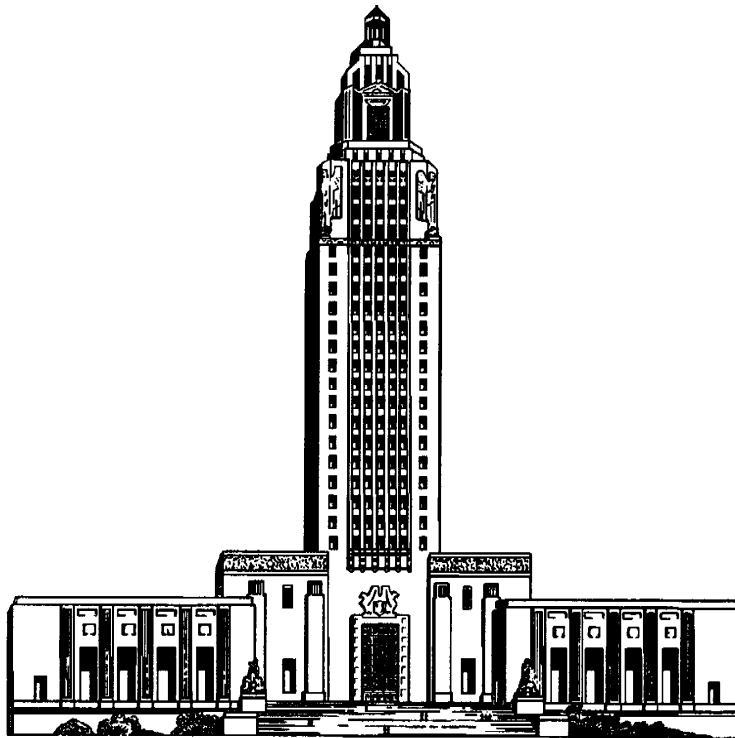


HIGHLIGHTS

**of the
2009 Regular Session
of the
Louisiana Legislature**



**Prepared by:
House Legislative Services
June, 2009**

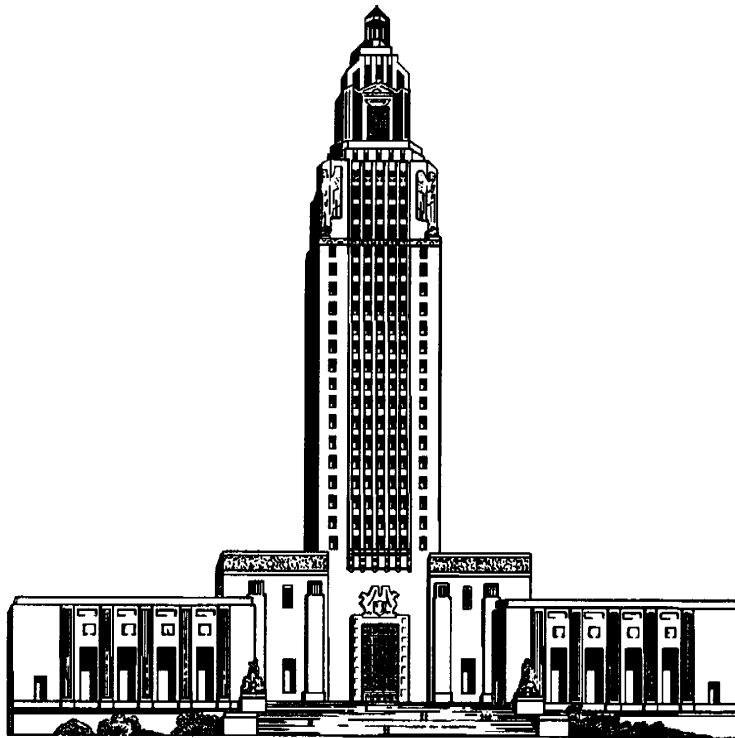
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HIGHLIGHTS

**of the
2009 Regular Session
of the
Louisiana Legislature**



**Prepared by:
House Legislative Services
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ADMINISTRATION OF CRIMINAL JUSTICE

DAMAGES

HB 33 by Leger *(Last Action - Sent to Governor)*

Enacts the Witness Protection Services Act to provide for the development and administration of witness protection services for witnesses to criminal activity.

HB 155 by Hardy *(Last Action - Sent to Governor)*

Amends the definition of negligent homicide to include the killing of a human being by a dog or other animal. Amends the definition of negligent criminal injuring to include an injury caused by a dog or other animal when the owner is reckless and criminally negligent in confining or restraining the animal.

WEAPONS

HB 27 by Wooton *(Last Action - Failed to Pass/House)*

Would have authorized concealed handgun permit holders to carry concealed weapons on the campus of any university, college, or postsecondary vocational-technical school.

HB 44 by LaFonta *(Last Action – Sent to Governor)*

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.

HB387 by Richmond *(Last Action – House Committee)*

Would have banned the possession and sale of certain assault weapons.

CONTROLLED DANGEROUS SUBSTANCES

HB 890 by Mills *(Last Action - Sent to Governor)*

Limits the sale of nonprescription compounds containing ephedrine, pseudoephedrine, and phenylpropanolamine to pharmacies and limits the amount of these substances that may be purchased. Further provides that these substances shall be included as Schedule V controlled dangerous substances.

Administration of Criminal Justice

HB399 by Geymann *(Last Action – Sent to Governor)*

Adds Carisoprodol (Soma) as a Schedule IV controlled dangerous substance.

SEX OFFENSES

HB 713 by Mills *(Last Action - House Committee)*

Would have provided for court-mandated treatment for sexually dangerous persons who have been convicted of aggravated rape, forcible rape, simple rape, or molestation of a juvenile, and only when those crimes involve a victim 12 years of age or younger. Would have required DHH to assess each person convicted of one of those four crimes to determine which offenders have a mental abnormality or personality disorder and would have required courts to determine whether the person is eligible for treatment.

JUVENILES

SB 253 by Gray Evans *(Last Action - House Committee)*

Would have created the Children's Bill of Rights applicable to children held in detention centers, juvenile facilities, and other placements. Would have provided for limitations on the use of bodily restraints, for the administration of medical, dental, and mental healthcare, and for procedures involving visitation with family. Would have further provided that children have the right to be held in the least restrictive environment necessary to meet the needs of the children and the safety of the public.

AGRICULTURE, FORESTRY, AQUACULTURE, AND RURAL DEVELOPMENT

HB 408 by Anders *(Last Action – Sent to Governor)*

Transfers the power and authority of the State Market Commission and the provisions regarding loans and guarantees to the Louisiana Agriculture Finance Authority (LAFA). Also transfers and reestablishes the Agricultural Products Processing Development Fund within LAFA.

HB 439 by Ellington *(Last Action – Signed by the President)*

Creates the Louisiana Catfish Marketing Law which requires country of origin labeling in retail and food service establishments in order to provide clear information of the origin of aquaculture to protect the health and welfare of consumers in accordance with Federal COOL regulations.

Provides for regulation and inspection of retail and food service establishments by the commissioner of agriculture and forestry for compliance with state law, and further provides that the commissioner shall inspect restaurants for compliance only upon receipt of a complaint by the Dept. of Agriculture and Forestry. Allows the commissioner to enter the premises of any wholesaler, distributor, or retailer to pull samples of catfish, catfish products, siluriformes, or siluriforme products for species identification through laboratory testing.

Provides for certain penalties imposed by the commissioner of agriculture and forestry in writing to any retailer or food service establishment in violation of state law and allows three days to correct the violation without incurring a penalty.

SB 154 by Thompson *(Last Action – Act No. 34)*

Makes technical language corrections and various changes to boards, commissions, programs, and offices within the Dept. of Agriculture and Forestry, in particular removes the State Market Commission (see HB 408).

APPROPRIATIONS

HB 1 by Fannin (*Last Action – Act No. 10 - With Vetoes*)

HB 881 by Fannin

The General Appropriation Bill (GAB) totals \$28.4 billion, of which \$7.4 billion is State General Fund (Direct), and \$14.8 billion is Federal Funds. Included in the GAB are more than \$1 billion in Federal stimulus funding appropriated by Congress when it passed the American Recovery and Reinvestment Act of 2009. House Bill No. 881 recommended additional funding (primarily for higher education and health care) for FY 09-10 totaling \$174 million State General Fund and \$112 million in Federal Funds, in addition to appropriating supplemental funding for critical state activities for FY 08-09.

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

GENERAL GOVERNMENT

Federal funding from the American Recovery and Reinvestment Act to the Division of Administration's Community Development Block Grant Program as receipt of US Dept. of Education State Fiscal Stabilization Fund for allocation to Higher Education, the Department of Education, and Elected Officials	\$	355 million
Additional funding to cover an anticipated budget deficit in FY 09-10 in the Louisiana Stadium and Exposition District	\$	21 million
Additional federal funding in the Office of Homeland Security and Emergency Preparedness for the Interoperable Emergency Communications Grant Program	\$	18.3 million
Additional funding in the Division of Administration for the Enterprise Resource Planning Project. The state is in the 3 rd year of an eight-year \$100 million project to replace the hardware and software that supports the state's system related to finances, purchasing, contracts, budget development, and asset management	\$	18 million
Additional federal funding to the Division of Administration through the American Recovery and Reinvestment Act of 2009 for the Community Development Block Grant Small Cities Program. Award grants will be made to smaller units of local government that engage in community development activities	\$	7.5 million
Additional funding from the Community Water Enrichment Fund to the Division of Administration's Community Development Block Grant Program to be used to rehabilitate, improve, and construct projects for community water systems to provide drinking water to Louisiana's small rural communities	\$	7.1 million
Additional funding to the Louisiana Commission on Law Enforcement through the American Recovery and Reinvestment Act of 2009. The Edward Byrne Memorial Justice Grant Program will provide		

Appropriations

funds for the implementation of juvenile justice reform and rehabilitation initiatives. These funds will be transferred to the Office of Juvenile Justice.	\$	3.1 million
Additional funding to the Office of Elderly Affairs through various line-item amendments for parish councils on aging and senior centers.	\$	1.6 million
Additional federal funding to the Office of Elderly Affairs from the American Recovery and Reinvestment Act	\$	964,000
Additional funding from the Pari-Mutuel Live Racing Facility Gaming Control Fund and from self-generated revenues for equine drug testing	\$	509,000
Additional funding for the Louisiana Commission on Law Enforcement and the Task Force on Violent Crime for crime prevention activities for Algiers, Gretna, and the West Bank of Jefferson Parish and Plaquemines Parish	\$	500,000
Additional funding from the Pari-Mutuel Live Racing Facility Gaming Control Fund to the Louisiana State Racing Commission for a security contract for racetracks statewide	\$	486,000
Additional funding for Veterans Affairs for increased nursing care services	\$	1.1 million
Additional funding for Veterans Affairs for acquisitions	\$	480,000
Additional federal funding for Veterans Affairs for increased costs of medical supplies for Medicare eligible veterans	\$	296,000
Funding to implement the Help America Vote Act (HAVA) of 2002 through information technology projects, voter education efforts, and addressing voter accessibility issues	\$	14.4 million
Additional funding to New Orleans City Park for operational expenses	\$	300,000
State aid to local public libraries	\$	573,333
Funding for judgments	\$	30.0 million
Additional funding for supplemental pay to law enforcement personnel	\$	18.4 million

ECONOMIC DEVELOPMENT

Funding for the Governor's Economic Development Rapid Response Program	\$	27.0 million
Funding for the Louisiana Economic Development Regional Award and Matching Grant Program (Tier 1)	\$	1.8 million
Funding for advertising, promotion, and marketing related services	\$	5.5 million
Funding for state economic competitiveness benchmarking, planning, and research initiatives	\$	1.9 million
Additional funding for the Louisiana FastStart program to		

Appropriations

provide training related to V-Vehicle Company (\$5 million total funding for the Louisiana FastStart program)	\$	2.0 million
Additional funding for the Louisiana Small Business Development Centers (\$1 million total funding)	\$	211,478
Additional funding for the Small and Emerging Business Development Program (\$800,000 total funding)	\$	192,000
Federal funding from the American Recovery and Reinvestment Act of 2009 for employment reentry	\$	7.0 million
Federal funding from the American Recovery and Reinvestment Act of 2009 for services and activities addressing employment, education, better use of available income, housing, nutrition, emergency services, and health care to combat the central causes of poverty	\$	23.5 million
Support for the following sporting events:		
Sugar Bowl	\$	1.5 million
Special Olympics	\$	200,000
Bayou Classic	\$	100,000

PUBLIC SAFETY AND CORRECTIONS

Public Safety Services

Total Funding	\$	367 million
Funding in the Louisiana State Police's Auxiliary Program to provide for the reconfiguration of the agency's frequency band	\$	4.4 million
Federal funding for the Louisiana State Police to provide assistance to the regional crime labs	\$	1.7 million
Additional funding to the Louisiana State Police for Automated Fingerprint Identification Systems	\$	1.6 million
Additional funding to the Motor Carrier Section in the Operational Support Program in Louisiana State Police	\$	1.2 million
Additional funding to the Louisiana State Police Crime Lab to refine processes and allow for software development to address the current backlog of cases	\$	300,000

Corrections Services

Total Funding	\$	498 million
Local Housing of Adult State Inmates	\$	136 million
Adult Work Release Program	\$	18.7 million
Funding to the Local Reentry Services Program for reentry services for female offenders housed at the Steve Hoyle Rehabilitation Center	\$	2.4 million
Local Reentry Services	\$	1.9 million
Additional funding in Adult Probation and Parole for 300 passive GPS		

Appropriations

devices to monitor sex offenders. 11 vacant positions will be reassigned to provide supervision of the additional sex offenders being monitored.	\$	955,000
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Youth Services

Total Funding	\$	152 million
Local Housing of Juvenile Offenders	\$	7.3 million
Funding in the Contract Services Program for the functional family therapy pilot program to treat a range of high risk youth and their families	\$	2 million

HEALTH AND HOSPITALS

Medicaid

Total Funding	\$	6.5 billion
(\$1.4 billion SGF and Stat Ded)		

Major adjustments include:

Funding for the rebasing of Medicaid reimbursement rates for nursing home services (\$20.5 million Stat Ded)	\$	102.8 million
Funding for a mandatory price increase for pharmaceuticals and allowances for payment for pharmaceuticals recently approved by the Food and Drug Administration (\$1.5 million SGF)	\$	41.8 million
Funding for a rate increase for hospitals using the anticipated savings from the implementation of the Interqual criteria (\$8 million SGF)	\$	40.0 million
Funding for the increase in Medicaid enrollments as a result of the economic downturn (\$7 million SGF)	\$	25.0 million
Funding to cover the annualization of the FY 08-09 nursing home rebasing (\$18.8 million SGF)	\$	23.5 million
Funding for increases in Medicare Part D (Prescription Drug Plan) clawback payments (\$10.5 million SGF)	\$	10.5 million
Funding for the implementation of best practice clinical criteria thus ensuring appropriate admissions to acute care facilities (\$2.5 million SGF)	\$	10.0 million
Funding for public and private rural hospitals and their rural health clinics (\$2.5 million Stat Ded)	\$	7.7 million
Funding for the operation of a dual fiscal intermediary (\$750,000 SGF)	\$	7.5 million
Funding to add 7 new rural health clinics and 4 new federally qualified health centers in FY 09-10 and to fund the annualization of rural health clinics and federally qualified health centers added in FY 08-09		

