** adds Bayou Manchac from the Amite River to the Mississippi River into the state historic and scenic rivers system. The proposed law requires the Department of Wildlife and Fisheries to permit flood control projects on Bayou Manchac, and provides that the Louisiana Scenic Rivers Act shall not prohibit the construction of a bridge across Bayou Manchac.

**Senate Bill 222 by Senator Adley (Act 319)** increases the Red River Waterway Commission's allocation of its funds for operating expenses. The bill accomplishes this by changing the allocation of the tax for capital outlay projects and the allocation for the purpose of maintaining and operating the waterway.

**Senate Concurrent Resolution 38 by Senator Donahue (Enrolled)** nominates Bayou Liberty for inclusion in the Louisiana Natural and Scenic Rivers System.

**WILDLIFE/FISHERIES DEPT**

**House Bill 233 by Representative Gallot (Act 131)** moves the Louisiana Seafood Marketing and Promotion Board from the office of the secretary to the office of fisheries in the Department of Wildlife and Fisheries.

**House Bill 775 by Representative Guinn (subject to call - Senate final passage)** would have provided that agencies within the Department of Wildlife and Fisheries review rule change requests and provide timely notice to the person making the request indicating whether or not the agency intends to act on the request. The burden to establish the need for a requested rule change rests with the person submitting the request.

**Senate Concurrent Resolution 71 by Senator Mount (Enrolled)** requests the Department of Wildlife and Fisheries to study the use and marketing of "comp vests." These vests are manufactured for use in water sports in place of traditional life jackets. State law requires that individuals engaged in water sports must wear a U.S. Coast Guard approved life jacket; these devices may not meet that requirement.

## Women & Children

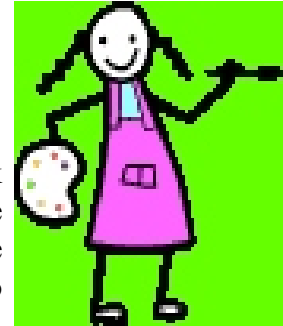
by: *Bobbie Hunter*  
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**House Bill 282 by Representative Simone Champagne (Act 132)** authorizes the creation of an early intervention program, in the parishes of Iberia, St. Mary, and St. Martin. The purpose of the program is to address the underlying causes of behavioral problems and school performance problems related to behavior by pooling existing resources targeted at the child and family through appropriate action by service and treatment providers. The Act eliminates the previous termination date, and makes the program permanent.

No later than June 15th of each year, the district attorney shall report statistical data indicating the effectiveness of the program to the appropriate standing committees of the legislature for use by the committees in consideration of expansion of the program.

**House Bill 784 by Representative Kay Katz (Act 47)** requires the Department of Social Services (DSS) to search the central registry of justified abuse or neglect to assess potential employees of the department who would be working with children. Current law provides that no person who applies to work in certain positions for DSS shall be hired if that person has been convicted of certain crimes under. The Act prohibits DSS from hiring certain employees who are found to pose a risk to children and provides for an appeals and judicial review process. Furthermore, DSS is directed to conduct an assessment of the cost of utilizing the central registry information to expanded groups of

individuals who work in the child care industry and are determined by DSS to pose a risk to children.



The Act mandates DSS to terminate a current employee whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys. DSS is required to provide any determinations of the potential or current employee in writing.

The Act provides for an administrative appeals and judicial review process within DSS for potential or current employees who have been determined by the risk evaluation panel to pose a risk to children.

**House Bill 703 by Representative Kay Katz (Act 221)** authorizes the Department of Social Services (DSS) to conduct criminal background checks on certain recipients of services of the office of community services, DSS employees, and child care and child residential workers.

Current law allows the Bureau of Criminal Identification and Information to release criminal history record information on certain groups of persons to DSS. The Act expands the listing of persons for which DSS may receive criminal history record information to include persons receiving services from the office of community

services and to potential DSS employees whose duties include investigations of child abuse or neglect, the supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys. Currently, any employer of one or more persons who is being considered for a position of supervisory or disciplinary authority over children is mandated to request a criminal background check on such person.

The Act prevents DSS from releasing the results of a national criminal background check unless such release is permitted under federal law. DSS will now be required to conduct a survey to assess the impact and cost of expanding national criminal history records checks and arrest records checks on potential owners, operators, employees, and volunteers of child care or child residential facilities, and requires DSS to develop a statewide implementation plan prior to requesting funds from the legislature. The implementation of national criminal background checks on such potential owners, operators, employees, and volunteers is contingent upon the appropriation of funds.

**House Bill 564 by Representative Neil Abramson (Act 375)** creates the crime of trafficking of children for sexual purposes and provides for criminal penalties and defines it as follows:

(1) To knowingly recruit, harbor, transport, provide, solicit, sell, purchase, or otherwise obtain a person under the age of eighteen years for the purpose of engaging in commercial sexual activity.

(2) To knowingly benefit from participation in a venture which has engaged in activity prohibited by HB 564.

(3) For any parent, legal guardian, or person having custody of a person under the age of eighteen years to knowingly permit or consent such minor to enter into any activity prohibited by the Act.

The Act defines "commercial sexual activity" and "venture" and provides for the following criminal penalties:

(1) General penalty includes a fine of not more than \$50,000, imprisonment at hard labor for 15 to 50 years, or both.

(2) When the victim is under the age of 14, the perpetrator shall be fined not more than \$75,000, and imprisoned at hard labor for 25 to 50 years, with a minimum mandatory sentence of 25 years.

(3) When the perpetrator is a parent, legal guardian, or person with custody of a minor, he shall be required to serve at least five years of the sentence imposed without benefit of probation, parole, or suspension of sentence.

(4) When the perpetrator is a parent, legal guardian, or person with custody of a victim who is under the age of 14 years, the perpetrator shall be required to serve at least 10 years of the sentence imposed without benefit of probation, parole, or suspension of sentence.

The Act further provides that the multi-disciplinary team approach applicable to children who have been abused or neglected, to the extent practical, shall apply to the children who are victims.

**House Bill 905 by Representative Nancy Landry (Act 388)** mandates the disclosure of records in the state central registry for owners, operators, current or prospective employees, and volunteers in child care facilities licensed by the Department of Social Services and provides for penalties for the falsification of such records.

The Act provides that each owner, operator, current or prospective employee, and volunteer of a child care facility shall disclose annually or by request by the Department of Social Services (DSS) whether or not his name is currently recorded on the state central registry for a justified finding of abuse or neglect. The affected person shall sign a state central registry disclosure statement and shall submit the statement to the owner or operator of the child care facility, and the owner or operator shall maintain the statement in accordance with DSS licensing requirements. The central registry form is confidential.

Any owner, current or prospective employee, or volunteer of a child care or operator of the child care facility who knowingly falsifies the information provided on the state central registry disclosure form shall be guilty of a misdemeanor offense and fined not more than \$500 dollars or imprisoned for six months or both.

The Act additionally provides that any owner, current or prospective employee, or

volunteer of a child care or operator of the child care facility who discloses that they are currently recorded on the state central registry for a justified finding of abuse or neglect shall be entitled to a risk assessment evaluation provided by DSS to determine that the individual does not pose a risk to children. Any such individual who is determined to pose a risk to children shall have the right to file an appeal. DSS is required to promulgate rules and regulations which shall include establishing criteria for risk evaluation requests, composition of the risk evaluation panel, and establishing criteria for risk evaluation determinations. Any determination made by the risk evaluation panel shall be kept on file at all times by DSS.

**Senate Bill 251 by Senator Dale Erdey (Act 351)** provides that the Department of Social Services (DSS) make available, upon the request of a parent or guardian of any child who has applied for placement in a day care facility, information on abuse, neglect, exploitation, persons convicted of a crime, or pled guilty of a crime, violations of standards, rules, and regulations applicable to such day care center. The Act further provides that a day care center shall make available to parents or legal guardians information on how to view or obtain copies of child care licensing surveys from the department. Day Care centers shall post information which explains that the licensing surveys are available online and list the web address where such information may be obtained and information which explains that licensing surveys may be obtained by sending a request in writing to the department. DSS is required to develop a form suitable for display which shall be posted at each licensed day care center in compliance with the Act.

**Senate Resolution 21 by Senator Lydia Jackson (Enrolled)** requests the Department of Social Services, the Department of Health and Hospitals, the Louisiana Workforce Commission, and the Family Services Section within the Department of Education to jointly conduct a study and develop a comprehensive continuum of support from birth to adulthood for Louisiana's children in a written report as modeled by the Harlem Children's Zone.

SR 21 requires that the joint study group present its report to the Senate Select Committee on Women and Children prior to September 1, 2009, with written recommendations and requires that an advisory team from the Senate Select Committee on Women and Children be appointed by the committee chair to address the models, to provide quality assurance and to develop a specific roadmap to secure and plan for the use of Federal Promise Zone Stimulus to replicate Harlem Children's Zone prototypes in Louisiana

**House Bill 524 by Representative Frank Hoffman (Assigned to House Judiciary)** would have provided that a district attorney may convene a multi-disciplinary team to assist in making a determination of the appropriate disposition of a case where a pregnant woman who is abusing or is addicted to controlled dangerous substances or alcohol to the extent that the unborn child is at risk of harm.

The multi-disciplinary team would have included at least one person with training and experience in the treatment of addiction. HB 524 provides that "appropriate disposition" may include but shall not be

limited to filing a petition for involuntary commitment to a public facility or a private facility willing to accept the pregnant woman for treatment.