Appropriations

(\$1.5 million SGF)	\$	7.5 million
Funding for the increase in Medicare Part A and Part B premiums due to additional eligibles in the Medicaid program (\$1.8 million SGF)	\$	6.7 million
Funding to establish an Electronic Health Record Information Technology Fund (\$5 million SGF)	\$	5.0 million
Funding for the increased costs of contributions for Medicaid drug payments for dual-eligible recipients (\$4.3 million from the Louisiana Health Care Redesign Fund)	\$	4.3 million
Funding for the annualization of the FY 08-09 inclusion of licensed clinical social workers as Medicaid providers (\$1.5 million SGF)	\$	3.0 million
Funding for the mandated annual increase to reimbursement rates for rural health centers and federally qualified health centers (\$843,099 SGF)	\$	3.0 million
Funding for the outpatient diagnostic utilization management program (\$1.25 million SGF)	\$	2.5 million

Aging and Adult Services

Total Funding	\$	50.6 million
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Public Health

Total Funding	\$	330.1 million
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Mental Health and Addictive Disorders

Total Funding	\$	415.8 million
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SOCIAL SERVICES

Temporary Assistance for Needy Families (TANF) Initiatives		
Funding for FY 08-09	\$	67.2 million
Funding for FY 09-10	\$	114 million
FY 09-10 TANF Initiatives:		
NonPublic Pre-K	\$	7.5 million
After School	\$	7.6 million
Jobs for America's Graduates (JAGS)	\$	4.0 million
General Education Development (GED) testing	\$	400,000
Truancy	\$	744,470
Microenterprise Development	\$	600,000
Teen Pregnancy	\$	4.4 million
Domestic Violence	\$	3.7 million
Community Response	\$	3.0 million

Appropriations

Individual Development Accounts	\$	1.5 million
Parenting and Fatherhood Initiatives	\$	1.8 million
CASA	\$	3.7 million
Drug Courts	\$	5.0 million
Child Abuse/Neglect	\$.9 million
Nurse Family Partnership	\$	4.7 million
Abortion Alternatives	\$	1.5 million
Head Start Initiatives	\$	1.7 million
Earned Income Tax Credit	\$	1.2 million
Freedom Schools	\$	2.0 million
Solutions to Poverty	\$	400,000
Homeless Initiative	\$	1.0 million
Non-medical substance abuse assessment	\$	4.2 million
LA 4	\$	27.0 million
Early Childhood Supports	\$	5.6 million
TOTAL	\$	114 million

Additional funding for hurricane disaster recovery	\$	127.3 million
Funding from the American Recovery and Reinvestment Act of 2009	\$	55.3 million
Funding to the Office of the Secretary for the modernization of the information technology systems	\$	11.0 million
Additional funding to the Office of Family Support for the administration of the Child Care Development Block Grant Fund	\$	7.5 million

NATURAL RESOURCES

Additional funding to the State Energy Program from the American Recovery and Reinvestment Act of 2009 to provide for activities related to promote efficient use of natural resources and energy, and to develop renewable, non-renewable and alternative sources of energy by providing training, technical assistance, information and policy analysis	\$	42.7 million
Additional funding for Wildlife and Fisheries from the Russell Sage Marsh Island Capital Improvement Fund for levee repairs	\$	987,000
Additional funds to Wildlife and Fisheries for hunter education and wildlife restoration projects on Wildlife Management Areas	\$	856,000
Additional funding for aquatic weed control on Lake Bistineau	\$	60,000
Additional funding for aquatic weed control on Cypress-Black Bayou Lakes	\$	40,000

Appropriations

TRANSPORTATION AND DEVELOPMENT

Contract Maintenance to provide for mowing, litter abatement, traffic signal maintenance and installation, rest area security, guardrail maintenance, and highway striping	\$	24.9 million
Heavy equipment replacement in the District Operations Program	\$	17.8 million
The Parish Road Program allocation is based on parish population counts prior to the hurricanes of 2005 up to \$34 million and the balance is allocated based on parish road miles	\$	38.4 million
The Mass Transit Program allocation is based on population and passenger count numbers prior to the hurricanes of 2005	\$	4.96 million

HIGHER EDUCATION \$ 3 billion

With \$254 million from the transfer of the Louisiana Office of Student Financial Assistance (LOSFA) into Higher Education, \$189.7 million federal stimulus grant which replaced State General Fund, \$29 million State General Fund from the Minimum Foundation Program (MFP) and \$111.6 million total funding in enrolled HB 881 of the 2009 Regular Session, the total \$3 billion appropriation for Higher Education in enrolled Act 10 of the 2009 Regular Session, after vetoes, represents a \$45.8 million (-1.5 %) decrease from Higher Education's FY 08-09 existing operating budget on February 1, 2009. The \$1.2 billion State General Fund represents a \$288 million (18.5 %) decrease from the FY 08-09 State General Fund.

Without LOSFA but with \$189.7 million federal stimulus dollars which replaced State General Fund, \$29 million State General Fund from the Minimum Foundation Program (MFP) and \$111.6 million total funding in enrolled HB 881 of the 2009 Regular Session, the total \$2.8 billion appropriation for Higher Education in enrolled Act 10 of the 2009 Regular Session, after vetoes, represents a \$103 million (3.6 %) decrease from Higher Education's FY 08-09 existing operating budget on February 1, 2009. The \$1.1 billion State General Fund represents a \$307 million (21.5 %) decrease from FY 08-09 State General Fund.

\$254 million was added to the Higher Education FY09-10 appropriation with the LOSFA transfer from Special Schools and Commissions. State General Fund to LOSFA increased by \$18 million (14.6 %) over FY08-09 existing budget and total funding increased by \$58 million (29.7 %).

- * \$10 million State General Fund was added for Taylor Opportunity Program for Students (TOPS) awards. TOPS will provide more than 43,000 awards valued at more than \$129.8 million for FY 09-10.
- * \$5 million State General Fund was added for GO Grant awards. The GO Grant is the need-based financial assistance program and is funded at \$29 million for FY 09-10.

Appropriations

- * \$43 million federal budget authority was added to cover the rise in lender claims relative to federal loan defaults.

\$1 million out of the Tobacco Tax Health Care Fund was added for cancer research.

LSU Health Care Services Division (HCSD)

Total State General Fund	\$	80 million
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State General Fund is typically the sole Means of Finance appropriated in the General Appropriation Bill for HCSD. The \$9.7 million State General Fund decrease represents the difference between projected unallowable costs for FY 08-09 and projected unallowable costs for FY 09-10. State General Fund is used to pay unallowable costs that do not qualify for federally matched Uncompensated Care Costs (UCC). Most unallowable costs relate to prisoner care, contract physicians, HIV and outpatient drugs.

ELEMENTARY AND SECONDARY EDUCATION

Minimum Foundation Program	\$	3.275 billion
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The Legislature approved SCR No. 17 as the FY 09-10 MFP and appropriated \$3.275 billion – \$2.9 billion SGF, \$242 million Statutory Dedicated Funds and \$100.3 million American Recovery and Reinvestment Act (ARRA) of 2009 Federal Funds.

The FY 09-10 MFP – SCR No. 17 – has new features when compared to the FY 08-09 MFP. For example, the resolution contains \$2.8 million for student changes and \$1.6 million for the Morehouse Parish School System and \$1 million for the Union Parish School System to assist those school systems for the loss in local revenue due to specific industry closings. In addition, other elements of the FY 09-10 MFP are:

- 1) Base Per Pupil Amount of \$3,855 remains unchanged from FY 08-09
- 2) At-Risk Weight of 22% remains unchanged from FY 08-09
- 3) Career and Technical Weight of 6% (previously the Voc Ed Weight) remains unchanged from FY 08-09
- 4) Increase in Level 2 State Support to 34% of Level 1 Costs remains unchanged from FY 08-09
- 5) Stipends for Foreign Associate Teachers remain unchanged from FY 08-09
- 6) \$100 Mandated Costs Per Pupil Funding remains unchanged from FY 08-09

New Federal Funds associated with ARRA for Title 1 and Individuals with Disabilities Education Act

These funds will be allocated to school systems in FY 09-10	\$	376.0 million
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Appropriations

LA4

The LA4 Early Childhood Program is appropriated \$80 million
and currently serves up to 16,000 four-year olds \$ 80.0 million

Ensuring Literacy and Numeracy for All Initiative

Increased funding for this initiative bringing total funding to \$ 15.0 million

APPROPRIATION BILLS

HB 667 by Fannin - Ancillary Appropriations *(Last Action – Sent to the Governor)*

Provides for the establishment and reestablishment of agency ancillary funds, to be specifically known as auxiliary funds, internal service funds, or enterprise funds for working capital for certain state institutions, officials, and agencies. Includes the Office of Group Benefits and Office of Risk Management. Appropriates total funding of \$1.99 billion as follows: \$304.7 million through Interagency Transfers, \$1.43 billion from Fees and Self-Generated Revenues, and \$265 million from Statutory Dedications.

HB 869 by Tucker - Legislative Expenses *(Last Action – Sent to the Governor)*

Provides for the expenses of the legislature and legislative service agencies. Appropriates \$68.6 million from the state general fund for FY 2009-2010 including the following:

(1) House of Representatives	\$	28,380,235
(2) Senate	\$	19,369,036
(3) Auditor	\$	9,314,823
(4) Legislative Fiscal Office	\$	2,381,113
(5) Louisiana State Law Institute	\$	1,033,509
(6) Legislative Budgetary Control Council	\$	<u>8,149,643</u>
Total state general fund	\$	<u>68,628,359</u>

Provides for the allocation of funds for salaries and allowances of members, officers, and staff of the House and Senate.

Appropriates \$350,000 from the state general fund to establish the Legislative Auditor Ancillary Enterprise Fund as an agency working capital fund; appropriates \$19.7 million from the fund, which is authorized to be used for expenses of the auditor's office.

Retains provisions allowing legislative assistants who were employed on or before Dec. 1, 2007, to retain the salary they were earning on Dec. 1, 2007, through Aug. 15, 2008.

Appropriations

HB 863 by Fannin - Judicial Expense Act *(Last Action – Sent to the Governor)*

Appropriates funds for Fiscal Year 2009-2010 for the ordinary operating expenses of the judicial branch of government with total funding of \$150,159,149 from the following sources: \$132,362,434 out of the State General Fund (Direct); \$8,670,000 through interagency transfers from the Department 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 of \$3,697,977 of State General Fund (Direct) pursuant to a plan adopted by the Judicial Budgetary Control Board or as approved by the La. Supreme Court.

(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 (Required by Statute)		2,658,375
(7) Other Courts (Not Required by Statute)		<u>616,012</u>
TOTAL		<u>\$153,857,126</u>

HB 881 by Fannin - Supplemental Appropriations *(Last Action – Conference Committee Reports Adopted)*

Provides for supplemental appropriations, and adjustments to appropriations for Fiscal Year 2008-2009 as follows: State General Fund (Direct) decreases by \$353,546,141; Interagency Transfers increase by \$15,573,177; Fees and Self-Generated Revenues increase by \$4,290,413; Statutory Dedications decrease by \$65,128,170; Federal Funds increase by \$398,887,603.

Additionally provides for appropriations in Fiscal Year 2009-2010, including expenditure of \$86 million from the Budget Stabilization Fund (aka "Rainy Day Fund") for higher education and an amount equal to the roughly \$75 million transferred to the state general fund from the Insure Louisiana Incentive Program Fund. Increases to appropriations for Fiscal Year 2009-2010 are as follows: State General Fund (Direct) increases by \$174,438,330; Interagency Transfers increase by \$250,000; Fees and Self-Generated Revenues increase by \$91,600; Statutory Dedications increase by \$70,135,982; Federal Funds increase by \$111,873,903.

Appropriations

SPECIAL FUNDS

HB 802 by Fannin *(Last Action – Conference Committee Reports Adopted)*

Abolishes the Insure Louisiana 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.

Authorizes and directs the state treasurer to deposit \$3,900,000 into the state general fund from the Incentive Fund.

Authorizes the transfer of \$24,378,056 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 January 9, 2009.

Authorizes and directs the state treasurer to deposit \$315.5 million into the Louisiana Medical Assistance Trust Fund from FY 2008-2009 state general fund receipts.

Provides that monies in the Rapid Response Fund at the end of FY 2008-2009 shall not be included in the determination of the fund balance, requiring the state treasurer to deposit \$10 million into the fund on July 1, 2009.

Authorizes and directs the state treasurer to deposit \$13.5 million into the state general fund from the Rapid Response Fund, notwithstanding any provision of law to the contrary.

Authorizes and directs the state treasurer to deposit \$29 million from the state general fund and \$43 million from various funds to the Overcollections Fund.

Authorizes and directs the state treasurer to deposit \$90,582 from the Conservation Fund to various funds.

Authorizes and directs the state treasurer to deposit \$90 million from the Coastal Protection and Restoration Fund to the State Emergency Response Fund.

Extends the due date of the Department of Education's bridge loan from the State Emergency Response Fund to the end of Fiscal Year 2009-2010.

Creates the following funds:

- Hurricane Recovery Health Insurance Premium Fund related to health insurance premiums for certain retired employees.
- Center for Excellence For Autism Spectrum Disorder Fund to pay costs and expenses associated with the establishment and operation of a center of excellence

Appropriations

for autism spectrum disorder by the office for citizens with developmental disabilities within the Department of Health and Hospitals.

- Walking the Walk for Our Kids Fund for the diagnosis, prevention, and treatment of childhood obesity.
- Technology Commercialization Fund for a competitive grants program for the advancement of commercialization of technologies developed at accredited Louisiana institutions of higher education and academic research centers.
- Statewide Educational Facilities Fund for the purposes of the Statewide Education Facilities Authority.

Adds the Maurice Historical Preservation Society to recipients of sales tax dedications from Vermilion Parish.

Provides that, except pursuant to a specific appropriation by the legislature, no appropriation or deposit shall be made into the Budget Stabilization Fund in the same year as an appropriation, use, or withdrawal from the fund, or until the official forecast exceeds FY 2007-2008 actual state general fund collections.

SB 267 Michot (*Last Action – Enrolled*)

HB 738 Robideaux (*Last Action – House Committee on Appropriations*)

The final version of the legislation requires entities and activities supported by statutory dedications to submit annual reports, and establishes a plan and schedule for the review and approval of the funds and dedications by the Joint Legislative Committee on the Budget.

ECONOMIC DEVELOPMENT

SB 283 by Walsworth (*Last Action – Act No. 1*)

Provides for changes to the definitions of projects that qualify for funds from the Louisiana Mega-Project Development Fund and allows the state to retain jobs in North Louisiana. The bill specifically makes the following changes to the definition of a mega-project:

- Project resulting in re-creating or saving at least 500 direct jobs in Louisiana, through the transfer of ownership of a facility that has been closed or is at risk of closure due to the conditions arising out of or relating to a proceeding under Title 11 of the United States Code (Bankruptcy Code).
- Either 500 new direct jobs to the state or a minimal initial investment of \$500,000,000.
- A substantial return on the investment by the state as measured by projected tax revenues.
- Any 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.

Appropriations

DEFICIT ELIMINATION MEASURES

SB 1 by Chaisson (*Last Action – Conference Committee*)

SB 34 by Chaisson (*Last Action – Conference Committee*)

HB 742/HB 805 by Schroder (*Last Action – House Committee on Appropriations*)

Constitutional amendments and enabling legislation which would have increased the amount of certain statutory dedications the governor and legislature can reduce when a deficit is declared in the subsequent fiscal year from 5% to 10%. Certain funds derived from fees and the Transportation Trust Fund and Conservation Fund would have been exempted. The legislation as passed by the House also would have authorized the use of federal funds from the American Recovery and Reinvestment Act of 2009 in the official forecast for the determination of a budget deficit for the reallocation of dedicated funds and determining the availability of the Budget Stabilization Fund.