**Senate Bill 286 by Senator Yvonne Dorsey (Assigned to Senate Labor and Industrial Relations)** would have created the "Louisiana Equal Pay for Women Act". SB 286 provided that the public policy of this state is declared to be that paying unequal wages based on sex unjustly discriminates against the person receiving the lesser rate, leads to low morale, threatens the well-being of the citizens of this state, and adversely affects the general welfare. SB 286 made it unlawful for an employer who employs four or more employees 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.

SB 286 would have allowed exceptions for instances where pay is made under a seniority system, a merit system, a system that measures earnings by quantity or quality of production, or a differential based on a factor other than sex as long as such system is job related or furthers a legitimate business purpose, and prevents an employer from reducing an employee's pay in order to comply with the bill.

An employer in violation of the provisions of SB 286 law could have been liable for damages inclusive of unpaid wages, an amount of one-half of unpaid wages in liquidated damages, reasonable attorney fees, costs, employment, reinstatement, promotion, and any benefits lost.

## Point by Point

*by: Brenda Hodge  
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### Overview -

In the 2009 Regular Session, a session focused on certain fiscal issues outlined in the State Constitution, legislators introduced over 1200 bills. The measures not only dealt with certain state spending and tax issues, but also addressed major policy issues in government reform, education, public safety, highway safety and more.

The overwhelming issue was the state budget and the projected \$1.3 billion drop in revenue collections in the 09-10 budget year, a revenue decline that when combined with increasing mandated operational costs amounted to a budget shortfall of almost \$2 billion. The session began and ended with the talk centered on that issue as the Senate and the House tried to reach agreement on a state spending plan.

### The Budget Issues -

The House-approved HB 1, the state operating budget, restored some of the cuts proposed in the Executive Budget to higher education, health care, agriculture, the arts, state parks and more. However, there were still significant cuts and there were some issues relating to how the House planned to finance the cuts that were restored.

In response, the Senate-approved HB 1 restored additional cuts to higher education, health care and other vital services with an eye to reducing government responsibly and allowing us time to downsize without doing irreparable harm to state services and programs. The restorations were financed with a proposal to freeze the excess itemized deductions at the current level of 65% and a plan to draw dollars from the rainy day fund to help with tight state finances over the next three years.

The House agreed to the Senate budget plan, but did not go along with the financing proposals which resulted in the Governor vetoing major state spending plans. The House and Senate then had to work together to decide on a financing and restoration plan outside of the normal process and HB 1.

To accomplish that, the legislature finally agreed to take some funds out of the Budget Stabilization or Rainy Day Fund, about \$86 million; as well as left-over money in the Insure Louisiana Fund, about \$76 million; \$13.5 million from the Rapid Response Fund made available when the Shaw Group returned economic development incentives to the fund; \$500 thousand from GoGrants funds vetoed in HB 1; and \$29 million from the Medical Assistance Trust Fund. About \$210 million total was identified to help meet state budget needs over and above what was provided in HB 1 and NOT vetoed.

Highlights of the compromise budget plan includes increased funding in the following areas among others:

- Higher Education - \$95.4 million plus restoration so that the original \$219 million or 15% is reduced by about half. Also an additional \$6 million is included in HB 1 for endowed chairs.
- GoGrants - \$5 million.
- Agriculture Centers - \$2 million.
- Agriculture Department - \$2 million.
- Health Care - \$25 million restoration which will generate additional federal dollars. And an additional \$20 million for nursing homes that will come from the Nursing Home Trust Fund. Cuts to hospital payments and to the outliers have been restored to a little less than half of the planned cut. Generally, the goal was to restore about 50% of the planned cuts to health care overall just as we did for higher education.
- Mentally and Physically Disabled Services - \$1 million.
- Culture, Recreation & Tourism - \$6 million.
- Local, Regional and Community Organizations Needs - \$34 million.
- Judgments - \$30 million.

The approved compromise budget plan is included in the following measures that make funds available and then allocate funds from the various sources to state needs. Included in the Funds Transfer measure is language that changes the way the Budget Stabilization Fund will be handled in the future so that if we withdraw money from the fund in a fiscal year we do not have to replenish the fund during the same fiscal year.

- Funds Transfers (HB 802 - Fannin) SIGNED *ACT 226*
- Budget Stabilization Fund Access (HCR 236 - Fannin) FINAL
- Supplemental Appropriations (HB 881 - Fannin) SIGNED *ACT 122*

According to the Governor's Office, overall state general fund spending in the FY 2009-2010 fiscal year is reduced by \$478 million (5%), total state dollars are reduced by \$611 million (4.2%) and total spending is cut by \$721 million (2.4%). It is important to remember that the budget for the 09-10 fiscal year includes substantial federal stimulus dollars to assist with education, higher education and health care. Those dollars will not be available in the 11-12 fiscal year.

#### State Construction Budget (HB 2 - Greene)

- Totals \$5.3 billion
- Includes almost \$783 million in surplus funds from the 08-09 fiscal year for higher education infrastructure needs, coastal restoration and hurricane protection, transportation needs, higher education infrastructure projects and funds to renovate the Superdome to fulfill the state's obligation to the Saints.
- \$335 million in bonding capacity available in the budget.
- The \$1.1 billion backlog in approved projects the legislature faced last year will be reduced

to about \$540 million after this year. SIGNED - *ACT 20*

Governmental & Budget Reforms Issues -

- Budgeting Reforms
  - Budget Cutting Authority in Deficit Situations (SB 2 - Chaisson) - Eliminates the limitation on budget cutting authority that restricted cuts to address a deficit to 5% over a TWO year period. SIGNED - *ACT 479*
  - Dedicated Funds Review - (SB 267 - Michot) - Requires the Division of Administration to establish a system to provide transparency and accountability for dollars set aside in special funds and dedications similar to the system applied to activities supported by state general fund. The Division must also set up a system for reviewing the activities supported by the dedicated funds so that every two years 25% of the funds will be reviewed with an annual report to the legislature on the status of the funds beginning February 15, 2010. Dedicated funds now total \$3.7 billion with \$1.9 billion dedicated in the State Constitution and \$1.8 billion protected in state law. There are some 400 different special funds. Most of those, 358, are created by state law with the rest constitutionally protected. SIGNED - *ACT 492*
- Government Operations Reforms -
  - Commission on Streamlining Government - (SB 261 - Donahue) - Establishes a commission, composed of legislators, the state treasurer, representatives from private enterprise and an official with the labor community, to cut the cost of government and reorganize government operations. The panel, with the assistance of advisory groups and available research, will examine each agency's programs, services, powers, duties and responsibilities to determine the potential for elimination, streamlining, consolidation, privatization or outsourcing. The Joint Governmental Affairs Committee will review the commission's recommendations by February 1, 2010 and accept, reject or modify the recommendations for further legislative action. SIGNED - *ACT 491*
  - Elimination of Boards & Commissions (HB 852 - Smiley) - Abolishes certain boards and commissions that are inactive or whose duties can be performed by other entities. In 2005, the state had more than 500 boards and commissions. That number has been significantly reduced since that time. SIGNED - *ACT 438*
  - Civil Service Reforms -
    - (HB 595 - Danahay) - Requires the Department of Civil Service and the Division of Administration to develop a training program for unclassified employees who conduct performance reviews of classified state employees, so that the unclassified employees follow proper procedures for conducting such performance reviews. Prohibits pay increases for those unclassified employees and their supervisors if the performance planning and review sessions are not conducted according to civil service policies. SIGNED - *ACT 377*
    - (HCR 6 - Danahay) - Requests state civil service officials to revise their rules

- to consider other factors than seniority when layoffs are necessary and to provide agencies with greater flexibility when making decisions on merit pay and other compensation issues. FINAL
- (HCR 98 - Danahay) - Requires civil service officials to submit a report annually to the legislature regarding employee performance review activity and the granting of merit pay increases. The first report is due September 30, 2009. FINAL
  - Unclassified Positions/Homeland Security Office - (SB 209 - Walsworth) CA - Proposes a change in the State Constitution to place the director, deputy director and all employees of the Governor's Office of Homeland Security and Emergency Preparedness in the unclassified service. Voters will consider the proposed change at the October 2010 statewide election. FINAL
  - Legislative Operations Reforms -
    - Elected Officials Pay Raises (SB 67 - McPherson) CA - Proposes a change in the State Constitution to require that any pay raise approved for legislators, statewide elected officials and public service commissioners will not be effective until the official's next term of office. Voters will have their say on the issue at a statewide election in November 2010. FINAL
    - Changes in Legislative Sessions (SB 5 - Riser) CA - Proposes a change in the State Constitution to change when the legislature meets in regular session to move up the beginning of the session by two weeks. The 60 day regular session held in even-numbered years start date would move to the 2<sup>nd</sup> Monday in March with the 45 day regular session held in odd-numbered years start date moved to the 2<sup>nd</sup> Monday in April. The effective date for legislation adopted at legislative sessions will be August 1. Voters will consider the constitutional amendment at the October, 2010 statewide election. FINAL
  - Election Changes -
    - Electronic Voter Registration (HB 520 - Cromer) - Allows citizens to register to vote or change party registration on-line beginning April 1, 2010 if they have a valid driver's license or state-issued identification card. A voter who registers to vote electronically must vote in person, not absentee, the first time he votes. SIGNED - *ACT 187*
    - Candidate Qualifications (HB 420 - Richard) - This measure makes various changes in the state's election laws including not requiring an i.d. with an address on it to vote. SIGNED - *ACT 369*