SB 2 by Chaisson (*Last Action – Enrolled*)

Repeals the two-year limitation on the 5% cumulative reduction in a constitutionally or statutorily protected or mandated appropriation, allocation, or expenditure from any fund when the funds are reduced by the governor and legislature when a deficit is declared in the subsequent fiscal year.

BUDGET STABILIZATION FUND

SCR 81 by Chaisson (*Last Action - House Committee on Appropriations*)

HCR 160 by Peterson (*Last Action - House Committee on Appropriations*)

HCR 236 by Fannin (*Last Action - Conference Committee Reports Adopted*)

Authorizes the Revenue Estimating Conference to incorporate \$86,177,032 of the certified balance of the Budget Stabilization Fund into the official forecast for FY 2009-2010 appropriation. The amount incorporated from the Budget Stabilization Fund shall not be available for appropriation for member amendments.

HB 356 by Foil (*Last Action - House Calendar*)

This Constitutional amendment would have eliminated the requirement that excess mineral revenues be deposited into the Budget Stabilization Fund in the same year in which monies are appropriated out of the fund.

HB 26 by Lambert (*Last Action - Senate Committee on Revenue and Fiscal Affairs*)

Changes the time in which deposits to Transportation Trust Fund from sales tax on motor vehicles are reduced due to a projected deficit.

PUBLIC CONTRACTS

HB719 by Chaney *(Last Action – Sent to Governor)*

Changes the maximum length of multiyear contracts for professional, personal, consulting, or social services from three to five years. Requires contracts of longer than three years but not more than five years to receive prior approval of the Joint Legislative Committee on the Budget.

Authorizes the Office Facilities Corporation to enter into contracts of up to 20 years, for portions of the New Orleans Centre property, including the Dominion Tower, the New Orleans Centre, and the associated parking garage facility to accommodate various state agencies, and provided that the lease is entered into before July 1, 2010. Requires prior approval of the Joint Legislative Committee on the Budget of any lease or sublease.

CIVIL LAW AND PROCEDURE

DAMAGES

HB 755 by Edwards (*Last Action – Sent to Governor*)

Provides that in addition to general damages a victim of child pornography may be awarded exemplary damages upon proof that the injuries were caused by the wanton and reckless disregard for the rights and safety of the person through an act of pornography involving juveniles, regardless of whether the defendant was prosecuted for his acts.

Requires law enforcement, after the filing of an indictment or bill of information for the crime of pornography involving juveniles, to forward copies of any visual reproductions to the Internet crimes against children division of the attorney general's office and requires that office to forward the reproductions and certain other information to the National Center for Missing and Exploited Children.

Provides that the failure to comply shall not invalidate any sentence, plea, conviction, or other final disposition.

SB 60 by Kostelka (*Last Action – Act No. 107*)

Adds to the list of actions which have a liberative prescription of 5 years, an action for damages for the harvesting of timber without the consent of the owner.

HEALTH CARE PROTECTION

HB 517 by LeBas (*Last Action – Sent to Governor*)

Allows a person to elect not to provide certain health care services that violate his conscience, to the extent that patient access to health care is not compromised. 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.

Provides that when a patient requests certain health care services, a person shall identify in writing his declination to provide those services.

Requires all persons who have a sincerely held religious belief or moral conviction seeking employment at a health care facility to notify the prospective employer of the existence of any sincerely held religious belief or moral conviction. Requires any health care facility that employs a person with a sincerely held religious belief or moral conviction to ensure that the

Civil Law and Procedure

health care facility has sufficient staff to provide patient care in the event an employee declines to participate in any health care service.

Defines "health care service" as an abortion, dispensation of abortifacient drugs, human embryonic stem cell research, human embryo cloning, euthanasia, or physician-assisted suicide.

Authorizes DHH to accept intergovernmental transfers to enhance the delivery of health care services to the uninsured and Medicaid patients.

MEDICAL MALPRACTICE

HB 671 by Willmott *(Last Action – Act No.14)*

Adds nurse practitioner and clinical nurse specialist to the definition of "health care provider" under both the state and private medical malpractice acts.

HB 72 by Cromer *(Last Action – Failed to Pass/House)*

Would have added to the definition of "health care" in the Medical Malpractice Act to include other patient-related services performed or furnished by a health care provider.

Would have defined "patient-related service" as any act or service rendered or which should have been rendered to a patient relating to supervision, monitoring, assistance with daily living and hygiene, or risk of falling, unless generally available for coverage under commercial general liability insurance policies or the Louisiana Nursing Home Association Malpractice and General Liability Trust or the Louisiana Hospital Association Malpractice and General Liability Trust.

LIMITATION OF LIABILITY

HB 554 by Landry *(Last Action – Sent to Governor)*

Provides that 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.

SB 106 by Cheek *(Last Action – Sent to Governor)*

Provides a limitation of liability for any health care provider or health care personnel who renders or fails to render health care services, first aid, ambulatory assistance or transportation anywhere in the state in the course of and resulting from an evacuation,

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sheltering, transportation, or repopulation of a health care provider facility or a failed evacuation, sheltering, transportation or repopulation of a health care provider facility or care delivery provided during an evacuation, sheltering, transportation, or repopulation of a health care provider facility, during and as a result of a declared state of emergency, unless the damages are caused by gross negligence or willful and wanton misconduct.

Defines "declared state of emergency" as the initial declaration of the governor or parish president or any other declaration of a state of emergency by a military or governmental authority and for no more than one 30 day renewal thereof.

Defines "health care personnel" as all employees and volunteers of a health care provider facility licensed under Louisiana law, a mobile medical unit, and the officers, directors, shareholders, partners, members or managers of legal entities, who own or operate a health care provider facility, or as a health care licensee, who participate and assist in the evacuation, sheltering, care, delivery, transportation, or repopulation of a health care provider facility.

CIVIL PROCEDURE

HB 220 by Tim Burns *(Last Action – Senate Committee)*

Would have provided procedures regarding the form of civil petitions, including requirements as to the names of the parties, concise statements of all causes of action, the transaction or occurrence that is the subject matter of the litigation, and an address for receipt of service.

Would have additionally required petitions involving latent diseases to include as to each plaintiff and for each defendant, the time period, location, and types of products for each alleged exposure.

Would have provided that if a party is 70 years of age or older or if he has a medical condition and is not expected to live beyond six months, he shall be considered to have exigent circumstances.

HB 245 by Talbot *(Last Action – Senate Committee)*

Would have provided that actions involving latent diseases, including asbestos and silica, be brought in the parish in which the plaintiff alleged substantial exposure, except direct actions against a foreign or alien insurer may also be brought in East Baton Rouge Parish.

Would have provided that if exposure was alleged in more than one parish, the court would determine which parish had the most significant contacts based on the amount and length of exposure and may transfer the action to that parish.

Civil Law and Procedure

Would have prohibited the transfer of a suit brought in the domicile of the plaintiff and in a court of competent jurisdiction and proper venue.

Would have provided that allegations, evidence, and findings regarding venue would not result in any presumptions at trial, be conclusive as to liability, be admissible at trial unless admissible under Code of Evidence, or result in any special instructions to the jury.

HB 345 by Abramson (*Last Action – Senate Committee*)

Would have required the plaintiff or person whose exposure is alleged to be the cause of the claim to provide to all parties a statement of any existing or potential claims involving asbestos or silica against any trust created in accordance with Title 11 of the U.S. Code or any fund established for the benefit of asbestos or silica claimants within 30 days of commencing an action or at least 180 days before a trial.

Would have required the plaintiff to attest, and his attorney to sign, that a good faith investigation of all potential claims has been conducted.

Would have required, as to any claim, the final, executed proof of the claim and all supporting materials and all documents submitted to a trust or fund, including work histories, depositions, and all medical documentation.

VENUE, ACTIONS AGAINST STATE

HB 566 by Ellington (*Last Action – Act No. 13*)

Requires all suits filed against the state, any state agency, or against an officer or employee thereof for conduct arising out of the discharge of his official duties or within the course and scope of his employment, to be instituted before the district court of the judicial district in which the state capitol is located or in the district court having jurisdiction in the parish in which the cause of action arises.

HOMESTEAD EXEMPTION FROM SEIZURE

HB 261 Connick (*Last Action – Sent to Governor*)

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.

Civil Law and Procedure

RELIGIOUS FREEDOM

HB 340 by Henry (*Last Action – Conference Committee*)

Constitutional amendment that would have prohibited government infringement of the right of every person to freely exercise his religion without the showing of a compelling governmental interest.

MEDICAL ASSISTANCE PROGRAM INTEGRITY

HB 620 by Cortez (*Last Action – Enrolled*)

Relative to the Medical Assistance Program Integrity Law, prohibits persons from knowingly engaging in misrepresentation or making or using a false record or statement to obtain payment for a false claim from the medical assistance program's funds.

Authorizes a qui tam plaintiff to recover a civil monetary penalty, even if the secretary or attorney general intervenes or the court determines that the allegations are based on information from sources other than the qui tam plaintiff, and provides that a qui tam action shall not be instituted later than six years after the violation was committed or more than three years after the facts are known or should have been known, but never more than 10 years after the commission of the violation.

Provides, in part, that if certain actions are taken against an employee for acts committed in furtherance with a qui tam action, the employee shall be entitled to relief, including reinstatement, two times back pay, interest on back pay, and special damages.

SUCCESSIONS

SB 184 by Murray (*Last Action – Act No. 81*)

Defines a "small succession" as a succession of a person who dies leaving property in Louisiana in which the deceased's interest has a gross value of \$75,000 or less.

Defines "small succession immovable property" as (1) immovable property, comprised of a single lot or contiguous lots, on which is situated a single building that, together with any ancillary buildings, contains not more than four dwelling units, each of which has its primary use as a residence, and in a portion of which either the deceased or the surviving spouse resided or a portion of which was the last place of residence of either the deceased or the surviving spouse if neither the deceased nor the surviving spouse was residing in that residence on the date of death because of illness, incapacity, natural disaster or destruction; or (2) any cemetery spaces.

Civil Law and Procedure

Provides additional procedures and requirements for taking possession of the estate and for judicially opening small successions.

COMMERCE

BUILDING CODE

HB 351 by Richardson *(Last Action – Enrolled)*

Provides that the provisional certificates of registration for building code enforcement officers are valid for the time period stipulated by regulation of the La. State Uniform Construction Code Council (LSUCCC) for each registration classification from the date of issuance.

Authorizes certificates of registration to be issued, without certification by a recognized code organization or testing agency, to building code enforcement officers who have been employed in building code enforcement for at least 10 years on Jan. 1, 2007, only for the position and locality held at the time of registration. All building code enforcement officers who are registered under this provision are required to comply with all continuing education requirements established by the LSUCCC.

Effective August 15, 2009

HB 441 by Ponti *(Last Action – Sent to Governor)*

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. The contractor licensed by the La. Manufactured Housing Commission may obtain local permits for the installation of the 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. The seller is required to maintain an itemized list of all other related costs. The installer, if not the seller, is also required to maintain an itemized list of installation costs.

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

COMMERCIAL REGULATION**HB 820 by Mickey Guillory** *(Last Action – Sent to Governor)*

Establishes the "Louisiana Omnibus Auto Theft Prevention and Recovery Act" to provide for improved tracking of dismantled or salvaged vehicles.

Requires any physical inspection of a vehicle for the purpose of vehicle identification number verification to be completed by a full-time Peace Office Standards and Training (P.O.S.T.) certified law enforcement officer who has been trained and certified by the Dept. of Public Safety and Corrections (DPS&C), office of state police (OSP) to inspect motor vehicles.

Requires the insurance company or agent to notify Office of Motor Vehicles (OMV) within 30 days of settlement of the property damage claim and the owner retained salvage value when the owner of the vehicle is allowed to retain the vehicle after salvage when the vehicle has been declared a total loss.

Provides that, after receiving a vehicle for dismantling, the dismantler shall notify DPS&C within 10 days upon the form provided by OMV. The dismantler shall surrender the salvage title to OMV and retain a copy of the salvage title for five years following dismantling. The vehicle may be sold, assigned, or donated by endorsing the permit to dismantle and delivering it along with the vehicle to the new owner; however, dealers, salvage pools, and dismantlers are required to keep a register of such transfers.

Provides that any owner who reconstructs or restores a vehicle without salvage title to operating condition prior to being issued a reconstructed title or who recovers a stolen motor vehicle shall make application to OMV for a certificate of title and an inspection of the vehicle prior to the registration or sale of the vehicle.

Requires an assembler to obtain receipts for all parts used to build an assembled vehicle.

Provides that an assembled vehicle shall not be issued a "reconstructed" branded title. In a case where a motor vehicle titled as assembled was involved in a crash and was determined to be a total loss, the title for the motor vehicle shall be branded "ASSEMBLED-SALVAGE". If the vehicle is subsequently rebuilt, the title for the motor vehicle shall be branded "ASSEMBLED-RECONSTRUCTED".

Clarifies that the fair market value shall be determined by using the rough trade-in value shown in the most recent National Automobile Dealers Association (NADA) Guide.

Effective January 1, 2010.

Commerce

HB 782 by Ellington *(Last Action – Sent to Governor)*

Provides for a prepaid wireless telecommunications 911 service charge of 2% of the amount of the per retail transaction.

Provides that the prepaid wireless 911 service charges collected by sellers shall be remitted to the Department of Revenue quarterly by the seller and the return for the quarter shall be filed on or before the twentieth day of the first month of the next succeeding quarter.

Provides that a seller shall be permitted to deduct and retain the entirety of the 2010 first quarter's fees and thereafter he can deduct and retain 4% of prepaid wireless 911 service charges that are collected by the seller from consumers.

Provides that the department shall pay all remitted prepaid wireless 911 service charges to eligible communications districts. The department may retain up to 2% of remitted service charges to reimburse its direct costs of administering the collection and remittance of prepaid wireless 911 service charges.

Effective January 1, 2010.

INTERNET

HB 569 by White *(Last Action – Senate Committee)*

Imposed a fifteen cent monthly fee on Internet consumer accounts to fund the Internet Crimes Investigation Fund to be used by the Dept. of Justice in the investigation and prosecution of crimes involving the Internet.

REAL ESTATE APPRAISERS

HB 381 by Hoffmann *(Last Action – Sent to Governor)*

Provides that any person or firm contracted by a state, parish, or municipal tax authority to perform mass appraisal assignments is exempt from the licensing requirements.

Establishes the Louisiana Appraisal Management Company Licensing and Regulation Act.

Requires an appraisal management company to obtain a license to do business in Louisiana.

Exemptions from licensing include a business entity that exclusively employs persons on an employer/employee basis for the performance of real estate appraisal services, that enters into an agreement with another independent appraiser for the performance of real estate appraisals

services that the hiring appraiser is unable to complete, or that enters into an agreement with an independent contractor appraiser if the appraisal report is cosigned by the hiring appraiser.

Requires a licensed company to certify to the La. Real Estate Appraisers Board, on an annual basis, that it maintains a detailed record for five years of each real estate appraisal service request, the fee paid by the lenders to all appraisers, and the names of all appraisers.

Prohibits an appraisal management company from attempting to coerce or influence the development, reporting, or review of an appraisal by withholding or threatening to withhold the appraisal fee or other action.

Prohibits an appraisal company from altering, modifying, or otherwise changing a completed real estate appraisal service report submitted by an appraiser.

Authorizes an appraisal management company doing business in La. at the time of passage of the Act to continue to perform such services without a license until the earlier of either such time that rules and regulations have been promulgated by the La. Real Estate Appraisers Board or Jan. 1, 2011.

Effective January 1, 2010.

FIRE PROTECTION

HB 199 by St. Germain (*Last Action – Act 89*)

Prohibits the retail, sale, or offer of retail, sale, gift, or distribution of novelty lights.

Allows the state fire marshal to inspect the inventory of novelty lighter manufacturers, wholesale or retail dealers, and transporters to ensure compliance.

Authorizes the state fire marshal to set a fine of up to \$250 per violation

Effective January 1, 2010.

HB 372 by Monica (*Last Action – Sent to Governor*)

Requires that on January 1, 2011, all existing one- or two-family dwellings that are sold or leased must have a 10-year, sealed lithium battery smoke detector.

Effective January 1, 2010.

Commerce

MORTGAGES

HB 810 by Arnold *(Last Action – Sent to Governor)*

Provides for the licensing with fees, licensure requirements, exemptions, and surety bonds of mortgage loan originators, mortgage lenders, and mortgage brokers.

Requires mortgage loan originators, mortgage lenders, and mortgage brokers to be licensed and registered through the Nationwide Mortgage Licensing System and Registry (NMLS&R) and for this purpose the commissioner may establish such application information requirements and any other information as he deems necessary to participate in the NMLS&R.

Provides that a residential mortgage lender, broker, and a natural person who is a residential mortgage loan originator shall comply with the licensing provisions of the La. Secure & Faire Enforcement) (S.A.F.E.) Residential Mortgage Lending Act.

Provides that any person licensed under La. Consumer Credit Law shall not engage in the business of originating, lending, or brokering any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling or on residential immovable property upon which is constructed or intended to be constructed a dwelling, unless such person has also obtained a license pursuant to the La. S.A.F.E. Residential Mortgage Lending Act.

Effective July 31, 2009.

EDUCATION

(See the Appropriations section for more highlights relative to elementary, secondary, and postsecondary education funding and the House and Governmental Affairs section for more highlights relative to colleges and universities.)

MINIMUM FOUNDATION PROGRAM (MFP)

SCR 17 by Nevers *(Last Action – Adopted)*

Provides legislative approval of the formula for FY 2009-2010 to determine the cost of a minimum foundation program (MFP) of education in all public elementary and secondary schools as well as to equitably allocate the funds to city, parish, and other local public school systems (including the state Recovery School District and two university laboratory schools) as developed by the State Board of Elementary and Secondary Education (BESE) and adopted by the board on March 12, 2009. MFP implementation costs for FY 2009-2010 are \$3,275,341,821, an increase of \$5,400,951 over appropriations for FY 2008-2009.

Also, the formula:

- (1) Retains the base per pupil amount of \$3,855 used for FY 2008-2009.
- (2) Retains the weights for add-on student units used for FY 2008-2009.
- (3) Retains the \$100 per pupil amount used for FY 2008-2009 for mandated costs involving health insurance, retirement, and fuel.
- (4) Continues for certain school systems the phase-out of "hold-harmless" funding over 10 years that began in FY 2007-2008.
- (5) Suspends the requirement that certain school systems must use for certificated pay increases and related retirement costs 50% of "new" funds received by the system.
- (6) Provides emergency assistance of \$1.6 million to the Morehouse Parish School Board for the loss in local revenue due to the closure of a paper mill and \$1 million in emergency assistance to the Union Parish School Board for loss in local revenue due to the closure of a poultry plant.

Education

HB 821 by Carter *(Last Action – Sent to Governor)*

Requires the State Board of Elementary and Secondary Education (BESE): (1) to require public school boards to expend funds generated by applying the weighted factors contained in the MFP formula for at-risk students, career and technical education course units, special education students other than gifted and talented students, and gifted and talented students on personnel, professional services, instructional materials, equipment, and supplies that serve the needs of students who generate such funds; (2) to offer fiscal guidance to public school boards; (3) to publish certain local revenue and expenditure data on the department's website; and (4) to submit annually a written report to BESE relative to such fund expenditures.

LOCAL SCHOOL BOARDS/POWERS

HB 851 by Carter *(Last Action – Failed to Pass/House)*

Would have required the favorable vote of at least two-thirds of the membership of a local school board to elect a superintendent. Would have prohibited the involvement of members of local school boards in certain administrative matters and would have provided that all authority given by law to local school boards to hire teachers and other school system personnel (other than the superintendent) shall be delegated to the local superintendent.

LOCAL SCHOOL BOARDS/COMPENSATION/BENEFITS

HB 808 by Carter *(Last Action – House Committee)*

Provides relative to compensation and benefits for local school board members. Would have reduced the maximum per diem compensation that members could receive and would have removed authority for members to receive an expense allowance rather than per diem compensation and would have removed authority, with certain exceptions for school boards to provide group health insurance benefits to its members.

SCHOOL EMPLOYEES/DISCLOSURE

HB 741 by A. Badon *(Last Action – Sent to Governor)*

Requires applicants for public school employment to sign certain statements prior to being hired. Provides relative to procedures and requirements for the disclosure of information regarding certain instances of sexual misconduct, abuse, and neglect of minors or students committed by such applicants and provides penalties for violations relative to such disclosure requirements.

CURRICULUM

HB 612 by Fannin *(Last Action – Enrolled)*

SB 259 by Kostelka *(Last Action – Enrolled)*

Requires the State 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 that to be eligible to pursue a career major curriculum, a student must have parental approval and meet certain criteria.

STUDENTS/SCHOOL ATTENDANCE

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

Relative to habitually absent or tardy students, provides penalties and minimum conditions of probation for certain violations by the parents or legal guardian of such students. Provides that such conditions may include participation in 40 hours of school or community service activities, or a combination of 40 hours of such service and attendance in court-approved parenting classes or family counseling programs, or the suspension of any state-issued recreational license.

HB 590 by Barrow *(Last Action – Sent to Governor)*

Provides for the enrollment and placement of foster care children in schools. Further provides for the enrollment and placement of children of military families in schools pursuant to the Interstate Compact on Educational Opportunity for Military Children including enrollment eligibility, immunization and school entrance age requirements, the transfer of educational records/transcripts, course and educational program placement, special education services, and graduation requirements and procedures.

STUDENTS/ASSESSMENT

HB 179 by Stiaes *(Last Action – Sent to Governor)*

Requires the state superintendent of education, by not later than Dec. 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 LEAP tests to be promoted to grades five and nine. Requires BESE to approve and implement such recommendations.

Education

STUDENTS/INTERSCHOLASTIC ATHLETIC ACTIVITIES

HB 531 by Henry *(Last Action – Conference Committee)*

Provides eligibility for certain students in BESE-approved home study programs to participate in public school interscholastic athletic activities in accordance with specified guidelines, procedures, and limitations.

STUDENTS/DUAL ENROLLMENT

HB 308 by LeBas *(Last Action – Senate Committee)*

Relative to eligibility of high school students to participate in a dual enrollment program at participating postsecondary education institutions, would have deleted provisions relative to participation at no cost to the state in such program by an otherwise eligible student who is enrolled in any La. nonpublic high school or participates in a home study program of education. Would have provided instead for participation at state expense in the program by an otherwise eligible student who is a resident of the state and is enrolled in a BESE-approved La. nonpublic high school or is participating in a BESE-approved home study program of education.

CHARTER SCHOOLS

HB 519 by Leger *(Last Action – Sent to Governor)*

Removes the limit of 70 on the number of charter schools that may be created in the state. Also permits a chartering authority to annually charge each charter school it authorizes a fee (for certain administrative overhead costs) in an amount equal to 2% of the total per pupil amount received by the charter school. Requires that the chartering authority provide to each charter school a projected budget detailing anticipated administrative overhead costs and planned use for fees charged for such costs.

RECOVERY SCHOOL DISTRICT

HB 495 by Dixon *(Last Action – Sent to Governor)*

Exempts a school from being removed from the jurisdiction of the local school board and transferred to the Recovery School District if the school meets specified criteria including being labeled as "academically unacceptable" for four consecutive years. Repeals the exemption effective July 1, 2010.

POSTSECONDARY EDUCATION/TUITION

HB 872 by Downs *(Last Action – Sent to Governor)*

Authorizes the LSU, Southern, and Univ. of La. boards of supervisors to impose specified tuition and attendance fee increases (effective for the Fall 2009 semester/academic session and thereafter) for certain graduate students attending institutions under their management and supervision. Provides that such increases shall apply to students seeking a masters degree in business administration, Occupational Therapy, Communications Disorders, or Health Sciences and those seeking a Doctor of Veterinary Medicine degree or a Doctor of Medicine degree (at specified institutions).

POSTSECONDARY EDUCATION/ARTICULATION/CREDIT TRANSFER

SB 285 by Nevers *(Last Action – Enrolled)*

HB 568 by Hutter *(Last Action – Sent to Governor)*

Provides for a comprehensive system of articulation and transfer of credits between and among public secondary and postsecondary education institutions. Provides for the creation of a statewide articulation and transfer council and its membership, powers, and duties. Provides for a statewide articulation agreement and a common core curriculum and provides relative to implementation time lines and funding, reporting requirements, and rules.

POSTSECONDARY EDUCATION/REVIEW COMMISSION

HB 794 by Tucker *(Last Action – Sent to Governor)*

Requires the Bd. of Regents to establish a 9-member Postsecondary Education Review Commission 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 enterprise operation.

HEALTH AND WELFARE

MEDICAL CENTER OF LOUISIANA AT NEW ORLEANS (CHARITY HOSPITAL)

HB 830 by Tucker *(Last Action – Passed House)*

Proposed transferring ownership of the Medical Center of Louisiana at New Orleans (MCLNO) from LSU to an independent governing board of trustees and operation and management of the facility to a non-profit corporation governed by a board of directors. The board of directors would have been composed of university-affiliated members and unaffiliated independent members with particular expertise in areas of medicine, finance, and health care law. Provided that the non-profit corporation would have the authority to issue debt and reinvest any profits toward capital improvements or other expenses which further the mission of MCLNO.

Would have required the board of directors for the non-profit corporation to adopt certain bylaws and present status reports and a five-year comprehensive strategy report to the board of trustees. Would have required the board of directors to be subject to open records law and ethics laws. Would have provided for a survey team to assess the readiness of the board of trustees to assume ownership and the board of directors to assume operation of MCLNO and to report the findings of the team's readiness assessment to the House Committee on Health and Welfare and the Senate Committee on Health and Welfare for their approval prior to transfer of ownership.

As an alternative to HB 830, a memorandum of understanding between LSU and Tulane was proposed to determine the future governance of MCLNO. However, this agreement was not ratified by both universities and future governance of the facility remains unresolved.

HB 780 by Nowlin *(Last Action – Senate Committee)*

Would have restricted authority of the LSU Board of Supervisors to acquire immovable property in relation to the development of a replacement facility for the Medical Center of Louisiana at New Orleans without the Joint Legislative Committee on the Budget's prior approval of a financing proposal. While HB 780 did not become law, the Division of Administration issued a statement preventing LSU from purchasing land for MCLNO until the dispute over governance of the facility is finally resolved.

SMOKING BAN

HB 844 by Gary Smith *(Last Action – Failed to Pass/House)*

Would have prohibited smoking in any restaurant, bar, riverboat, gaming establishment, facilities licensed for video poker devices or slot machines, and facilities licensed for pari-mutuel or off-track wagering. The legislation would have retained certain exceptions to the smoking ban, such as outdoor patios.

MERGING THE OFFICE OF MENTAL HEALTH AND THE OFFICE FOR ADDICTIVE DISORDERS

HB 837 by Mills *(Last Action – Sent to the Governor)*

Dissolves the office of mental health and the office for addictive disorders and transfers the administrative functions and purposes of both offices into a new, consolidated office within the Department of Health and Hospitals (DHH) called the office of behavioral health. Creates an implementation advisory committee to recommend to the secretary of DHH a specific plan for implementation of the consolidated functions of the office of behavioral health and provides for the committee's membership. The committee must submit a report to the secretary of DHH with final recommendations on the implementation plan, which will be adopted by January 31, 2010. On or before March 1, 2010, the secretary of DHH shall present the plan for implementation to the Senate Committee on Health and Welfare and the House Committee on Health and Welfare, meeting jointly, to approve or disapprove the implementation plan in its entirety. If approved and implemented, DHH shall submit to the Senate Committee on Health and Welfare and the House Committee on Health and Welfare a written status report that details the progress of the implementation of the consolidation. Those reports must be submitted on September 1, 2010 and June 30, 2011, respectively.

Section 1 of this Act becomes effective upon the signature of the governor. Sections 2, 3, 4, and 5 of this Act shall become effective July 1, 2010 upon approval of the implementation plan submitted by the secretary of DHH to the Senate Committee on Health and Welfare and the House Committee on Health and Welfare. If the joint committee does not approve the implementation plan, then these Sections will be null and void.

DRUG TESTING OF WELFARE RECIPIENTS

HB 137 by LaBruzzo *(Last Action – House Committee)*

Would have required that all adult recipients of cash assistance Family Independence Temporary Assistance Program (FITAP) be drug tested. Would have required the secretary of Department of Social Services (DSS) to contract with the most qualified private contractor who would have technical competence and the ability to conduct a follow-up test of any adult

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participant who fails an initial drug screening. After its first hearing, HB 137 was amended into HB 138 by Representative LaBruzzo and became a substitute bill, renamed HB 897. The last action of HB 897 was taken by the House Appropriations Committee.

CHINESE SEAFOOD LABELING

HB 551 by Mills (*Last Action – Enrolled*)

Creates a public safety campaign to warn people about the risks of consuming Chinese seafood products. Requires the state health officer to promulgate rules and regulations to ensure consumers are warned of potential health risks and to produce a statement to include on labels, placards, menu boards, or other promotional signage that encourages consumers to consume Louisiana seafood and warns of the risks that may be associated with the consumption of Chinese seafood. Encourages retailers to warn customers about possible contamination of Chinese seafood products. Creates the Seafood Safety Task Force who will study the issue and develop seafood and safety recommendations to be reported to the House Committee on Health and Welfare, the Senate Committee on Health and Welfare, the House Committee on Agriculture, Forestry, Aquaculture, and Rural Development, and the Senate Committee on Agriculture, Forestry, Aquaculture, and Rural Development by March 1, 2010.

Effective January 1, 2010.

HOMELESSNESS

HB 781 by Hines (*Last Action – Sent to the Governor*)

Provides for the Louisiana Homeless Assistance and Prevention Act, which creates the program for homeless assistance and prevention within the Department of Social Services and establishes the position of director for homeless assistance and prevention. Creates the Louisiana Interagency Advisory Council for the Homeless and provides for its membership and purpose. Requires the council to work with the director to submit annual reports including the status of the implementation of the ten-year strategy to prevent and reduce homelessness and requires the director to work with the council, the office of the governor, and the legislature to implement the findings and recommendations of the annual report.