Ethics Issues -

- Legislator Entertainment Minimums (HB 591 - Ellington) - Allows lobbyists to exceed a \$50 limit on entertaining legislators and other officials while they are attending state, regional or national conferences as long as more than 10 people associated with the organization are invited to the event. Also adds an exception to the ethics code that allows a public servant to attend an event to assist an elected official who is a program attendee or

- giving a speech at the event. BECAME LAW WITHOUT GOV SIGNATURE - *ACT 534*
- Inauguration and Transition Contributions (HB 695 - Greene) - Reduces the maximum contribution that could be given to inauguration and transition committees from \$10,000 to \$5,000 and requires public disclosure of the contributions. SIGNED - *ACT 430*
- Governor's Office Records (SB 278 - Amedee) - Eliminates the governor's office blanket exception in the open records law but shields from the public records in the possession of his office that are deemed to be "pre-decisional advice" during the deliberative process, including his schedule, records related to security, intraoffice communication, and any communication with his immediate family. The bill was amended to require the Governor's Office to make public any advice given to the governor by Cabinet members regarding the budget six months from the document's creation. SIGNED - *ACT 495*
- Financial Disclosure Requirements for Board and Commission Appointments (SB 195 - Kostelka) - Requires individuals who serve as agency heads or is appointed to a state board or commission to file annual financial disclosures if they made a contribution or loan in excess of \$1,000 to a candidate. **SIGNED - ACT 238**

#### Tax Issues -

There were over 200 bills filed for consideration at the 2009 Regular Session to expand or create tax breaks for both businesses and individuals. Louisiana is one of only a few states that approved new tax breaks for businesses and individuals in the midst of state budget shortfalls. The Legislative Fiscal Office estimates the tax breaks approved at the 2009 Regular Session will provide \$7.1 million in tax relief in the 09-10 fiscal year, growing to \$84 million in 2013. The new and expanded tax breaks and the loss of revenue as a result of those tax reductions will impact the state budget picture in future years.

- Tax Amnesty Program (HB 720 - Jane Smith) - Sets up a two-month tax amnesty program during the 2009-2010 fiscal year for payment of taxes, except motor fuel taxes, that became due on or after July 1, 2001 and before January 1, 2009. Eligible taxpayers who pay up under the amnesty program will face no penalties and have the interest owed on their back taxes reduced by fifty percent. Taxpayers under criminal investigation or involved in criminal litigation are not eligible for the program. State revenue officials hope to collect \$150 million or more from the program. The first \$90 million collected will go to the Coastal Protection and Restoration Fund, the next \$86 million will go to the Budget Stabilization Fund to replenish the fund and the remainder will go to pay down the state's required match for federal storm recovery assistance. The tax amnesty program is set to run from September 1<sup>st</sup> through the end of October. SIGNED - *ACT 519*
- Technology & Entertainment Tax Credits -
  - Sound Production & Infrastructure Tax Credit (HB 458 - Talbot) - This existing tax credit is set to expire January, 2010. This measure extends the credit to January, 2015 and provides for a 25% tax rebate on productions and infrastructure projects over \$15,000 as certified by the Department of Economic Development. SIGNED - *ACT*

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- Digital Media Tax Credits (SB 277 - Duplessis) - An existing tax credit for digital media expires January 1, 2010. The sunset date is eliminated. The measure provides a tax credit of 25% of the investment and an additional 10% credit for Louisiana resident payroll. It also includes a broader definition of the kind of digital media projects that would qualify for the credits. SIGNED - *ACT 454*
- Film Production Tax Credits (HB 898 - Henry) - This measure eliminates the planned phase-down of the tax credit and changes the current tax credit of 25% to 30%. The previous 10% tax credit for the amount of Louisiana resident payroll is reduced to 5%. The tax credits which can be sold now to generate cash for a production may now also be redeemed from the state. The measure also includes language to address an unrelated issue - tax credits provided insurance companies that make certain investments in the state. SIGNED - *ACT 898*
- Film Infrastructure Tax Credits (SB 159 - Marionneaux) - This measure addresses issues relating to how infrastructure projects are certified for the 40% tax credits that were in the process before the December 31, 2008 deadline for making significant investments in the project. The bill is in response to problems that have risen between proposed film infrastructure developers and the interpretation of current law by state officials. SIGNED - *ACT 530*
- Non-profit Community Theater Tax Credit (SB 287 - Martiny) - Provides a 10% tax credit for non-profit community theater state-certified musical or theatrical productions. The credit applies to productions with investments of more than \$25,000 and less than \$300,000. The credits are available for the 2009 and 2010 calendar years and apply to qualified productions performed in 2008. The credits are capped at \$250,000 a year. SIGNED - *ACT 448*
- Other Business Development-Related Tax Credits & Tax Reductions
  - Research & Development Tax Credit (HB 790 - Greene) - This measure extends the tax credit by five years until Dec. 31, 2013. It also changes the way the tax credit is calculated and doubles the credit for small and emerging businesses with less than 50 employees. The credits are now refundable rather than credits that can be transferred to other taxpayers or carried over year-to-year. This measure also doubles the tax credit available to those who receive a federal Small Business Innovation Research Grant. SIGNED - *ACT 477*
  - Port Infrastructure Tax Credits/Import Export Cargo Tax Credit (HB 215 - Hutter) - This measure establishes two new tax credits for ports. The transferable infrastructure tax credit is 5% per year of the capital costs over 20 years with a minimum investment of \$5 million. The infrastructure credit sunsets January 1, 2015. The Import Export Tax Credit grants a nonrefundable tax credit of \$5 per ton of qualified cargo shipped through Louisiana public ports to a manufacturing, assembly, distribution, processing or warehousing facility in Louisiana. Both tax credits must be approved by the joint budget committee. The credits cannot be granted until DED certifies there is sufficient revenue received by the state to offset the costs of the credits. SIGNED - *ACT 474*

- State Sales Tax Exemption for Consumable Property for the Wood, Paper and Logging Products Industries (HB 818 - Ellington) - This measure phases-in a state sales tax exemption for the purchase of such things as fuses, belts, wires and lubricants consumed during the manufacturing process for the wood, paper and logging products industries. Phases-in tax exemption over four years beginning July 1, 2010. SIGNED - *ACT 466*
- Modernization Tax Credit (SB 252 - Walsworth) - Provides certain industries including timber cutting/chipping, oil and gas drilling and extraction, geophysical surveying/mapping, all manufacturing, publishing/software, motion picture/sound recording and others a refundable tax credit when at least \$5 million is spent on a modernization project that increases the efficiency of the industry's operation by at least 10%. The tax credit is 5% of the investment. Credits are capped at \$10 million a year and only apply to modernization projects placed in service after July 1, 2011. SIGNED - *ACT 447*
- Oil & Gas Drilling Tax Cuts & Exemptions (SB 10 - Dupre) - This measure provides a state and local sales tax exemption on the purchase of carbon dioxide used in tertiary recovery projects, exempts tertiary recovery projects permitted on or after July 1, 2009 from state severance taxes and then after July 1, 2010 the severance tax is set at 50% of what it would be otherwise on future production from such projects. SIGNED - *ACT 450*
- Small Business Corporate Franchise Tax Reduction (HB 618 - Greene) - The measure, which proposed a phase-out of the corporate franchise tax on firms with up to \$150,000 of taxable capital over three years beginning with the 2011 tax year, was amended in conference committee to only eliminate the minimum annual \$10 franchise tax. SIGNED - *ACT 476*
- Capital Gains State Individual Income Tax Exemption (HB 106 - Greene) - This measure exempts capital gains realized as the result of the sale of a non-publicly traded business from state income tax. SIGNED - *ACT 457*
- Alternative Energy Tax Incentives -
  - Qualified Clean-Burning Motor Vehicle Fuel Property Tax Credits (HB 110 - Jane Smith) - Increases the existing individual and corporate income tax credits for the purchase of qualified clean-burning motor vehicle fuel property from 20% to 50% and increases the tax credit available for the purchase of hybrid vehicles from the lesser of 2% of the vehicle cost or \$1500 to the lesser of 10% of the cost of the vehicle or \$3000. The tax credits will also now be refundable and businesses that claim this credit will also be able to claim quality job credits if eligible. Qualified Clean-Burning Motor Vehicle Fuel Property includes:
    - The retail cost of the purchase and installation of equipment to modify a vehicle to be propelled by an alternative fuel.
    - The cost of a new vehicle originally equipped with alternative fuel equipment.
    - The cost of equipment associated with alternative fuel service stations.This measure is estimated to provide taxpayers with a \$164,000 tax break in the