Effective August 15, 2009

OPERATION OF STATE NURSING FACILITY

HB 783 by Nowlin (*Last Action – Failed to Pass/House*)

Proposed to authorize the secretary of the Department of Health and Hospitals (DHH) and the commissioner of administration to enter into a lease with the New Orleans Home for the Incurables. Proposed that if the New Orleans Home for the Incurables failed to execute a lease prior to July 1, 2010, the secretary and commissioner of administration would be authorized to execute a lease of the facility with a not-for-profit corporation. Provided that the lease would be negotiated to ensure certain terms, including that the facility would continue to operate as a long-term care facility, would continue to offer current employees first priority for employment, would continue to provide clinical experiences for students and would continue to operated at a level exceeding quality standards established by DHH.

SEARCHING CENTRAL REGISTRY TO PROTECT AGAINST CHILD ABUSE

HB 784 by Katz (*Last Action – Act No.47*)

Requires the Department of Social Services (DSS) to conduct a search of the state central registry of justified abuse or neglect prior to hiring employees 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 the potential employee. Requires DSS to terminate a current employee whose duties relate to children if the 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. Provides for an administrative appeals process within DSS for potential or current employees who have been determined by the risk evaluation panel to pose a risk to children. Requires DSS 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.

Effective June 14, 2009.

ESTABLISHES RULES AND REGULATIONS RELATIVE TO MOBILE DENTISTRY

HB 687 by PEARSON (*Last Action – Enrolled*)

Requires the Louisiana State Board of Dentistry to adopt certain rules and regulations relative to providing dental services at mobile dental clinics and locations other than the dental office. Also, provides that a person offering dental services at a mobile dental clinic or a location other than the dental office shall meet the following requirements: (1) Be a dentist

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licensed in Louisiana who is in good standing with the state board and (2) Have received a permit from the board to provide dental services at a mobile dental clinic or a location other than the dental office. Further, requires the board to promulgate rules and regulations pertaining to licensure requirements for all nonresident officers, managers, and partners of any business entity engaged or contracted to provide administrative or management services in support of a mobile dental clinic or a dentist providing services in locations other than a dental office. Additionally, provides that upon the promulgation of board rules a dentist is prohibited from offering dental services at a mobile dental clinic or a location other than the dental office unless he has been issued a permit to provide such services.

Effective August 15, 2009

ISSUANCE OF NEW RECORDS OF BIRTH FOR ADOPTED CHILDREN

HB 60 by PERRY (*Last Action – Senate Calendar*)

Clarified that where a single adoptive parent is a resident of any other state and that state permits a single person adoption and where the child was born in Louisiana, the registrar may reissue the birth certificate with the single person's name listed as the parent. Clarified that the registrar shall issue a new birth certificate for a child born in Louisiana, but adopted in another state, only where the adoptive parent is a single person or the adoptive parents are a married couple. Specified that proposed law is interpretive, remedial, curative, and procedural, and should be applied retroactively as well as prospectively.

CREATES THE LOUISIANA PHYSICIAN ADVISORY GROUP

HB 717 by GREENE (*Last Action – Failed to Pass/House*)

Created a physician advisory group to review and provide advice on administrative rules and regulations proposed by the Department of Health and Hospitals (DHH) regarding patient care. Prohibited the DHH from adopting, amending, or repealing any rules related to patient care under the state medical assistance program unless they consult with and seeks the advice of the advisory group. Required the DHH to submit proposed rules regarding patient care as well as other information required to be submitted under the Administrative Procedures Act (APA) to the advisory group prior to the submission of a notice of intent to the appropriate standing committee. Further required the DHH to submit a copy of any emergency rule within five days of promulgation. Required the advisory group to review the proposed rule or emergency rule and prepare a report to send to the DHH which includes a statement of support or opposition, the reasons for such support or opposition, and any recommendations. In the case of an emergency rule, the report must address whether a subcommittee should be convened to declare the rule unacceptable under the APA. Further, required the advisory group to forward the report to the appropriate standing committee of the legislature under the APA and to DHH. If the DHH decided to move forward with the

proposed rule, it was required to submit a notice of intent to begin adoption of the proposed rule. Required the DHH to state whether it agrees with the findings of the advisory board, the reasons why it agreed or disagreed, and whether or not any advisory board recommendations were adopted.

TRANSFERS LICENSING AND REGULATION OF ADULT RESIDENTIAL CARE HOMES

HB 728 by SCHRODER *(Last Action – Sent to Governor)*

Transfers the licensing and regulation of adult residential care homes to the Department of Health and Hospitals (DHH). Specifies that provisions relative to the establishment of criteria for review of beds is applicable to Level 4 adult residential care providers. Also, specifies that any criteria that the department establishes for review of beds must also comply with the licensing standards for adult residential care providers in R.S. 40:2166.5. Authorizes the DHH to promulgate rules and regulations for each of the four modules of adult residential care providers.

Requires all adult residential care providers, whether facilities, agencies, providers, institutions, societies, corporations, partnerships, entities, residences, person or persons, or any other group or groups providing adult residential care to be licensed. Transfers the authority to license adult residential care homes from the Department of Social Services (DSS) to the DHH on July 1, 2010. Requires each adult residential care home that has a valid license issued by the DSS to apply to the DHH to become an adult residential care provider 60 days prior to the expiration of the current adult residential care home license. The adult residential care home license must be valid until its expiration date, unless otherwise revoked, suspended, or terminated. Also, effective July 1, 2010, authorizes the DHH to monitor, survey, and regulate the adult residential care home under the existing DSS regulations until the DHH publishes minimum licensing standards for all modules of adult residential care providers.

Provides that all waivers in effect on the effective date of this Act granted to adult residential care facilities licensed by the DSS shall remain in effect when those facilities are transferred to the DHH subject to licensing rules and regulations. However, any physical space waiver in effect on the effective date of this Act granted to adult residential care facilities licensed by the DSS shall remain in effect when those facilities are transferred to the DHH unless there is a renovation, new construction, or relocation of the physical space which is subject to such waiver. Establishes the modules of adult residential care providers with varying levels of services. Also, establishes the modules for adult residential care providers as follows: (1) Level 1 personal care homes; (2) Level 2 shelter care homes; (3) Level 3 assisted living facilities; and (4) Level 4 adult residential care providers.

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Provides the DHH additional authority to set and collect fines. Effective July 1, 2010, an adult residential care provider which had previously been licensed by the DSS as an adult residential care home as of June 30, 2010, will continue to pay the existing fee of \$250 for license renewal. The license fee shall be due once a year for renewal of license. Effective July 1, 2010, an adult residential care provider which had previously been licensed by the DSS as an adult residential care home as of June 30, 2010, which operates without a valid license or which operates in violation of state law or department regulations must be fined by the department in accordance with the existing schedule of fines and enforcement procedures promulgated by rules of the department, not to exceed \$250 for each day of such offense. Also, specifies any provider operating without a license is guilty of a misdemeanor and upon conviction shall be assessed a penalty of not more than \$100 per day of operation without a license up to a maximum of \$1,000 or imprisonment of not more than six months, or both.

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

HEALTHCARE PROFESSIONAL DEVELOPMENT PROGRAM

HB 772 by WILLMOTT *(Last Action – Sent to Governor)*

Makes changes to the Healthcare Professional Development Program. Narrows the program to increase the number of primary care practitioners and dentists in health professional shortage areas. Specifies that students who accept the scholarship shall serve in a health professional shortage area for one and one-half years for each year they receive the scholarship and agree to accept and maintain an open panel for Medicaid, Medicare, and uninsured patients during their service. Specifies that subject to funding, the department must provide scholarships that are equal to the lowest base tuition of a public medical school or public nursing school in the state. Authorizes the Department of Health and Hospitals to access state, federal, or grant funding made available to DHH for the purpose of fulfilling the scholarships.

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

HOUSE AND GOVERNMENTAL AFFAIRS

BOARDS AND COMMISSIONS

HB 407 by Smiley *(Last Action – Act No. 12)*

Requires the commissioner of administration to establish and maintain a website to post certain information concerning boards, commissions, and like entities that are licensing agencies. The required information includes notices and minutes, statutory citations, contact information, membership information, employee information, information concerning budget and finances, and rules and regulations.

VOTER REGISTRATION

HB 520 by Cromer *(Last Action – Sent to Governor)*

Allows a person who has a valid La. driver's license or La. special identification card to apply 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.

ETHICS

HB 591 by Ellington *(Last Action – Sent to Governor)*

Adds an ethics code exception to allow a public servant to accept complimentary admission to a civic, non-profit, educational, or political event when the public servant is attending the event to assist an elected official who is a program honoree, giving a speech at the event, or a panel member for a discussion occurring at the event when the public servant is under the supervision of the elected official and when such assistance is within the ordinary employment duties of the public servant.

Clarifies the meaning of the phrase "gathering held in conjunction with" for purposes of the exemption to the ethics code's \$50 limitation on the food, drink, and refreshment for gatherings at a meeting of a national or regional organization or a meeting of a statewide organization of governmental officials or employees. Requires at least 10 people associated with the organization to be invited to the gathering to qualify for the exemption. Further clarifies the meaning of a similar phrase for purpose of the lobbying disclosure laws and requires that expenditures on those types of gatherings be reported and specifies the manner in which the expenditures are to be reported.

House and Governmental Affairs

HB 695 by Greene *(Last Action – Sent to Governor)*

Changes from \$10,000 to \$5,000 the maximum contribution that may be accepted by the governor-elect to support his transition and inauguration. Requires reports regarding the transition and inauguration to be filed electronically. Provides that all financial records of the transition and inauguration are public records.

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

Requires an individual who (1) is directly employed by a statewide elected official to serve as an agency head or is appointed to a state board or commission, (2) is required to file annual financial disclosure statements, and (3) made a contribution or loan in excess of \$1,000 to a campaign of the official who employed or appointed him to disclose his date of employment or appointment, salary or compensation, the name of the candidate or candidates to whom contributions or loans were made, and the amount of the contributions or loans. Applies only to contributions and loans made within one year of employment or appointment.

HB 243 by Abramson *(Last Action – Failed to Pass/House)*

Would have required each official elected from a voting district having a population of 5,000 or more to disclose certain information concerning people hired by the official or appointed by the official to a board or commission. Would have required disclosure if the person appointed or hired made contributions or loans totaling more than \$1,000 to a campaign of the official during the time period beginning one year prior to the date the person was hired or appointed and ending 90 days after the date the person was hired or appointed. Would have required disclosure of the name, address, job title, and date of employment or appointment of any such person and the amount of contributions or loans made during the applicable period.

CIVIL SERVICE

HB 595 by Danahay *(Last Action – Sent to Governor)*

Requires certain executive branch officials and employees designated by them to attend an educational program designed to improve the supervisory and managerial skills and expertise of state unclassified officials and employees concerning performance planning and review and the rules and procedures of the State Civil Service Commission regarding hiring and termination of state classified employees. Ties compensation increases for unclassified officials and employees to the satisfactory completion of performance planning and review sessions.

House and Governmental Affairs

HCR 6 by Danahay *(Last Action – Adopted)*

Requests the Dept. of State Civil Service to develop and the State Civil Service Commission to adopt changes to civil service rules to change displacement procedures in layoff situations; to revise the classification system; to revise the compensation system for classified employees; and to tie merit increases of classified managers and supervisors to proper, substantive, and meaningful performance planning and review. Requests the department to submit a report of its progress to the House and Senate governmental affairs committees.

CONSTITUTIONAL CONVENTION

HCR 1 by Foil *(Last Action – Failed to Pass/Senate)*

Would have created the Constitutional Convention Study Commission to study the feasibility and advisability of a constitutional convention and to make recommendations to the legislature for the calling of the convention if found to be feasible and advisable.

GOVERNMENT ORGANIZATION

SB 261 by Donahue *(Last Action – Sent to Governor)*

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 them can be eliminated, streamlined, consolidated, privatized, or outsourced in an effort to reduce the size of state government. Requires the commission to report to the House and Senate governmental affairs committees beginning in Dec. of 2009. Requires the commission to submit a reorganization plan to the committees by Jan. 4, 2010.

PUBLIC RECORDS

SB 278 by Amedee *(Last Action – Sent to Governor)*

Revises the current public records exemption for the office of the governor to provide that the public records law shall not apply to records having been used, being in use, possessed, or retained for use by the governor in the usual course of the duties and business of his office relating to the deliberative process of the governor, intra-office communications of the governor and his internal staff, the governor's security and schedule, or communications with or the security and schedule of the governor's spouse or children. Further provides that pre-decisional advice and recommendations to the governor concerning budgeting in the custody of any agency or department headed by an unclassified gubernatorial appointee shall be privileged for six months from the date the record is prepared.

House and Governmental Affairs

HB 169 by Waddell *(Last Action – House Committee)*

Would have specified that records of the office of the governor are public records and allowed a limited exemption for certain records relative to economic development negotiations until the beginning of the next term of office in 2012.

COLLEGES AND UNIVERSITIES

SB 183 by Appel *(Last Action – Conference Committee Appointment Pending)*

Would have provided that the constitutional requirement of enactment of a law by a two-thirds vote of the legislature to impose any new fee or increase in a fee does not apply to tuition and fees at a public institution under the authority of a postsecondary education management board, provided that any increase in tuition or fees did not exceed 5% in any calendar year. Would have required any change in tuition or fees to be approved by the postsecondary education management board and the Board of Regents prior to the convening of the regular legislative session in the year in which the change would become effective.

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HEALTH INSURANCE

HB 175 by Hutter (*Last Action – Act No. 87*)

Redefines "standard reference compendia" for purposes of specifying which off-label cancer drugs shall not be excluded from coverage by health insurance policies which cover the treatment of cancer. Specifically defines such compendia as authoritative compendia identified by the secretary of the U.S. Department of Health and Human Services.

Effective August 15, 2009.

HB 406 by Pearson (*Last Action – Conference Committee*)

Prohibits health insurers from requesting or requiring genetic testing or genetic information under certain circumstances. Also prohibits health insurers from using genetic information for underwriting purposes under certain circumstances.

Further provides an exception for individually underwritten, guaranteed renewable limited benefit health insurance policies from the required coverage of autism spectrum disorders in individuals less than 17 years of age.

Further requires that the Department of Health and Hospitals provide coverage and Medicaid 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 to insure that reimbursement to such an institution shall be equal to the reimbursement rate of an in-state children's hospital for pediatric care. Provides a limit on reimbursements for providers to less than \$500,000 in any state fiscal year. Further provides that implementation of these provisions shall be subject to the appropriation of funds by the legislature for such purpose.

Effective August 15, 2009.

SB 282 by Hebert (*Last Action – Sent to Governor*)

Requires each hospital or ambulatory surgical center to provide information relative to anesthesiologists, pathologists, radiologists, emergency medicine physicians, and neonatologists who provide services at that facility to health insurance issuers and to timely notify them of any changes. Thereafter requires health insurance issuers to post such information on their websites and to provide a link to the Department of Insurance (DOI) which will then make such link available on its website. Provides for civil fines by DOI or the Department of Health and Hospitals for health insurance issuers or health care providers

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who intentionally or with gross negligence violate these reporting requirements. However, provides that any such violation by the Office of Group Benefits be reported to the commissioner of administration.

Effective August 15, 2009.

SB 318 by Quinn *(Last Action – Sent to Governor)*

Increases the maximum amount for which the La. Life and Health Guaranty Association (LaHIGA) will guarantee a health insurance policy of a member insurance company from \$100,000 to \$500,000 in benefits. Also increases the maximum amount for which LaHIGA will guarantee an annuity of a member insurance company from \$100,000 to \$250,000 in present value of annuity benefits, not to exceed \$100,000 in net cash surrender and net cash withdrawals. Further clarifies the types of obligations of an insolvent insurance company that LaHIGA will honor and makes changes to its board of directors.