- coming fiscal year. SIGNED - *ACT 469*
- Wind & Solar Energy Tax Credits (HB 858 - Ponti) - Extends the existing tax break for the installation of wind or solar energy systems to taxpayers who own residential rental property. The refundable tax credit is 50% of the first \$25,000 of the cost. SIGNED - *ACT 476*
- Green Job Industries Tax Credit (HB 733 - Leger) - Provides refundable and transferable tax credits to companies or investors who construct, repair or renovate state-certified green projects. The amount of the tax credit is dependent on the amount of the investment with additional credits tied to the employment of Louisiana residents and graduates of the state's community college system or from an approved apprenticeship program. The Department of Economic Development must approve any project for the tax credits which are capped at a total of \$5 million a year. The tax credits are dependent on the state receiving grants from the U.S. Department of Energy in the amount of at least \$5 million a year for three years. SIGNED - *ACT 520*
- Sustainable Energy Financing Districts (SB 224 - Nick Gautreaux) - Authorizes local governments to create sustainable energy financing districts for solar and energy efficiency projects. SIGNED - *ACT 348*
- Property Taxes -
  - (HB 903 - Arnold) CA - Proposes a change in the State Constitution to limit the authority of taxing bodies whose members are not elected to increase millage rates by more than 2 ½% without voter approval. Fire districts, fire protection districts, certain levee districts and ports are exempt from the limitation. Voters will consider the constitutional amendment at a statewide election in November, 2010. FINAL
  - (HB 902 - Arnold) - Places the constitutional changes in state law. SIGNED - *ACT 528*
  - (HB 83 - T. Burns) - Requires taxing bodies when considering proposed millage increases to notify the public of the meeting to discuss the increases on their websites, if available. Also requires a separate notice for each meeting held to discuss the increase until action is taken on the increase. SIGNED - *ACT 498*
- Parish Severance Tax Allocation Increase (HB 765 - Gallot) CA - Proposes a change in the State Constitution to increase the maximum allocation of state severance tax collections to parishes from the current level of \$874,310 to \$2,850,000 over two years beginning April 2, 2012 and allocates 50% of the severance taxes collected on state lands up to a maximum of \$10 million to the Atchafalaya Basin Conservation Fund. The increased payments only occur if the official state revenue forecast for oil and gas severance taxes exceeds the actual collections the 08-09 fiscal year. Parishes must spend 50% of the increased payments from the state for parish transportation projects. The proposed change in the constitution retains the requirement that the amount allocated to the parishes is adjusted each year according to the CPI. FINAL
- Educational Expenses Tax Credits
  - (SB 163 - Marionneaux) - Clarifies the current law that provides a state income tax deduction for parents of school children for tuition and other educational-related

expenses to make clear that uniforms, supplies and other educational materials do not have to be purchased from the school to be eligible for the deduction. The measure also requires that the expenses be paid, not just incurred, and the person seeking the tax deduction must claim the student as a dependent. The tax deduction is 50% of the tuition and educational expenses up to \$5000 a student. SIGNED - *ACT 451*

- (HB 338 - Greene) - Also provides similar clarifications in the law and makes the clarifications retroactive. SIGNED - *ACT 460*
- Sales Tax Exemption on Meals Sold to the Public at Educational, Religious and Medical Organization Facilities (HB 189 - Greene) - This measure exempts the sale of meals at educational, religious and medical organization facilities from state sales taxes. A previous suspension of the sales tax collection expired several years ago and the Department of Revenue has been sending out tax bills to universities and others. The exemption is retroactive back to January 1, 1998. However, no refunds will be paid back to the institutions unless the sales taxes have been paid under protest with a suit filed for recovery of the tax dollars. SIGNED - *ACT 473*
- Second Amendment Weekend Sales Tax Holiday (SB 52 - Marionneaux) - Establishes a state and local sales tax holiday for consumer purchases of firearms, ammunition and hunting supplies. The tax holiday will occur the first consecutive Friday through Sunday in September. SIGNED - *ACT 453*

#### Economic Development & Business Operations -

- Megafund Changes (SB 283 - Walsworth) - Changes the requirements in state law for use of the Megafund, a fund established to attract major economic development projects to the state. The changes were necessary to revive the operations of a bankrupt poultry processing plant in northeast Louisiana and to meet the state's obligations to assist with the development of the Federal City project in the Algiers area. The fund which now has a balance of about \$85 million, with \$331 million obligated for various economic development initiatives as of the end of the 2009 Regular Session, may now be used under any of the following circumstances -
  - The project creates 500 new direct jobs or results in a minimal initial investment of \$500 million and the state can expect a substantial return on its investment.
  - The project involves a military or federal installation in the state which may be subject to realignment and closure.
  - The project results in recreating or saving at least 500 direct jobs through the transfer of ownership of a facility that is closed or at risk of closure relating to bankruptcy.SIGNED *ACT 1*
- Louisiana Innovation Council (SB 211 - Claitor) - Establishes a council in the Department of Economic Development to shape an innovation-based vision for Louisiana and coordinate activities relating to a statewide innovation agenda with the goal of creating knowledge-based jobs in new and emerging industries. The council, composed of legislators, entrepreneurs, representatives from government watchdog groups, economic development organizations, education officials, executive branch officials and members-at-large from across the state,

must submit its recommendations for the development, operation and financing of the Louisiana Research Alliance to the joint budget committee by March 1, 2010. SIGNED *ACT 82*

- Louisiana Initiative For Veteran and Service-Connected Disabled Veteran-Owned Small Entrepreneurships (HB 559 - Jane Smith) - Provides for the certification of certain veteran and service-connected disabled veteran-owned small entrepreneurship by the Department of Economic Development. Also requires the Division of Administration to set annual goals for the use of such businesses in state procurements and public contracting. SIGNED *ACT 167*
- Workers' Compensation Medical Guidelines (SB 303 - Riser) - As a result of extensive work by the workforce commission and the governor's Workers' Compensation Advisory Council, this measure provides for the establishment of guidelines for medical care, services and treatment decisions for those receiving workers' compensation benefits. The goal is to help injured workers return more quickly to their jobs and to reduce costs for employers and insurers. The new guidelines must be in place by September 30, 2010. SIGNED - *ACT 254*

#### Education Issues -

- School Financing -
  - Minimum Foundation Program (MFP) (SCR 17 - Nevers) - For the first time in over a decade the MFP, the state aid for local school systems, is frozen at the 2008-09 level. The funding totals \$3.3 billion and is allocated statewide to about 650,000 students through the state's funding formula. FINAL
  - Education Funding Reports (HB 821 - Carter) - Requires local school systems to expend MFP funds that are allocated for specific students and purposes on those specific students and purposes and to report annually to BESE regarding the use of such funds, beginning with the 2010-2011 school year. SIGNED - *ACT 310*
- Safety Issues -
  - Student-Teacher Electronic Communication (HB 570 - Hoffman) - This bill regulates the electronic communication between students and school employees. School employees will be required to use communication services provided by the school to contact students. If they use their own personal device, such as cell phones, to send or receive messages to or from students, they would have to report that to the school. SIGNED - *ACT 214*
  - Student Teacher Contact (HB 476 - Connick) - State law currently prohibits teacher-student sexual contact when a student is under 19. This bill changes that by prohibiting sexual contact between a teacher and a student where there is an age difference of more than four years and when the student is less than 21 and makes other changes to state law relating to convicted sexual offenders. Those changes are detailed in the Public Safety/Corrections section of this summary. SIGNED - *ACT 210*
  - Educator Molestation of a Juvenile/Crime Reporting Requirements (SB 94 - Donahue) - This bill address specific penalties for a teacher or other school employee who is convicted of molestation of a juvenile when the child is 13 to 16 years of age and the

offender is the educator of the child. Penalties include a fine of up to \$10,000 and five to 40 years in jail or both. The measure also requires any teacher or other school employee to report any conviction, guilty plea or nolo contendere plea to any criminal offense, except traffic offenses, to his employer within 48 hours. A failure to report carries a fine of up to \$500 and a prison term of six months or both. SIGNED - *ACT 192*

- Assault & Battery on a Teacher (HB 274 - Templet) - Increases the penalties for assault and battery on a teacher by a non-student. A person convicted of assault on a teacher will face up to \$2000 in fines and one to three years in prison or both. A battery conviction results in fines up to \$5000 and one to five years in jail or both. SIGNED - *ACT 283*
- Disruption of School Operations (HB 688 - Montoucet) - Creates the crime of unlawful disruption of school operations by anyone not authorized to be on school grounds whose actions result in harassment or intimidation of teachers or students. The new crime applies to both public and private schools from kindergarten through college and includes school functions and athletic events. A person convicted of the new crime faces one to five years in jail and fines totaling up to \$1000 or both. SIGNED - *ACT 302*
- Disruptive Students (SB 223 - Claitor) - This measure further details in state law the process for removing disruptive students from the classroom.
  - Adds to the reasons for removal behavior that violates the school's code of conduct or is disruptive, dangerous or unruly.
  - Principals will be required to notify the student's parent or guardian of the behavior and the disciplinary action.
  - Local school boards are authorized to require the parent or legal guardian of the disruptive student to attend after-school or Saturday intervention sessions with the option to also refer a parent who does not attend the sessions to the courts for further action. Parents referred to the courts face fines of \$25 to \$250, 40 hours of community service, attendance at a court-approved family counseling program and the suspension of any recreational hunting or fishing license.
  - Unlike the prior law, students who are suspended for 10 days or less will be able to receive credit for missed school work once the work is completed. SIGNED - *ACT 240*
- Testing & Curriculum -
  - Career Options Diploma (HB 612 - Fannin/SB 259 - Kostelka) These are identical measures that establish in state law requirements for a career track diploma for certain students entering the 9<sup>th</sup> grade in an effort to reduce the state's dropout rate which ranges from about 30% to 48% depending on how the rate is calculated. Three other states now offer career or vocational technical diplomas.
    - Allows a student with parental permission who is at least 15 years or age or will turn 15 during the school year to pursue a career major if the student