Effective August 15, 2009.

PROPERTY INSURANCE

HB 185 by Cortez *(Last Action – Sent to Governor)*

Prohibits insurers from refusing to bind or sell collision/comprehensive coverage on a newly purchased motor vehicle, at the time of purchase of the automobile from a duly licensed motor vehicle dealer, to one of the insurer's existing automobile policyholders who is an otherwise qualified purchaser, when there is possible pending tropical storm or hurricane exposure.

Effective August 15, 2009.

HB 580 by Roy *(Last Action – Sent to Governor)*

Requires notice to be given to a mortgagee of any change to or cancellation of a homeowners' insurance policy.

Effective August 15, 2009.

HB 333 by Kleckley *(Last Action – Sent to Governor)*

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:

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- (1) Provides that any separate deductible that applies in place of any other deductible to loss or damage resulting from a named storm or hurricane shall 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) Provides that 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.

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

SB 214 by Morrish *(Last Action – Enrolled)*

Authorizes the commissioner of insurance to promulgate a rule to extend the 30-day period that an insurer has to initiate a property damage claim if the damage arises from a presidentially declared emergency or disaster or a gubernatorially declared emergency or disaster. Provides that after the initial extension which occurs under the rule promulgated by the commissioner, only one additional extension is allowed and requires that this extension be approved by the Senate Committee on Insurance and the House Committee on Insurance, voting separately.

Effective August 15, 2009.

LA. CITIZENS PROPERTY INSURANCE CORPORATION

SB 130 by Hebert *(Last Action – Enrolled)*

Changes the way in which the Louisiana Citizens Property Insurance Corporation (La. Citizens) calculates its rates. Specifically requires that La. Citizens rates, except in certain circumstances, exceed by 10% the higher of the following:

- (a) The actuarially justified rate; or
- (b) The highest rates charged among assessable insurers having a minimum of 2% of the total direct written premium in each respective parish for the line of business in the preceding year; or
- (c) 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

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additional personal lines property insurance policies, excluding wind and hail policies, the total number of such policies in effect for the parish over the year before.

However, further provides that until August 15, 2010, La. Citizens shall not charge the 10% surcharge in any noncompetitive market unless competition resumes. Additionally requires that, until August 15, 2011, regardless of whether a competitive market exists, the 10% surcharge shall not apply in the parishes of Calcasieu, Cameron, Vermilion, Iberia, St. Tammany, St. Mary, Orleans, Jefferson, St. Bernard, Plaquemines, Terrebonne, and LaFourche.

Further authorizes the board of La. Citizens to establish rating territories but requires that any changes to such territories be approved by the House and Senate Insurance Committees, acting jointly.

Effective August 15, 2009.

SB 218 by Morrell *(Last Action – Sent to Governor)*

Authorizes the La. Citizens Property Insurance Corporation to write business interruption insurance only with respect to commercial properties on a monoline basis as essential property insurance.

Effective August 15, 2009.

DEPARTMENT OF INSURANCE

HB 369 by Ligi *(Last Action – Sent to Governor)*

Updates the kinds or "lines" of insurance for purposes of the La. Insurance Code, as follows: life; health and accident; vehicle; liability; workers' compensation; burglary and forgery; fidelity; title; fire and allied lines; steam boiler and sprinkler leakage; crop; marine and transportation; marine protection and indemnity; miscellaneous; homeowners'; credit life, health, and accident; credit property and casualty; annuity; surety; and industrial fire. Also updates subcategories of these lines of insurance.

Effective January 1, 2010.

HB 404 by Kleckley *(Last Action – Conference Committee)*

Makes numerous technical changes to approximately one-third of the La. Insurance Code, Title 22 of the La. Revised Statutes of 1950. Such changes include correction of citations, updates of terms and language, reorganization of provisions, elimination of obsolete or

ineffective provisions, such as transition provisions and past effective dates, and harmonizing of inconsistent provisions.

Effective August 15, 2009.

SB 177 by Martiny (*Last Action – Sent to Governor*)

Changes inconsistent provisions of the La. Insurance Code to accurately reflect the Administrative Procedure Act, requiring administrative hearings for the Department of Insurance (DOI) to be held by the Division of Administrative Law (DAL). Specifically provides that a demand for a hearing by an aggrieved party shall be filed with DAL. However, retains the authority of DOI and its commissioner to hold certain public hearings on matters such as procedures for hearings on rules and regulations, acquisition of control or merger of a domestic insurer, conversion of mutual insurers and mutual insurance holding companies, and ratemaking.

Effective August 15, 2009.

JUDICIARY

ALCOHOLIC BEVERAGES

HB 108 by Gisclair *(Last Action – House Committee)*

Would have provided for a practice of barbering or cosmetology special Class "D" alcohol permit authorizing a licensed barbering or cosmetology establishment to offer at no cost to the customer specified amounts of beverages of either high or low alcohol content which may be consumed on the premises.

SB 136 by Jackson *(Last Action – Enrolled)*

Provides for restaurant "R" alcohol permits by defining a restaurant as a place of business whose average monthly revenue from food and nonalcoholic beverages exceed 50% of its total average monthly revenue from the sale of food, nonalcoholic beverages, and alcoholic beverages. Provides that a trade name of a business shall not disqualify such business as a restaurant if otherwise meeting the qualifications. Provides that a business which provides live entertainment, requires cover charges, offers alcoholic or other beverage at a reduced cost, or engages in similar activity shall not be disqualified from being a restaurant, if all other qualifications are met.

SHERIFFS ORLEANS PARISH

HB 148 by Stiaes *(Last Action – Sent to Governor)*

Provides that the consolidation of the offices of the civil and criminal sheriffs in Orleans Parish shall be effective on the date that the sheriff elected in 2010 takes office. Provides that the employees of the offices of the criminal sheriff for the parish of Orleans and the civil sheriff for the parish of Orleans shall be transferred to and become employees of the office of the sheriff for the parish of Orleans, effective May 3, 2010.

TOBACCO SALES

HB 368 by Burrell *(Last Action – Sent to Governor)*

In order to prevent persons under 18 years of age from purchasing or receiving tobacco products from self-service displays, the sale or delivery of tobacco products through a self-service display is prohibited unless the machine is a vending machine that complies with specified terms. The provisions shall not apply to a tobacconist at a particular outlet or a retail tobacco business.

COURT REPORTERS

HB 599 by Hill *(Last Action - Conference Committee)*

Would have provided that temporary permits may be issued to noncertified court reporters to fill positions that certified court reporters will not accept. Would have further provided that during the time period of the temporary permit, the noncertified court reporter shall attend a court reporting school in pursuit of his or her certification as an official court reporter.

EMERGENCY PREPAREDNESS

SB 279 by Walsworth *(Last Action - Sent to Governor)*

Provides that in an event of an emergency, public facilities, including schools, postsecondary education facilities, and other facilities owned or leased by the state or local governments which are suitable for use as public evacuation shelters will be made available at the request of the director of the parish office of homeland security and emergency preparedness.

LABOR AND INDUSTRIAL RELATIONS

EMPLOYMENT/WAGES

HB 705 by Norton *(Last Action – Failed to Pass/House)*

Would have created the Equal Pay for Women Act. Would have prohibited employers from paying female employees less than male employees for performing the same job with the same level of education, experience and training. Also would have provided employers ninety days to correct a pay discrepancy without penalties.

WORKERS' COMPENSATION

HB 841 by Honey *(Last Action – Senate Committee)*

Would have expanded the scope of independent medical examinations (IMEs) by clarifying that an IME is appropriate to address the employee's capacity to work or the appropriateness of the recommended medical treatment. With this clarification, the parties hope to reduce litigation over the appointment of state IME's, and allow a greater opportunity for the resolution of medical disputes.

Would have required that any person, insurer or self-insurance fund report to the Office of workers compensation administration (OWC) fraud unit, within 60 days, any information they obtain indicating that an individual may be making a false or misleading statement in an effort to obtain lower premiums. The fraud unit would then investigate the claim and determine whether further action is warranted.

Would have allowed insurers, self-insurance funds and self-insured employers to transmit payment of indemnity benefits via electronic funds transfer or through the issuance of a debit card.

Would have extended the sunset provision for the Second Injury Fund for an additional two years. Two years ago, the deductibles for Second Injury Fund claims were raised to 130 weeks of indemnity payments and \$25,000 in medical payments. The amendment to R.S. 23:1378 would have extended the sunset on the deductibles for an additional two years while the Workers Compensation Advisory Council evaluates the processes and effectiveness of the Second Injury Fund to ensure that it is meeting its stated purpose and remains financially secure moving forward.

Labor and Industrial Relations

UNEMPLOYMENT COMPENSATION

HB 841 by Honey (*Last Action – Senate Committee*)

Would have extended unemployment benefits in order for Louisiana to receive funding under the American Recovery and Reinvestment Act. Would have created an alternate base period – the last 4 completed calendar quarters of wages – for claimants who are ineligible using our existing base period. Would have expanded benefits to unemployed workers seeking only part-time work and allowed for payment of 26 weeks of additional benefits to unemployment insurance exhaustees if participating in a state-approved or Workforce Investment Act funded training program.

MUNICIPAL, PAROCHIAL AND CULTURAL AFFAIRS

LOCAL GOVERNMENT

HB 305 by Stias *(Last Action – House Committee)*

HB 698 by Richmond *(Last Action – House Committee)*

SB 75 by Murray *(Last Action – Failed to Pass/House)*

HB 305 would have required a parish or municipal planning commission to receive voter approval prior to the adoption of a master plan or any part, amendment, extension, or addition thereto. **HB 698** would have required the City Planning Commission of New Orleans to receive voter approval prior to the adoption of a master plan or any part, amendment, extension, or addition thereto. **SB 75** would have required voter approval prior to the implementation of a master plan which has the force of law in Orleans Parish. Additionally it would have defined a "master plan which has the force of law" as any plan adopted by the governing authority which establishes policies, procedures, or strategies for the future growth and development of the parish.

HB 593 by Billiot *(Last Action – Sent to Governor)*

Authorizes municipalities, parishes, school boards, and other political subdivisions to invest available monies in debt instruments issued by the state or by other political subdivisions. Requires that such investments meet a certain minimum national investment grade rating. Further requires that the debt instruments have a final maturity of three years or less unless the funds are held by a third party custodian in connection with a bond issue or the invested funds are held by a hospital service district, a governmental 501(c)(3), or a public trust authority.

HB 622 by Willmott *(Last Action – Sent to Governor)*

Relative to a parish or municipal governing authority condemning or demolishing any building or structure that is in a dilapidated and dangerous condition, authorizes the governing authority to serve notice of any such action by mailing the same in the U.S. post office, by either registered or certified mail, return receipt requested, to the owner at his last known address. Further provides that service may be accomplished by first class mail, with a certificate of mailing if the registered or certified mail is returned for failure to obtain a signature on the return receipt form or returned due to refusal of delivery. Provides relative to personal and domiciliary service. In cases of grave public emergencies, authorizes the governing authority to attach the notice to a door or entrance of the premises, which shall have the same effect as delivery to or personal service on the owner, occupant, or attorney at law appointed to represent the absentee owner.

Municipal, Parochial and Cultural Affairs

SB 224 by Sen. Gautreaux, N. and Rep. Foil *(Last Action – Sent to Governor)*

Authorizes a parish or municipality to create a special district to be known as a sustainable energy financing district to encourage, accommodate, and provide a means for financing capital improvements for energy efficiency improvements, such as retrofitting and the installation of renewable energy improvements. Provides that the governing authority of the parish or municipality shall be the governing authority for any such district.

FIRE AND POLICE

HB 313 by Montoucet *(Last Action – House Committee)*

Would have repealed the provision of the Constitution of Louisiana (Article X, Section 20) which prohibits the legislature from amending provisions which prohibit employees of the classified fire and police civil service in municipalities with a population exceeding 13,000 and operating a regularly paid fire and municipal police department and in all parishes and fire protection districts with a regularly paid fire department from participating in certain political activities.

HB 318 by Montoucet *(Last Action – House Committee)*

Would have amended statutory provisions to authorize employees of the classified fire and police civil service in municipalities with a population of not less than 7,000 and not more than 250,000 and in all parishes and fire protection districts to participate in certain political activities, including being a candidate for nomination or election to public office and supporting or opposing political parties, political candidates, and petitions to governmental entities. Would have prohibited, unless otherwise authorized by state or local law or charter, any employee of the classified service from being a member of the municipal or parish governing authority or mayor or parish president in the municipality or parish that employs him or her.

HB 367 by Dove et al. *(Last Action – Sent to Governor)*

Provides that the position of police chief in the city of Houma is in the unclassified service and the right of selection, appointment, supervision, and discharge for such position is vested in the president of Terrebonne Parish. Further provides that the appointment of the police chief shall be subject to approval of the parish governing authority. Requires the police chief to have at least five years of full time law enforcement experience, to have successfully completed a certified training program approved by the Council on Standards and Training, and to meet all qualifications and requirements as provided in the parish compensation plan in effect at the time of his appointment. Provides further relative to resignation from and return to the classified service.

Municipal, Parochial and Cultural Affairs ---

HB 402 by Burns, T. *(Last Action – Sent to Governor)*

Provides that the position of police chief in the city of Mandeville shall not be in the classified service and the right of selection, appointment, supervision, and discharge for the position is vested in the mayor. Further provides that the appointment and selection of the police chief shall be subject to the approval of the municipal governing authority. Requires any person appointed to the position of chief of police to meet all qualifications and requirements as provided in the job description prepared by the municipal governing authority. Provides relative to the appointment, terms, and duties and responsibilities of the members of the Municipal Police Employees Civil Service Board. Prohibits the participation in political activities by members of the board and certain city employees.

Additionally provides that the position of police chief in the city of Houma is in the unclassified service and the right of selection, appointment, supervision, and discharge for such position is vested in the president of Terrebonne Parish (**same provisions as HB 367**).

HB 481 by St. Germain *(Last Action – Sent to Governor)*

Defines "interrogation" of a fire employee as including any formal interview, inquiry, or questioning of the fire employee regarding allegations of misconduct or policy violations, but not including initial inquiries by immediate supervisors. Along with current minimum standards in the law, the bill requires that: (1) Prior to commencing a formal investigation or an interrogation of a fire employee, the appointing authority shall notify the employee in writing of the nature of the investigation, of the identity and authority of the person conducting the investigation, and of the specific charges or violations being investigated, (2) The fire employee's representative or counsel shall be allowed to be present at any interrogation of the fire employee and to offer advice and make statements on the record during such interrogation, and (3) The fire employee may obtain a recording or transcript of the interrogation upon submitting a written request to the fire chief.

HB 843 by Nowlin and Carter *(Last Action – House Committee)*

Would have authorized the governing authorities in certain municipalities, parishes, and fire protection districts to adopt a sick leave policy for employees of fire and police departments. Would have required that any such policy be adopted by ordinance or resolution of the governing authority and include the following:

- (1) Entitle every employee to a minimum of 52 weeks of full pay during sickness or incapacity contracted or sustained while the employee was on duty and not brought about by his own negligence or culpable indiscretion.
- (2) Entitle every employee to a minimum of four weeks of full pay during sickness or incapacity contracted or sustained while the employee was not on duty and not brought about by his own negligence or culpable indiscretion or for such period of time as

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provided by the local policy in effect in the municipality, parish, or fire protection district on the effective date of the ordinance or resolution adopted by the governing authority, whichever is greater.