- received at least approaching basic on either the English or math portion of the 8<sup>th</sup> grade LEAP test.
- Students who fail to meet the regular 8<sup>th</sup> grade LEAP test standards must take summer remediation or development courses.
- The student must have a cumulative grade point average of 1.5 or above, have no disciplinary problems and agree to participate in a dropout prevention and mentoring program during the first year of high school.
- Changes the academic requirements for graduation with a career diploma to include courses related to their chosen career and allows dual enrollment in the state's vocational technical colleges. HB - SIGNED - *ACT 298/SB - SIGNED - ACT 246*
- Louisiana Student College and Career Readiness Act (SB 316 - Nevers) This measure complements the Career Options Diploma proposal by requiring BESE to redesign the 8<sup>th</sup> and 9<sup>th</sup> grade curriculum to ensure that students unprepared for high school can complete high school graduation requirements with a focus on relevant career education that links what a student does in school to what he wants to do in life. The measure also -
  - Requires intervention as early as the 6<sup>th</sup> grade for students who are at-risk for dropping out of school.
  - Requires cooperation with the Louisiana Workforce Commission to ensure that public schools are preparing students for the state's workforce needs.
  - Requires the Department of Education to increase the state graduation rate to 80% by the end of the 2013-2014 school year and requires that progress toward that goal be part of the superintendent's annual performance review.
  - Allows local school systems to adjust their schedules and school-day length to address dropout issues.
  - Implementation of this measure is dependent on available funding. SIGNED - *ACT 257*
- Promotion Study/LEAP (HB 179 - Stiaes) - Requires the Superintendent of Education to submit recommendations to BESE by December 30, 2009 for expanding the opportunities, in certain limited circumstances, for students who fail to achieve the required scores on LEAP to be promoted to grades five and nine. BESE must approve any recommended changes. SIGNED - *ACT 276*
- Truancy & Habitual Tardiness - (HB 731 - Downs) - Allows the courts to require the parents or legal guardians of a student who is habitually absent or late to complete school and community service and attend parenting classes. The courts also have the option of suspending the parent's or guardian's state-issued recreational licenses. SIGNED - *ACT 305*
- Charter Schools -
  - Charter School Limit (HB 519 - Leger) - Removes the current limit on the number of charter schools in Louisiana in an effort to better position the state to compete for federal grants totaling over \$4 billion that are available through the federal economic stimulus plan. The current limit is 70. This measure also sets a flat 2% annual fee that

chartering authorities may charge a charter school for administrative matters and requires the chartering authorities to provide the schools with a projected administrative budget and planned uses for the fees prior to the beginning of each fiscal year. SIGNED - *ACT 292*

- Charter School Review & Operations (SB 146 - Duplessis) - This measure makes various changes in the way charter schools are approved and operated.
  - Requires BESE and local school boards to establish a charter school application review process that complies with standards outlined by the National Association of Charter School Authorizer and to provide for a third-party, independent review of applications.
  - Changes the faculty and staff vote required to convert a pre-existing school into a charter school from a 2/3rds vote to a majority vote.
  - Requires certain charter schools that use vacant school facilities or take over school facilities pay a share of the local school board's bonded indebtedness.
  - Allows charter schools to give enrollment preference to students who previously attended the school and their siblings in the first year of operation rather than waiting until the second year.
  - Allows religious organizations to provide support services such as mentoring, tutoring, volunteering and fund-raising to charter schools. SIGNED - *ACT 123*
- Sale of Beverages in Schools Limitations (HB 767 - Williams) - Requires that at least 50% of the non-milk beverages offered for sale to public school students be water and no-calorie or low-calorie content. SIGNED - *ACT 306*
- Physical Education/Activity in Middle Schools (HB 400 - Williams) - Extends the current requirement of at least 30 minutes of quality physical activity for kindergarten through sixth grade students to include seventh and eighth grade students. Also requires that each school system establish a school health advisory council to make recommendations regarding student health issues. SIGNED - *ACT 286*

#### Higher Education Issues -

- Tuition & Fees -
  - Graduate School Tuition Increases (HB 872 - Downs) - Authorizes higher education boards to increase tuition at the state's graduate schools, MBA programs, the LSU Vet School, LSU Health Sciences Center in Shreveport's Doctor of Medicine program and LSU Health Sciences Center School of Allied Health Professions masters program. The authorized increases include \$30 a semester hour for graduate schools, \$2000 a year for MBA programs, \$1500 a year for the Vet School and a \$1000 a year for the LSU Health Sciences Center programs. SIGNED - *ACT 313*
  - Community College On-Line Tuition (HB 771 - Hutter) - Requires the community and technical college system to standardize the fees for on-line courses at all institutions across the state. SIGNED - *ACT 307*
- Seamless Education System (SB 285 - Nevers) - Creates the Statewide Articulation and

Transfer Council to establish a system that allows for students to transfer credits between and among public schools, technical colleges, community colleges and four-year colleges and universities. The goal is to have the system in place by the 2010-2011 school year. The measure also -

- Sets up a statewide course numbering system for general education courses at community colleges and four-year universities.
- Establishes a statewide common core curriculum in general education and pre-requisite courses.
- Guarantees any community college graduate can transfer to a four-year university. SIGNED - *ACT 356*
- Postsecondary Education Review Commission (HB 794 - Tucker) - Establishes a 9 member commission composed of educational experts and legislators as well as representatives of the governor and the Board of Regents to review all aspects of postsecondary education and to make recommended changes to the operation of the system.
  - The commission's review will include governance, facilities, all programs, funding and other issues.
  - Nationally recognized experts in higher education will be retained to assist the work of the commission.
  - The commission must report its recommendations to the legislature at least 30 days prior to the 2010 Regular Session. SIGNED - *ACT 309*

#### Children & Family Issues -

- Child Custody & Grandparent Visitation Rights (HB 628 - Landry) - Extends the time for court ordered temporary custody when a child has been removed from a home because of possible irreparable harm to the child from 15 to 30 days. Also allows for court-ordered grandparent visitation rights under certain circumstances, including when the parent is addicted to a control dangerous substance. SIGNED - *ACT 379*
- Child Health Care & Support Payments (SB 230 - Shaw) - Strengthens the current process for sharing of electronic data between DHH, DSS and private insurers regarding health care coverage for children in an effort to facilitate additional health care options and to verify required child support payments for health care. Requires health insurers doing business in the state to provide the requested data. SIGNED - *ACT 241*
- Foster Care Children/School Access (HB 590 - Barrow) - In response to federal legislation regarding foster and adopted children, this measure allows children entering foster care to continue attending the same school they attended prior to entering foster care if it is in the best interest of the child and regardless of district or parish boundaries. SIGNED - *ACT 297*
- Foster Care Drivers Licenses (SB 229 - Gray-Evans) - Provides drivers licenses and official state identification card to children in foster care at no charge. SIGNED - *ACT 349*
- Child-Care Providers Employment of Sex Offenders (HB 476 - Connick) - Prohibits and provides penalties for child-care providers who knowingly employ sex offenders or grant them access to the child-care facility. SIGNED - *ACT 210*
- Child-Care Owners, Employees & Volunteers Child Abuse & Neglect History (HB 905 -

Landry) - Requires owners, operators, employees and volunteers to disclose to DSS on an annual basis if they have a validated child abuse or neglect complaint against them. DSS will conduct a risk assessment to determine if the individual is a danger to children. SIGNED - *ACT 388*

- Child-Care Facilities Licensing Procedures (SB 238 - Mount) - Gives DSS the sole authority to issue and revoke childcare licenses and eliminates the committees that now have the power to regulate such facilities. Reduces the time to appeal a license revocation from 30 days to 15 days. Also removes the current exemption from the definition of day care for group day care homes. SIGNED - *ACT 194*
- DSS Criminal Background Checks (HB 703 - Katz) - Expands the authority of DSS to conduct criminal background checks on employees to include those who investigate child neglect or perform licensing surveys as well as those who have supervisory or disciplinary authority over children or have direct care of a child. Requires the department to assess the impact and cost of conducting national criminal history record checks on owners, operators, employees and volunteers of child care or child residency facilities. SIGNED - *ACT 221*
- DSS Employees Child Abuse & Neglect History (HB 784 - Katz) - Authorizes DSS to use the state's central registry of abuse or neglect to determine whether a potential or current employee whose duties will include or include working with children poses a risk to children. Establishes an appeals and judicial review process for those who have been determined to be a risk. SIGNED - *ACT 47*

#### Health & Hospitals -

- Health Care Financing -
  - Intergovernmental Transfers (SB 51 - Heitmeier)(HB 517 - LeBas) While SB 51 by Sen. Heitmeier stalled in the process, the measure was added to HB 517 by LeBas. Allows DHH to accept funds from local government to be used to bring in more federal Medicaid dollars to the state. The additional federal funds would be used primarily to enhance health care in the local areas that contributed funds to DHH. The local governments would negotiate with DHH to draw down funds for specific health care projects in their area. The federal government must approve the financing proposal before it can be implemented. The program cannot go into effect until the end of 2010. It is estimated such a program would have generated \$248 million for local health care needs if it had been in place last year. HB - SIGNED - *ACT 372*
  - Private & Community Hospital Storm-Related Revenue Losses (HB 879 - Tucker) - Using \$45 million in hurricane recovery funds, this measure generates additional federal health care dollars to provide \$213 million in one-time funds to assist hospitals who lost revenue due to the hurricanes over the past four years. The revenue is allocated to New Orleans area hospitals (\$170 million), other hospitals impacted by the storms (\$18 million), rural hospitals (\$8 million) and uninsured care costs among all hospitals (\$17 million). SIGNED - *ACT 228*
- Health Care Workers' Right to Refuse Care (HB 517 - LeBas) - Allows a health care worker to refuse to provide services that violate the worker's moral or religious convictions, as long

as a patient's access to health care is not compromised. Prohibits punitive actions or civil suit against the worker for refusing care. The measure also outlines the following -