- (3) Entitle any person who is employed by a fire department or police department primarily to perform clerical duties to a minimum of two weeks of full pay during sickness or incapacity not brought about by his own negligence or culpable indiscretion or for such period of time as provided by the local policy in effect in the municipality, parish, or fire protection district on the effective date of the ordinance or resolution adopted by the governing authority, whichever is greater.

911 WIRELESS TELECOMMUNICATIONS SERVICES

HB 505 by Harrison et al. *(Last Action – House Committee)*

HB 585 by Gisclair and Richard *(Last Action – House Committee)*

HB 674 by Smith, G. *(Last Action – House Committee)*

Would have authorized the governing authorities of communications districts in Assumption, Lafourche, St. Charles, St. Mary, and Terrebonne parishes to levy a service charge on prepaid wireless emergency telecommunications services. Would have provided that the service charge be collected by the service supplier.

HYDROELECTRICITY

HB 785 by Jones, S. *(Last Action – Enrolled)*

Creates the St. Mary Hydroelectric Authority as a political subdivision of the state, to be comprised of all of the territory in St. Mary Parish lying within the watershed of the Wax Lake Outlet and the Atchafalaya River and their tributaries. Provides that the district is domiciled in St. Mary Parish and governed by a board of 11 commissioners. Authorizes the district to provide for the use and regulation of such waters, to provide for equitable distribution of the waters for potential uses, to provide for use of the waters for commercial and industrial enterprises, and to provide for the development, production, and distribution of hydroelectric power.

TAXING DISTRICTS

HB 877 by Jackson, M. et al. *(Last Action – Failed to Pass/Senate)*

Would have created the Bluebonnet/Perkins Convention Hotel Taxing District in the city of Baton Rouge as a special taxing district and political subdivision of the state to provide for cooperative economic development among the city-parish, the owner of a hotel in the district, the district, and the state in order to provide for the development of and improvement to the

Municipal, Parochial and Cultural Affairs ---

area within the district located in the city-parish, specifically to include a hotel with conference/meeting and related facilities.

SB 333 by Broome et al. *(Last Action – Sent to Governor)*

Creates the Bluebonnet Convention Hotel Taxing District in the city of Baton Rouge as a special taxing district and political subdivision of the state to provide for cooperative economic development among the city-parish, the owner of a hotel in the district, the district and the state in order to provide for the redevelopment of blighted property into a conference-style hotel and related facilities.

HOUSING AUTHORITIES

HB 168 by Guillory M. *(Last Action – Act No. 128)*

Clarifies that local housing authorities are not state agencies for any purpose, including the accrual of annual leave by state employees.

SB 262 by Martiny *(Last Action – Sent to Governor)*

Under prior law, both landlords and tenants are eligible to be commissioners of a local housing authority. SB 262 removes landlord commissioners from local housing authorities and retains tenant commissioners.

COMMISSIONS AND MUSEUMS

HB 59 by Richardson et al. *(Last Action – Act No. 84)*

Modifies the composition of the board of commissioners of the Louisiana Naval War Memorial Commission to reduce the overall number of commissioners from 17 to 15 and to remove residency requirements for commissioners. Also removes the prohibition against state funds being used for the upkeep and operation of the commission and allows the secretary of veterans affairs, who is a statutorily appointed member of the commission, to appoint a designee to serve in his place.

HB 188 by Edwards et al. *(Last Action – Act No. 54)*

Creates the West Florida Republic Commission for the purpose of commemorating the bicentennial of the West Florida Revolt and the creation of the West Florida Republic and educating the public about the history and identity of the Florida Parishes. The commission is comprised of appointed members from each of the West Florida Parishes, and its authority terminates on Sept. 23, 2011.

Municipal, Parochial and Cultural Affairs

SB 281 by Appel (*Last Action – Sent to Governor*)

Establishes the Schepis Museum in Caldwell Parish within the Department of State. Establishes a governing board for the museum and authorizes the secretary of state to enact rules and regulations regarding operation of the museum and to contract with experts for carrying out the museum's purposes. The establishment of the museum in the Department of State shall become effective upon an appropriation of funds for the museum by the legislature. Should no such appropriation be made within four years of July 1, 2009, the Act establishing the museum in the Department of State shall be null and void.

RETIREMENT

UNFUNDED ACCRUED LIABILITY

SB 296 by B. Gautreaux and Robideaux *(Last Action – Sent to Governor)*

Relative to the Louisiana State Employees' Retirement System (LASERS) and the Teachers' Retirement System of Louisiana (TRSL), reduces the principal balance of the Unfunded Accrued Liability (UAL) by applying toward that balance certain actuarial credits and certain funds, from various side accounts held in the trusts of such systems. Also, reamortizes certain portions of the UAL. Also, changes the method by which money is deposited into the employee experience account (the account from which cost-of-living adjustments, or 'COLAs', are granted), and raises the age for COLA eligibility from 55 to 60.

EARLY RETIREMENT

HB 513 by Richard *(Last Action – Sent to Governor)*

Relative to the Louisiana State Employees' Retirement System (LASERS), enacts the Early Retirement and Payroll Reduction Act of 2009, allowing state employees to retire early with 10 years of service at age 50. In such cases, the retiree's benefit will be actuarially reduced, and the position vacated by such retiree shall be eliminated by the employer.

SYSTEM ADMINISTRATION

HB 230 by Arnold *(Last Action - House Committee)*

Would have consolidated the boards of trustees of the four state retirement systems: the Louisiana State Employees' Retirement System (LASERS), the Teachers' Retirement System of Louisiana (TRSL), the Louisiana School Employees' Retirement System (LSERS), and the State Police Pension and Retirement System (STPOL). Would have consolidated the executive-level positions of those systems as well.

DEFERRED RETIREMENT OPTION PLAN (DROP)

HB 584 by Tucker *(Last Action - House Committee)*

Relative to the four state retirement systems, would have prohibited members of such systems from enrolling in the Deferred Retirement Option Plan (DROP) from July 1, 2009, through June 30, 2012.

COST-OF-LIVING ADJUSTMENTS (COLA'S) / MINIMUM BENEFITS

HB 96 by Pearson *(Last Action - Sent to Governor)*

Relative to the four state retirement systems and the nine statewide retirement systems, allows a retiring member to elect to receive a guaranteed 2.5% cost-of-living adjustment (COLA) subject to an actuarial reduction in his regular monthly retirement benefit.

HB 586 by Doerge *(Last Action - Sent to Governor)*

Grants certain retirees and beneficiaries of LASERS and TRSL a "minimum benefit" in the form of a monthly benefit increase equal to the lesser of \$300 or the difference between \$1,200 and their current monthly benefit. Such minimum benefit shall be granted to any retiree or beneficiary if, on June 30, 2009, the retiree meets or would meet the following criteria:

- (a) He has 30 or more years of service credit.
- (b) He has been retired for 15 years or more.
- (c) He receives a monthly retirement benefit of less than \$1,200 dollars.
- (d) He is at least 60 years of age.
- (e) He has neither participated in the Deferred Retirement Option Plan (DROP) nor chosen the Initial Benefit Option (IBO).

SERVICE CREDIT

HB 673 by Pope *(Last Action - Sent to Governor)*

Allows furloughed members of LASERS and TRSL, who are employed by public colleges or universities, or who are employed by the governing boards or management boards of such institutions, to continue to receive service credit during the furlough period. During such time, employer and employee contributions shall continue based on the amount the member's earned compensation would have been if not for the furlough.

TRANSPORTATION, HIGHWAYS AND PUBLIC WORKS

CONTROLLED SUBSTANCE

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

Would have required a special driver's license or identification card with the words "drug offender" printed on it for persons with second or subsequent felony convictions for producing, manufacturing, distributing, or dispensing a controlled dangerous substance or possession with intent to produce, manufacture, distribute, or dispense, a controlled dangerous substance. The court would have imposed a ten dollar fine to the offender and remitted the monies to the Department of Public Safety and Corrections to implement the proposed provision.

The offender would have been required to obtain the driver's license or identification card immediately following his conviction or period of incarceration, if he was incarcerated.

The words "drug offender" would appear on applicable licenses or identification cards for four years from the date of issuance.

DWI

HB 444 by Perry (*Last Action – Enrolled*)

Provides that an administrative hearing conducted after a person's driver's license has been suspended shall include matters relating to the legal rights of a person.

Further provides that prehearing discovery in such matter shall be limited to requests for production of documents and depositions of non-law enforcement witnesses.

HB 445 by Baldone (*Last Action – Enrolled*)

Provides that when a person refuses to submit to a chemical test when pulled over for suspicion of driving under the influence, that his driver's license will be suspended for one year and two years upon a second or subsequent refusal occurring within five years of the date of a refusal to submit to the test.

Provides that when a person refuses to submit to a chemical test when pulled over for suspicion of driving under the influence and a fatality or serious bodily injury has occurred, that his driver's license will be suspended for one year, without benefit of eligibility for a hardship license, and two years, without benefit of eligibility for a hardship license, upon a second or subsequent refusal occurring within five years of the date of a refusal to submit to the test.

Transportation, Highways and Public Works

Requires that the trier of fact must determine that the person's intoxication was the contributing factor to the fatality or serious bodily injury when such person's license is being suspended for a period of time without benefit of eligibility for a hardship license.

Removes obsolete provisions.

Effective September 1, 2009.

LEVEES

SB 350 by Morrell *(Last Action – Vote on Conference Committee Report Pending/Senate)*

Would have created the Non-flood Protection Asset Management Commission to provide a thorough management plan for all non-flood protection assets of the Orleans Levee District.

Would have required the commission to hold its first meeting no later than Aug. 15, 2009 and to hold three additional meetings no later than Feb. 1, 2010. Required the commission to submit an interim report to the Senate Committee on Transportation, Highways, and Public Works no later than March 1, 2010 and to submit its final report to the Senate Committee on Transportation, Highways, and Public Works no later than Feb. 1, 2011. Abolished the commission no later than March 1, 2011.

MOTOR VEHICLES

HB 55 by LaFonta *(Last Action – Sent to Governor)*

Prohibits the use or installation of stereo speakers to the outside of a vehicles and provides for penalties.

Provides that no less than \$25 dollars of each fine imposed shall be collected by the respective court of the jurisdiction where the violation was committed.

Requires the court to forward the fines collected to the state treasurer.

Further provides that after all state obligations have been satisfied the remaining funds shall be appropriated to the Louisiana Commission for the Deaf.

Provides that the prohibition under proposed law shall not be applicable to emergency response vehicles, recreational vehicles, vehicles while in a parade, vehicles towing trailers, or vehicles used solely for commercial purposes.

Transportation, Highways and Public Works _____

SB 229 by Evans Gray (*Last Action – Sent to Governor*)

Provides for the prohibition any charges or fees to be levied or collected for the issuance of driver's license or identification cards to any child who is in foster care as defined in Art. 603 of the Ch.C.

MOTOR VEHICLES/MOTORCYCLES

HB 639 by Morris (*Last Action – Senate Committee*)

Would have allowed motorcycle riders older than twenty-one years of age to ride a motorcycle without a helmet. Would have further required that those who ride without a helmet to have "economic only" uninsured motorist liability coverage with minimum limits of one hundred thousand dollars and to be covered by a health care plan.

PROPERTY/PUBLIC

HB 61 by Wooton (*Last Action – House Calendar*)

Would have required the transfer to the Grand Prairie Levee District (now merged with the Plaquemines Parish government) of any and all rights appertaining to land that was taken from the Grand Prairie Levee District by the Orleans Levee District pursuant to Act No. 99 of 1924, Act No.246 of 1928, and Act No. 311 of 1942 and all lands located within the Bohemia Spillway taken, acquired, or transferred from public and private landowners.

Would have provided that the property listing contained in the Act is not an exclusive list of properties to be returned.

Would have provided that the state would not be liable to Plaquemines Parish for refund of any monies collected from mineral leases awarded by the state on lands or water bottoms claimed by the Plaquemines Parish government but which lands or water bottoms the state claims title.

PUBLIC BUILDINGS–GROUNDS/STATE

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

Establishes the Universal Design Program for state buildings and grounds. The provisions of the Act establishes principles in or on state buildings and grounds that extends beyond minimum accessibility requirements that are not expressed in the current Americans with Disabilities Act of 1990.

Transportation, Highways and Public Works

Provides that except, whenever more than two million dollars of state funds, whether obtained from the sale of bonds or otherwise , is to be spent by a state agency for the construction or renovation of a state building, the agency that contracts for the construction or renovation shall expend two percent of the state money to utilize and incorporate universal design principles.

Authorizes the commissioner of administration to adopt rules not inconsistent with the state intent of this program to implement the provisions of this Act.

Provides that projects that have not been let prior to January 1, 2010 shall not be required to incorporate the principals of universal design for the construction or renovation of state buildings.

Effective on January 1, 2010.

PUBLIC WORKS

HB 718 by H. Burns *(Last Action – Enrolled)*

Authorizes any governing authority to adopt an ordinance prohibiting the placement of trash, rubbish, debris, tree or log limbs, scrap material, or any kind of rubble in the drainage ditch or street ditch in front of their property which obstructs or causes to obstruct the natural flow of runoff waters.

SB 134 by Murray *(Last Action – Sent to Governor)*

Provides that the requirement for submission of other documentation that is required to be furnished by the low bidder be applicable to all bidders in accordance with the Bidding Documents.

RAILROADS

HB 835 by Johnson *(Last Action – House Calendar/Reconsideration Pending)*

Would have authorized the Public Service Commission to implement the Federal Railroad Safety Program State Participation Agreement and to adopt reasonable fees to be assessed annually to railroad companies operating in this state not to exceed the cost of administering its rail safety program.

Would have authorized the commission to enter onto private property to perform inspections, investigations and surveillance activities.

Transportation, Highways and Public Works ---

TRAFFIC

HB 725 by M. Jackson *(Last Action – Sent to Governor)*

Enact the "Colin Goodier Protection Act" which would require that motorists, when overtaking and passing a bicycle, to leave a safe distance between the vehicle and bicycle of not less than three feet and should maintain such clearance until safely past the overtaken bicycle. Require that the Department of Public Safety and Corrections, office of motor vehicles, include a summary of this proposed law in any instructional publication for drivers, and that the Department of Transportation and Development to erect signage notifying motorists of the need to share roads with bicyclists. Makes it unlawful to harass persons riding a bicycle and impose a penalty for doing so.

TRAFFIC/VIOLATIONS

HB 480 by Richmond *(Last Action – House Committee)*

Would have prohibited local municipal authorities or local parish authorities from adopting, enacting, or enforcing any ordinance authorizing the use of any automated traffic enforcement system to enforce traffic laws.

Would have prohibited local municipal authorities or local parish authorities from using, authorizing the use of, contracting with a private vendor to install or installing automated traffic enforcement systems to enforce traffic regulations.

Would have further required that any local municipal authority or local parish authority currently using automated traffic enforcement systems to discontinue such use by January 1, 2010.

TRAFFIC/SPEED LIMITS

HB 626 by Downs *(Last Action – Sent to Governor)*

Requires that 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 milers per hour on an interstate highway to the state treasurer. Such funds will be used by the Louisiana Highway Safety Commission

--- Transportation, Highways and Public Works

TRANSPORTATION DEPARTMENT

HB 597 by Little *(Last Action – Act No. 41)*

Authorizes DOTD to notify a bidder via electronic transmission (email) that an addenda has been posted to the department's website.