- Workers who hold religious or moral convictions that could cause them to refuse care must notify their employers and to detail the services that will be impacted by those convictions.
- Any health care facility employing workers who refuse care under this law must have sufficient other staff available to provide the patient care.
- Health care services that may be refused on moral and religious grounds are limited to abortion, human embryonic stem cell research, human embryo cloning, euthanasia, physician-assisted suicide and morning-after pills. \*SB 51 re: health care financing added to measure. SIGNED - *ACT 372*
- Health Care Providers Civil Immunity/Emergency Response (SB 106 - Cheek) - Limits the liability for health care providers, health care facility owners, employees and volunteers who provide assistance and care during the evacuation or repopulation of a health care facility during a declared emergency. SIGNED - *ACT 231*
- Uniform Emergency Volunteer Health Practitioners Act (SB 107 - Cheek) - This measure is designed to help ensure more organized and available medical support during an emergency. It provides for interstate recognition of licenses held by medical professionals in nine other states who volunteer during emergencies. SIGNED - *ACT 397*
- School-Based Mobile Dental Clinics (HB 687 - Pearson) - Requires the State Board of Dentistry to create rules and guidelines for the operation of school-based mobile dental clinics. It is estimated 45,000 children are now receiving care from some form of in-school dentistry. SIGNED - *ACT 429*
- Human-Animal Hybrid Research Ban (SB 115 - Martiny) - Prohibits scientific research to create human-animal hybrids. Violation of the research ban carries a fine of up to \$10,000 and ten years in jail. Persons who profit from such research face \$1 million in fines. The research ban does not affect any research currently conducted in the state. SIGNED - *ACT 108*
- Food Safety (SB 93 - Thompson) - Beginning Jan. 1, 2011, this measure requires food processing plants in the state to develop and maintain a written food processing plan according to standards to be adopted by DHH. The plants are also required to report any contamination issues to DHH within 24 hours. SIGNED - *ACT 341*
- Electronic Medical Records (SB 246 - Cheek) - Establishes a loan program to help Louisiana health care providers move to electronic medical records and authorizes DHH to apply for available federal stimulus dollars for the program. There is \$5 million in proposed state funding to be used as seed money for the loan program with another \$25 million in federal stimulus funds available through the grant process. Moving to a certified electronic health records program is important since health care providers who participate in the program are eligible for over \$17 billion in enhanced Medicare and Medicaid funding under new federal laws. SIGNED - *ACT 489*
- Department of Health and Hospitals Operations (HB 837 - Mills) - In an effort to streamline department operations, this measure combines the state offices that deal with mental illness and substance abuse into one office. The merger is effective 2011 with any merger plans

reviewed and approved by the Joint House and Senate Health and Welfare Committees.  
SIGNED - *ACT 384*

Insurance Issues -

- Louisiana Citizens Property Insurance Company Rates (SB 130 - Hebert) - Requires Louisiana Citizens to charge rates that exceed by at least 10% the higher of one of the following:
  - The actuarially justified rate;
  - The highest rate charged among assessable insurers that have a minimum of 2% of homeowner policies in a parish;
  - The highest rates charged among insurers, excluding wind and hail, in each respective parish. Insurers included are those that have increased by at least 25 the number of personal line property insurance policies over the prior year with their total number of personal policies higher than the year before.
  - Prohibits until August 15, 2011, regardless of whether a competitive market exists, the increased rates charged by Louisiana Citizens in Calcasieu, Cameron, Vermilion, Iberia, St. Tammany, St. Mary, Orleans, Jefferson, St. Bernard, Plaquemines, Terrebonne and Lafourche parishes.
  - Allows the Citizens board to establish rating territories with the approval of the House and Senate Insurance Committees. SIGNED - *ACT 483*
- Named-Storm Deductibles (HB 333 - Kleckley) - Under existing law, insurance companies can invoke a deductible for homes or businesses damaged after each storm or hurricane. This bill limits insurance companies to charge only one named-storm deductible during each hurricane season. The new requirement is effective beginning with new or renewed policies Jan. 1, 2010. SIGNED - *ACT 134*
- Insure Louisiana Incentive Program Fund (SB 193 - Long) - Returns to the treasury about \$76 million in a special incentive fund to attract insurance companies to the state. Existing law set up a \$100 million fund to help bring companies to Louisiana, but after three rounds of applications, only five insurance companies have taken advantage of the program, drawing about \$29 million. SIGNED - *ACT 404*
- Business Interruption Insurance (SB 218 - Morrell) - Allows Louisiana Property Insurance Corporation to sell "business interruption" insurance. SIGNED - *ACT 239*
- Online Disclosure for Insurance Companies (SB 282 - Hebert) - Requires health insurance companies to post an online database of in-network radiologists, anesthesiologists, pathologists, neonatologists and emergency medicine doctors, their addresses and business numbers. SIGNED - *ACT 354*
- Auto Insurance During Hurricanes (HB 185 - Cortez) - Prohibits insurers from refusing to issue an automobile insurance policy providing comprehensive coverage on a newly purchased motor vehicle to one of the insurer's existing policyholders who is an otherwise qualified purchaser based solely on a named storm in the Gulf of Mexico. SIGNED - *ACT 324*
- Home Service Contracts (HB 704 - Baldone) - Establishes the regulation of home service contract providers by the commissioner of insurance, including requirements for registration of providers, disclosure in contracts, record keeping, and enforcement. SIGNED - *ACT 101*

- Genetic Testing for Health Insurance (HB 406 - Pearson) - Prohibits insurers from requiring or using genetic testing and genetic information when considering underwriting some policies. Also requires the state's Medicaid and LaChip programs to cover the care of catastrophically ill children treated at out-of-state speciality hospitals. SIGNED - *ACT 419*

#### Coastal Restoration & Hurricane Protection Issues -

- Continued Commitment to Funding Coastal Restoration & Hurricane Protection Projects -
  - For the third year in a row, money is set aside from state surplus funds and other one-time money for coastal restoration and hurricane protection initiatives. This year's commitment is \$290 million with another \$78 million available in federal funding. Over the previous two years, \$500 million in surplus dollars have been earmarked for coastal restoration and hurricane protection.
  - Over \$190 million of this year's funding is set aside for the purchase of land in connection with the New Orleans' area hurricane protection system which is being developed by the U.S. Army Corps of Engineers. The state's commitment leverages more than \$15 million in federal funding.
  - Another \$22.7 million is earmarked for federally authorized hurricane protection systems including Morganza to the Gulf, Lafitte protection system, Larose to Golden Meadow, Donaldsonville to the Gulf and the North Shore Hurricane Protection program.
  - \$24.7 million for South Central/Southwest Louisiana flood control, hurricane protection and coastal restoration initiatives, including \$12 million for the Cameron-Creole levee in Cameron Parish.
  - \$14.5 million for various Coastal Wetlands Planning Protection and Restoration Act (CWPPRA) projects.
- Office of Hurricane Protection, Flood Control and Coastal Restoration (HB 833 - Dove/Dupre) - Establishes an umbrella agency to consolidate and coordinate state efforts relating to coastal restoration, flood protection, conservation and hurricane protection. Declares comprehensive plans should be developed with the integrated consideration of coastal restoration, coastal protection, infrastructure, storm damage reduction, flood control, water resources development, erosion control, marsh management, diversions, saltwater intrusion prevention, central wetlands, conservation, enhancement, mitigation, storm surge reduction, marshes, cheniers, ridges and coastal forests. SIGNED - *ACT 523*

#### Public Safety & Corrections Issues -

- Dog Attacks (HB 155 - Hardy) - Allows prosecutors to charge dog owners whose animals attack people up to five years in prison and a fine of up to \$5000. The bill was amended to prohibit insurance companies from denying homeowner policy claims if the homeowner is found guilty of the new crime. Some policies specifically deny coverage for acts committed due to criminal conduct. SIGNED - *ACT 199*
- Animal Abuse
  - (HB 90 - Ligi) - Toughens the penalties for a repeat animal abuser by mandating the

violator spend at least one year, and up to 10 years, in jail and can be fined at least \$5,000 and a maximum of \$25,000. Also gives judges the authority to grant an order banning a repeat offender from owning or keeping animals for a period of time to be specified by the judge and to undergo psychological evaluation at the individual's expense. SIGNED -

*ACT 179*

- (SB 31 - Adley) - Increases the penalty for unnecessary and unjustified physical pain, suffering or death of an animal. SIGNED - *ACT 106*
- Sale of Ephedrine, Pseudoephedrine and Phenylpropanolamine Products (HB 890 - Mills) - These ingredients are used in making the highly addictive drug known as crystal meth. The bill limits the sale of these products to pharmacies or stores with pharmacies. It also establishes an electronic system, monitored by the police, to track in real time the sale of the drugs and their buyers. It requires pharmacies to keep an electronic log and requires purchasers to swipe a driver's license or state-issued identification card to record the purchaser, time, date and amount. SIGNED - *ACT 314*
- Heroin Offenders (HB 630 - Honey) - In years past, when heroin was a serious street drug, the Legislature made the crime of producing, distributing or possessing the drug subject to a life sentence. The sentence has since been lowered to no less than five years and no more than 50 years. This bill allows prisoners who have been given life sentences because of heroin-related crimes to seek parole as long as they have served at least 15 years of their sentence. BECAME LAW WITHOUT GOV SIGNATURE - *ACT 533*
- Inmate Compensation -
  - (HB 64 - Norton) - Seeks to increase compensation that goes into inmates' accounts for purchasing goods at prison commissaries and whatever remains at the time they are released. Under current law, pay rates are based on "skill, industry and nature of the work performed by the inmate" and is capped at 20 cents per hour. This bill increases that amount for inmates assigned to Prison Enterprises' industrial, agricultural, service or other programs to 40 cents per hour. Inmates who are Certified Academic Tutors and Certified Vocational Tutors who teach classes and skills may be paid up to \$1 per hour. SIGNED - *ACT 85*
  - HB 62 (Burrell) - Designed to "encourage voluntary participation by inmates in certified treatment and rehabilitation programs, including but not limited to basic education, job skills training, values development and faith-based initiatives, therapeutic programs, and treatment programs", this bill allows up to 180 days good time for satisfactory participation in each approved program with a maximum of 540 days total. Current law provides only 10 days a month with a maximum of 180 days total good time for participation in such programs. SIGNED - *ACT 266*
- Jetson Center for Youth (SB 302 - Broome) - Converts the Jetson Center for Youth into a smaller regional treatment facility renamed the Louis Jetson Center for Youth. Also sets down requirements for state officials to provide a comprehensive plan for the transition of youth out of the facility and a plan for the conversion of the facility for its new mission. SIGNED - *ACT 253*

- Witness Protection -
  - (HB 33 - Leger) - District Attorneys in major cities in the state say that they are experiencing problems with witnesses afraid to testify at trials because of threats against them or family members and, in some cases, the murder of witnesses. This bill makes available, through a newly-created Louisiana Witness Protection Services Board, funds for a variety of services, including increased police protection, moving witnesses to another area or helping them assume a new identity in a new area. The protection would extend to the witnesses, family members and household members who also may be threatened. Defense attorneys would be notified when the state provides such help, but would not have to know the details of the protection. There is \$140,000 set aside to begin the program in the 09-10 budget year. Federal grants are also available. SIGNED - *ACT 263*
  - (HB 202 - Richardson) - This bill prohibits the disclosure of the name, address or identity of sex-crime victims who are minors as well as juvenile victims of any crime. The bill is designed to cover those crime victims prior to the adoption of a sex crimes bill in 2000, which put the information off limits. SIGNED - *ACT 364*
- Lewd Communication With A Minor (HB 87 - Carmody) - A law enacted last year protecting minors from lewd communication was too narrow in its scope and did not encompass all forms of communication. This bill provides that any lewd or lascivious communication, including text, visual or oral communications, to a person under the age of 17 by someone who is at least two years older could result in jail sentence of up to 7 years in prison. SIGNED - *ACT 198*
- Sexual Offenders
  - (HB 564 - Abramson) - This bill makes it a crime to recruit, transport or buy anyone younger than 18 for sex activities, or profit from such an enterprise. The bill calls for a penalty of up to \$50,000 fine, between 15 and 50 years in jail, or both. If the child is younger than 14, the penalties increase to a mandatory minimum of 25 years, a \$75,000 fine, or both. SIGNED - *ACT 375*
  - (HB 476 - Connick) - Provides for additional provisions regarding sexual offenders:
    - Prohibits a sex offender whose victim was under 13 from owning, operating or in any way being involved with the governance of child care facilities. Violators can be fined up to \$1,000 and sent to jail for up to a year or both.
    - It prohibits anyone convicted of a sex offense with a child from working in a day-care center, group home, or community home housing children and prohibits the offender from having access to the facilities. Convictions could result in a jail sentence of up to six months, a fine not to exceed \$1,000 or both.
    - The bill bans a person convicted of a sex offense with a child from volunteering with an organization that provides good or services to children.
    - Prohibits a sexually violent predator from living within 1,000 feet of a child day-care center, group home, residential home or child-care facility. The law already prohibits sex offenders from living within 1,000 feet of a public or

private elementary or secondary school. SIGNED - *ACT 210*

- (HB 366 - Wooten) - The bill increases the penalties on sex offenders who take off their electronic monitors by giving the Division of Probation and Parole the authority to assess additional penalties, including a fine of not more than \$1,000 or imprisonment for two to ten years without benefit of probation or parole. SIGNED - *ACT 205*
- (SB 145 - Crowe) - Prohibits the use of a wireless router to send sexually explicit materials involving juveniles. Offenders face up to 99 years in prison. SIGNED - *ACT 193*
- Domestic Abuse -
  - (HB 629 - Landry) - Extends the amount of time in which a defendant can dispute a protective order from 15 to 21 days. SIGNED - *ACT 427*
  - (SB 254 - Murray) - Clarifies the definition of a "household member" when considering domestic abuse to mean any person of the opposite sex presently living in the same residence or living in the same residence within 5 years of the domestic abuse, or any child living in the same residence within 5 years of the abuse, or any child of the abuser regardless of the residence. SIGNED - *ACT 245*
- Audiovisual Testimony (HB 119 - Burns) - Authorizes employees of criminal laboratories, coroners, forensic pathologists, and any other evidence expert to testify via simultaneous audiovisual transmission during a criminal proceeding. SIGNED - *ACT 272*
- First-Degree Murder (SB 132 - Dorsey) - The purpose of this bill is to make serial killers more easily subject to the death penalty. The first-degree murder law in Louisiana requires an aggravating circumstance, such as the murder during another crime or killing someone under the age of 12, to be subject to the death penalty. Serial killers often murder without committing another aggravating crime. This bill allows prosecutors to seek the death penalty when the offender "has a specific intent to kill or inflict great bodily harm and the offender has previously acted with a specific intent to kill or inflict great bodily harm that resulted in the killing of one or more persons" and if "the offender has knowingly killed two or more persons in a series of separate incidents". SIGNED - *ACT 79*
- Firearms -
  - (HB 44 - LaFonta) - This bill was filed in response to a series of shootings at Carnival parades in New Orleans in recent years and an Independence Day shooting in Baton Rouge after a fireworks display two years ago. It bans the reckless discharge of firearms within 1,000 feet of a parade route with a penalty of not less than five nor more than 10 years in prison or a fine of not more than \$5,000, or both. The bill exempts hunting or sport shooting on private property if the site is within the 1,000 foot zone. SIGNED - *ACT 150*
- Novelty Lighters (HB 199 - St. Germain) - Bans the sale of novelty lighters and sets a fine of up to \$250. SIGNED - *ACT 89*
- Hurricane Shelters (SB 279 - Walsworth) - The purpose of this bill is to increase emergency shelter space in Louisiana by upgrading public buildings so they can house hurricane evacuees. The bill establishes a program that requires local emergency officials to recommend

public places they think would work as shelters, like schools or government buildings. The state would improve the buildings so they meet the American Red Cross standards for shelters. About \$7.5 million is set aside in a separate bill to pay for building upgrades. SIGNED - *ACT 353*

- Building Fraud (HB 76 - Willmott) - Increases the penalties for home improvement fraud. Anyone convicted of the crime can be imprisoned for no more than 6 months and fined not more than \$1,000 when the value of the repair damage is less than \$300; a prison term of no more than 2 years and fined no more than \$5,000 if the value of the repair damage is between \$300 and \$500; and a prison term of no more than 10 years and fined no more than \$20,000 if the repair is valued at more than \$500 or if the victim is more than 60 years old or disabled. SIGNED - *ACT 268*
- Generators at Gas Stations (HB 893 - Ligi) - The bill requires gas stations that are issued a certificate of occupancy after October 1, 2009 in 35 parishes in the southern half of the state to install transfer switches for generators. The purpose of the bill is to allow citizens depending on generators during power outages following major storms to be able to purchase gasoline. The transfer switch is needed to operate an alternate generated power source capable of operating all fuel pumps, dispensing equipment, safety systems such as sprinklers and alarms, and payment-acceptance equipment. The transfer switches cost about \$5,000 to buy and install and the bill stops short of requiring generators because they are expensive to buy and require regular maintenance and can be leased during hurricane season. SIGNED - *ACT 527*
- Price Gouging at the Pump (SB 272 - Heitmeier) - Authorizes the State Attorney General to investigate price gouging at the pump at the refinery level, rather than just at the retail level. SIGNED - *ACT 494*

#### Highway Safety Issues -

- Drinking While Driving
  - (SB 166 - Dupre) - Strengthens penalties for individuals convicted of a DWI while having a suspended license from a previous alcohol-related conviction.
    - Mandates a minimum 15 days in prison.
    - Drivers caught driving under suspension for vehicular manslaughter or homicide would face a minimum sentence of 60 days in jail.
    - Provides an exception for a "hardship" license to be issued to convicted drivers to attend doctor appointments, school, work or church. SIGNED - *ACT 236*
  - (HB 636 - Monica) - Bans operation of a watercraft for anyone convicted of a DWI whose road license is suspended during the suspension period.
    - Also raises the age of those required to wear life preservers from 12 to 16 and rolls back the birth date for required boater-safety classes from January 1, 1988, to January 1, 1984.
    - Exempts anyone under 16 who is working on a commercial vessel or anyone with a DWI conviction who works on a commercial boat.

- Requires anyone under the age of 25 to be certified to operate a boat. FINAL
- (HB 445 - Baldone) - Increases penalties for motorists who refuse to submit to a breathalyzer test after being stopped by police:
  - 1 year for first refusal;
  - 1 year, without benefit of a hardship license, in the event that a fatality occurred or a person sustained serious bodily injury;
  - 2 years for a second and any subsequent refusals occurring within 5 years of the date of the first refusal to submit to a test.
  - 2 years for a second and any subsequent refusals, without benefit of a hardship license, in the event that a fatality occurred or a person sustained bodily injury.SIGNED - *ACT 288*
- (HB 444 - Perry) - Limits suspension hearings after a person's license has been suspended to production of documents and sworn statements by non-law enforcement witnesses but prohibits the statements of law enforcement officers. SIGNED - *ACT 287*
- (HB 232 - Smiley) - Louisiana law already calls for testing drivers in automobile fatalities for drugs and alcohol. This bill will require testing of operators of any type of watercraft for drugs or alcohol abuse when a boating-related fatality occurs. SIGNED - *ACT 5*
- Bicyclist Safety (HB 725 - Jackson) - Known as the "Colin Goodier Protection Act" after a bicyclist killed last summer in Iberville Parish while training for a triathlon when his bike was struck from behind by a truck on River Road. The bill requires motorists to leave a safe distance of not less than 3 feet when passing a bicyclist and carries a fine of not more than \$250. Additionally, motorists who taunt or maliciously throw objects at a bicyclist could be fined a minimum of \$200 or face imprisonment for not more than 30 days. SIGNED - *ACT 147*
- External Sound Systems (HB 55 - LaFonta) - This bill makes it illegal for a vehicle to be rigged with a sound system installed on the exterior of the vehicle's chassis, such as in the grill or undercarriage, that could blare music or other sounds. The bill also prohibits a driver from having a car horn rigged to make a sound this is different from that of the car manufacturer's horn.
  - The bill exempts emergency vehicles, vehicles in parades, recreational vehicles and vehicles used solely for commercial purposes.
  - Calls for a fine of not less than \$500 for a conviction but does not set a maximum fine.SIGNED - *ACT 124*
- Speed Traps (HB 626 - Downs) - This bill is an attempt to cut down on "speed traps" that help swell small-town coffers by funneling to the Louisiana Highway Safety Commission all fines from tickets written along interstate highways in cities and parishes that do not have a home rule charter, if the citation was issued for speeding less than 10 miles over the posted limit. SIGNED - *ACT 188*
- Left-Hand Lane Driving (HB 855 - Henderson) - Prohibits vehicles traveling on multilane highways from driving in the left-hand lane except when turning, passing another vehicle or

when the right-hand lane is congested or closed. The bill also prohibits a vehicle in the left-hand lane from driving at a speed lower than any vehicle to its right. Provides an exemption for states of emergency or when contraflow is in effect. SIGNED - *ACT 190*

- Seat Belts (HB 499 - Monica) - Under current law, only drivers and front seat passengers are required to use seat belts. This bill requires all passengers 13 and older to wear a seat belt in a moving vehicle, while those under 13 must be strapped in an age-appropriate safety device. Provides for a penalty of \$25 for a first offense; \$50 fine for a second offence; \$50 in fines for third and subsequent violations. The bill allows police officers to stop vehicles when they see occupants not wearing seat belts and write tickets to the violators. SIGNED - *ACT 166*
- Window Tinting
  - (SB 187 - Heitmeier) - Makes it harder for drivers to get tinted windshields without a legitimate medical reasons by requiring doctors to specify what medical conditions the darker tints are designed to address. The bill requires the state to issue a decal showing police that the driver has a legitimate tint and charges the applicant for the tint permit \$26 for a State Police background check to obtain the decal. SIGNED - *ACT 175*
  - (HB 453 - Pugh) - Requires an applicant seeking a medical exemption to submit a full set of fingerprints for a background check and for the Department of Public Safety & Corrections to issue a decal for the exemption to be displayed on the vehicle. SIGNED - *ACT 371*

#### Agriculture Issues -

- Healthy Food Retail Act (SB 299 - Duplessis) - In an effort to increase access to fresh fruits and vegetables and other healthy food in underserved communities, requires the Department of Agriculture in cooperation with public and private partners, to establish a financing program to provide grants and loans to healthy food retailers. The program is dependent on available funds. The measure is the result of a study concluded earlier this year that showed poor nutrition is linked to many health issues prevalent in low- income populations. SIGNED - *ACT 252*
- Chinese Seafood Safety (HB 551 - Mills) - With only 1% of Chinese seafood coming into the U.S. inspected, this measure creates the Seafood Safety Task Force to study the threat of Chinese seafood and encourages a voluntary labeling campaign promoting Louisiana seafood and warning of possible risks associated with consuming Chinese seafood. SIGNED - *ACT 330*
- Catfish Labeling (HB 439 - Ellington) - Requires restaurants and retailers to label catfish as to its country of origin and prohibits the businesses from misrepresenting imported catfish as domestic. SIGNED - *ACT 506*
- Agricultural Loans (HB 538 - Anders) - Empowers the Louisiana Agriculture Finance Authority to make and guarantee agricultural loans. The new responsibilities are necessary to administer more than \$50 million in federal Community Development Block Grant (CDBG) funds available to farmers. Also streamlines the Department of Agriculture operations by abolishing the Market Commission and moving those responsibilities to the LAFA. SIGNED -

*ACT 510*

- Forestry Product Fairness Act (SB 271 - Nevers) - Requires the Department of Economic Development and the Department of Agriculture to establish rules and regulations for the awarding of incentives to encourage the use of forest products. Any incentive to directly support the purchase of forest products must be approved by the agriculture commissioner. SIGNED - *ACT 352*
- Farm Irrigation Equipment Sales Tax Exemption (HB 473 - Little) - Exempts the plastic tubing used in commercial farm irrigation from all state sales tax. Most other states do not tax such purchases. Other irrigation-related equipment is already exempt from the Louisiana state sales tax. SIGNED - *ACT 461*

## State Retirement Issues -

- Cost of Living Increases (HB 96 - Pearson) - Allows retirees to guarantee their own cost of living increases by taking a reduced pension up-front. The retiree would be guaranteed a 2.5% pension increase every year and all retirees would still receive cost of living adjustments (COLAs). Only workers who retire after the bill becomes law are affected. SIGNED - *ACT 270*
- Guaranteed Minimum Benefits (HB 586 - Doerge) - Increases the pensions of retirees receiving less than \$1,200 a month by \$300 a month, or the difference between the retiree's current benefit and \$1,200, whichever is less. To qualify for the benefit, the retiree must have at least 30 years of service credit, be retired for at least 15 years, be at least age 60. Only about 1,400 current retirees are expected to benefit from the legislation. SIGNED - *ACT 144*
- Retirement System Debt (SB 296 - B. Gautreaux) - The state is required by the constitution to pay off both the Louisiana State Employees' Retirement System and the Teachers' Retirement System of Louisiana debt payments by 2029. This bill consolidates the two systems' debts and levels the debt payment schedule, which is now increasing. It will clear the balances of three funds, two of which were set up to pay retirement debts, which will result in \$1 billion toward the pay-off and also redirects a certain amount of future money going into the account toward the debt. The legislation is projected to reduce the state's overall payment by \$556 million. SIGNED - *ACT 497*

## Other Issues -

- War Veterans (HB 165 - Edwards) - Allows the use of war veterans homes by the almost 80,000 Louisiana veterans who did not serve during war time. War veterans will still have priority for use of the facilities. The federal government is picking up the cost of the program. SIGNED - *ACT 18*
- State Agreement with Saints Organization (HB 719 - Chaney) - As part of the state's agreement to keep the Saints organization in New Orleans, this measure authorizes the state to lease office space from Saints owner Tom Benson in a building located next to the Superdome that will be renovated for the state's use. In addition to the lease agreement, the state is also setting aside \$85 million in state surplus funds from the 07-08 state fiscal year for renovations to the Superdome. SIGNED - *ACT 432*

- Emergency Rental Assistance Program & the Imported Tainted Drywall Assistance Program (SB 167 - Gray-Evans) - Proposes that the state use surplus state and federal disaster funds administered through the Louisiana Recovery Authority to assist storm victims with continuing housing issues and to assist those eligible for the disaster assistance to deal with contaminated Chinese drywall in their rebuilt homes. Both programs would require the approval of the federal government and the joint budget committee. SIGNED - *ACT 487*
- Seizure of One's Home (HB 261 - Connick) - Increases the amount of the homestead that is exempt from seizure from \$25,000 to \$35,000 and prevents the seizure of a person's home for credit card debt. SIGNED - *ACT 201*
- SAFE Mortgage Licensing Act (HB 819 - Arnold) - Establishes minimum standards for the licensing and registration of mortgage loan originators in an effort to improve consumer protection and reduce fraud. SIGNED - *ACT 522*
- Mortgage Fraud (SB 105 - Duplessis) - Creates the crime of mortgage fraud in connection with residential mortgage lending activity. SIGNED - *ACT 197*
- Securities Fraud Crackdown (HB 297 - B. White) - Amends the state's racketeering law to require a judge to send securities dealers and brokers to prison for a minimum of five years for defrauding consumers. SIGNED - *ACT 91*
- Alcoholic Beverage Licensing (SB 136 - Jackson) - Adds additional language clarifying when an establishment is eligible to receive a restaurant alcoholic beverage license. Several issues have arisen around the state recently surrounding whether or not a restaurant that has "bar" in its name or offers drink specials and entertainment can still be considered a restaurant for licensing purposes. SIGNED - *ACT 233*
- Phone Card Fee (HB 782 - Ellington) - Beginning Jan. 1, 2010, purchasers of wireless phone cards will pay a 2% fee to support statewide improvements to 911 systems. Cell and landline telephone customers already pay a 911 monthly fee. SIGNED - *ACT 531*