Provides that the transmission of the email to the bidder shall be conclusive evidence receipt of the addenda by the bidder to whom it was sent.

WAYS AND MEANS

CAPITAL OUTLAY

HB 2 by Greene (*Last Action - Enrolled*)

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

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

TOBACCO TAX

HB 889 by Peterson (*Last Action - Failed to Pass/Floor*)

HB 75 by Peterson (*Last Action – House Committee*)

Would have increased the tax on cigars, cigarettes, smoking tobacco, and smokeless tobacco.

TAX AMNESTY

HB 720 by Jane Smith (*Last Action – Sent to the Governor*)

Enacts the "Louisiana Tax Delinquency Amnesty Act of 2009" which requires the Dept. of Revenue (DOR) to develop and implement a tax amnesty program to be effective for a period not to exceed two consecutive calendar months between July 1, 2009, and June 30, 2010, at the discretion of the secretary. The tax amnesty program shall apply to taxes due prior to Jan. 1, 2009, for which the department has issued a proposed assessment, notice of assessment, bill, notice, or demand for payment on or after July 1, 2001, and before May 31, 2009, taxes that became due on or after July 1, 2001, and before Jan. 1, 2009, taxes for which the taxpayer and the department have entered into an agreement to interrupt prescription until Dec. 31, 2009, and taxes that became due on or before July 1, 2001, if the taxpayer was ineligible for an earlier amnesty period because the matter was in civil litigation.

Amnesty shall only be granted for eligible taxes to eligible taxpayers who apply for amnesty during the amnesty period on forms prescribed by DOR and who pay all of the tax, all fees and costs, if applicable, and half of the interest due upon filing the amnesty application. If the amnesty application is approved, the secretary shall waive the remaining half of the interest and all of the penalties associated with the tax periods for which amnesty is applied.

Authorizes DOR to retain a certain portion of the monies collected under the tax amnesty program including an amount not to exceed \$250,000 for advertising expenses. All remaining monies collected under the tax amnesty program shall be paid into the state treasury for credit to the Bond Security and Redemption Fund and then the treasurer is

directed to transfer the first \$90 million for deposit to the Coastal Protection and Restoration Fund. Furthermore, in the event monies have been withdrawn from the Budget Stabilization Fund, the treasurer shall next transfer an amount not to exceed the amount withdrawn or \$86 million dollars into the Budget Stabilization Fund. All remaining monies collected under the tax amnesty program shall be deposited in the State General Fund.

SALES AND USE TAX

HB 9 by Baldone *(Last Action – Sent to the Governor)*

Provides an exemption from sales and use tax for lodging at a homeless shelter. For purposes of sales and use tax for all tax authorities in the state, excludes from the definition of "hotel" a temporary lodging facility operated by a §501(c)(3) nonprofit organization devoted exclusively to the temporary housing of homeless transient persons. Eligible entities shall offer housing for a period of no longer than 30 days duration, and charge no more than \$20 per night.

HB 128 by Henry *(Last Action - Enrolled)*

Provides for a "Second Amendment Weekend Holiday" which begins at 12:01 a.m. on the Friday after Thanksgiving and ends at 11:59 p.m. the following Sunday. During such time, state and local sales and use tax shall not apply to consumer purchases of firearms, ammunition and hunting supplies. "Hunting supplies" is defined as any tangible personal property for the use of hunting, including but not limited to archery, vehicles and vessels such as ATVs, airboats, and pirogues, accessories, animal feed, apparel, shoes, bags, float tubes, binoculars, tools, firearm and archery cases, firearm and archery accessories, range finders, knives, decoys, treestands, blinds, chairs, optics, hearing protection and enhancements, holsters, belts, slings and miscellaneous gear.

"Firearms" is defined as a shotgun, rifle, pistol, revolver, or other handgun.

SB 52 by Marionneaux *(Last Action - Sent to the Governor)*

Establishes an Annual Second Amendment Weekend Holiday to exempt from state and local sales tax each year consumer purchases of firearms, ammunition, and hunting supplies from the first consecutive Friday through Sunday of September each year. "Firearm" is defined as a shotgun, rifle, pistol, revolver, or other handgun. "Hunting supplies" is defined as any tangible personal property for the use of hunting, including but not limited to archery, vehicles and vessels such as ATVs, airboats, and pirogues, accessories, animal feed, apparel, shoes, bags, float tubes, binoculars, tools, firearm and archery cases, firearm and archery accessories, range finders, knives, decoys, treestands, blinds, chairs, optics, hearing protection and enhancements, holsters, belts, slings and miscellaneous gear.

Ways and Means

SB 139 by Riser *(Last Action - House Calendar)*

HB 189 by Greene *(Last Action - Sent to the Governor)*

Present law provides for a state sales and use tax exemption for the sale of meals furnished to the staff and students of educational institutions; the staff and patients of hospitals; the staff, inmates, and patients of mental institutions; and boarders of rooming houses, and occasional meals furnished in connection with or by educational, religious, or medical organizations, if the meals are consumed on the premises where purchased.

Adds to the exemption, meals purchased in advance by students, faculty, and staff pursuant to meal plans sponsored by the institution or organization or purchased in advance pursuant to other payment arrangement sanctioned by the institution or organization and generally available to students, faculty, and staff, regardless of where the meals are consumed.

Provides that the exemption as to 3% of the state sales and use tax shall be applicable, operative, and effective beginning Jan. 1, 1998. Further provides that the exemption as to 1% of the state sales and use tax shall not be subject to the permanent suspension for all taxable periods beginning on and after Jan. 1, 1998.

The provisions of this Act are retroactive; however, correctly computed taxes not paid under protest with suit filed for their recovery shall not be refunded.

HB 389 by Greene *(Last Action - Sent to the Governor)*

Deletes the termination date of the exemption for purchases and leases of educational materials and equipment used for classroom instruction by nonpublic schools.

HB 473 by Little *(Last Action - Sent to the Governor)*

Authorizes a state sales and use tax exemption for polyroll tubing sold or used for commercial farm irrigation. Gives full effect to the state sales and use tax exemption as to 4% of the state sales and use taxes levied on the sale of polyroll tubing sold or used for commercial farm irrigation.

HB 734 by Carter *(Last Action - Sent to the Governor)*

Provides for a state sales and use tax exemption for the amounts paid by qualifying radiation therapy treatment centers on the purchase, lease, or repair of capital equipment and software used to operate capital equipment. "Capital equipment" shall mean tangible personal property eligible for depreciation for federal income tax purposes that is used in the diagnosis or treatment of cancer patients. Authorizes a political subdivision to elect to grant this exemption.

Ways and Means

Defines "qualifying radiation therapy center" as a radiation therapy center which is also a nonprofit organization which maintains a joint accreditation with a state university by the Commission on Accreditation of Medical Physics Educational Programs, Inc. (CAMPEP) for a graduate medical physics program and which provides facilities and personnel for use for a joint CAMPEP-accredited graduate medical physics program for research, teaching, and clinical training for graduate students. A "qualifying radiation therapy center" shall also mean the Biomedical Research Foundation in Shreveport.

HB 818 by Ellington (*Last Action - Sent to the Governor*)

Provides that for purposes of the state sales and use tax, the tax on the cost price of tangible property consumed in the manufacturing process, such as fuses, belts, felts, wires, conveyor belts, lubricants, and motor oils and the tax on the cost price of repairs and maintenance of manufacturing machinery and equipment shall be reduced as follows:

- (1) For the period beginning July 1, 2010, and ending on June 30, 2011, the state sales and use tax on the cost price shall be reduced by 25%.
- (2) For the period beginning July 1, 2011, and ending June 30, 2012, the state sales and use tax on the cost price shall be reduced by 50%.
- (3) For the period beginning July 1, 2012, and ending June 30, 2013, the sales and use tax on the cost price shall be reduced by 75%.
- (4) For all periods beginning on and after July 1, 2013, the state sales and use tax on the cost price shall be reduced by 100%.

Defines a manufacturer as a person whose principal activity is manufacturing and who is assigned an industry group designation of 3211 through 3222 or 113310 pursuant to the North American Industry Classification System (NAICS) of 2007.

INDIVIDUAL INCOME TAX

HB 106 by Greene (*Last Action – Sent to the Governor*)

Authorizes an individual income tax deduction for income from net capital gains, which is limited to gains recognized and treated for federal income tax purposes as arising from the sale or exchange of an equity interest in or substantially all of the assets of a non-publicly traded corporation, partnership, limited liability company, or other business organization commercially domiciled in this state.

Ways and Means

Tax Credits

HB 110 by Jane Smith *(Last Action - Sent to the Governor)*

Increases the individual and corporate income tax credit for the purchase of qualified clean-burning motor vehicle fuel property from 20% to 50% and authorizes a tax credit for the purchase of a motor vehicle with qualified clean-burning motor vehicle property installed by the vehicle's manufacturer.

Defines "cost of qualified clean-burning motor vehicle fuel property" as any of the following:

- (1) The retail cost paid for the purchase and installation of qualified clean-burning motor vehicle fuel property to modify a motor vehicle which is propelled by gasoline or diesel so that the motor vehicle may be propelled by an alternative fuel.
- (2) The cost of a new motor vehicle purchased at retail originally equipped to be propelled by an alternative fuel for the cost of that portion of the motor vehicle attributable to the storage of the alternative fuel, the delivery of the alternative fuel to the engine of the motor vehicle, and the exhaust of gases from combustion of the alternative fuel.
- (3) The cost of property directly related to the delivery of an alternative fuel into the fuel tank of motor vehicles propelled by alternative fuel, including compression equipment, storage tanks, and dispensing units for alternative fuel at the point where the fuel is delivered, provided the property is installed and located in La. and no credit has been previously claimed on the cost of such property.

Provides that in cases in which a motor vehicle is purchased by a taxpayer with qualified clean-burning motor vehicle fuel property installed by the manufacturer and the taxpayer is unable to or elects not to determine the exact basis which is attributable to such property, the taxpayer may claim a credit in an amount 10% of the cost of the motor vehicle or \$3,000, whichever is less.

HB 733 by Leger *(Sent to the Governor)*

Authorizes a base investment tax credit for certified, verified, and approved expenditures in the state for the construction, repair, or renovation of a state-certified green project, or for investments made by a company or a financier in such project which are, in turn, expended for such construction, repair, or renovation, not to exceed \$1 million per state-certified green project. No more than \$5 million in tax credits shall be granted for state-certified green projects per year.

The base investment credit for state-certified green projects shall be for the following amounts:

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- (1) If the total base investment is greater than \$100,000 and less than or equal to \$300,000, a company shall be allowed a tax credit of 10% of the base investment.
- (2) If the total base investment is greater than \$300,000 and less than or equal to \$1 million, a company shall be allowed a tax credit of 20% of the base investment.
- (3) If the total base investment is greater than \$1 million, a company shall be allowed a tax credit of 25% of the base investment.

Authorizes an additional tax credit of 10% for the payroll of Louisiana residents. Further provides for an additional tax credit of 1% of the payroll for La. residents who are graduates of an institution within the La. Community and Technical College System or graduates of an apprenticeship program registered with the Louisiana Workforce Commission.

Effective upon receipt of a letter from the U.S. Department of Energy awarding La. an obligation of funding of at least \$5 million per year, for a minimum of three years, through the U.S. Dept. of Energy, Energy Efficiency and Conservation Block Grant program, the Advanced Battery Manufacturing Grants, or any other federal program which provides funding related to support of green jobs industries.

HB 753 by Richmond *(Last Action - Enrolled)*

Provides that the maximum amount of qualified low-income community investments that may be issued by a single business, on an aggregate basis with all of its affiliates, and be included in the calculation of the fraction described in R.S. 47:6016(B)(1)(b) for qualified equity investments issued after April 1, 2008 and before Dec. 1, 2009, whether to one or more issuers of qualified equity investments, shall not exceed \$5 million.

Provides that the maximum amount of qualified low-income community investments that may be issued by a single business, on an aggregate basis with all of its affiliates, and be included in the calculation of the fraction described in R.S. 47:6016(B)(1)(b) for qualified equity investments issued after Dec. 1, 2009, whether to one or more issuers of qualified equity investments, shall not exceed \$7.5 million.

Requires the Dept. of Economic Development to grant or deny a request for certification as an investment consistent with the target industries no more than 60 days after receipt of the request.

Provides that the aggregate amount of credit for all qualified equity investments issued to taxpayers on or after April 1, 2008, shall not exceed \$50 million dollars in the aggregate based on the following schedule:

- (1) \$25 million between April 1, 2008, and Dec. 31, 2008.

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- (2) \$12.5 million, plus any unissued credits from any prior taxable year, between Jan. 1, 2009, and Nov. 30, 2009.
- (3) \$12.5 million, plus any unissued credits from any prior taxable year, between Dec. 1, 2009, and Dec. 31, 2010.

Prohibits any credit from being issued on or after Dec. 1, 2009, shall be claimed on a return due on or before Dec. 31, 2010.

SB 26 by N. Gautreaux *(Last Action - Sent to the Governor)*

Expands the definition of "new direct job" in the La. Quality Jobs Program Act by adding that an employer's "new direct job" may also include an employee working under contract for an average of 30 hours or more if the following criteria are satisfied:

- (1) The company provides its employees with wages and basic health benefits presently required for the La. Quality Jobs Program and is not an exempted profession or service industry under the program.
- (2) The employer is classified as a manufacturer.

Allows employers to begin applying 80% of money spent on wages and benefits for contract workers towards rebates associated with the contracts beginning July 1, 2010.

SB 113 by Marionneaux *(Last Action - House Calendar)*

Would have provided for an individual income tax credit for the rehabilitation of owner-occupied residential or owner-occupied mixed use structures. Further provides that the total credit shall be no more than \$50,000 per structure and the rehabilitation costs of the structure must exceed \$10,000.

Provides that the credit shall be calculated on the following percentages of the eligible costs and expenses of the rehabilitation based on the adjusted gross income (AGI) of the owner occupant as follows:

- (1) If the AGI is less than or equal to \$100,000, the credit shall be 50% of the eligible costs and expenses of the rehabilitation.
- (2) If the AGI is greater than \$100,000 and less than or equal to \$150,000, the credit shall be 20%.
- (3) If the AGI is greater than \$150,000 and less than or equal to \$200,000, the credit shall be 15%.

- (4) If the AGI is greater than \$200,000, the credit is available only for the rehabilitation of a vacant and blighted owner-occupied residential structure that is at least 50 years old and the credit shall be 20% of the eligible costs and expenses of the rehabilitation.

SB 160 by Marionneaux *(Last Action - Sent to the Governor)*

Changes the general provision applicable to the administration of all tax credits to provide that, unless otherwise provided in the statute granting the tax credit, all tax credits which have an annual or total program "cap" will be administered on a first-come, first-serve basis. Additionally, an exception to this rule is provided in instances where the total tax credits requested on a single day exceed the tax credits available under the cap, in which case the credits will be approved on a pro rata basis unless otherwise provided by the statute granting the tax credit.

SB 194 by Broome *(Last Action - Sent to the Governor)*

Authorizes a credit against the corporate income tax and the corporation franchise tax for employers who allow parents to take paid leave for a period 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, which is limited to parent-teacher conferences, special presentations, and school-related committees, all during regular school hours. Provides that the credit shall be 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.

CORPORATE FRANCHISE TAX

HB 618 by Greene *(Last Action – Enrolled)*

Deletes the \$10 minimum corporation franchise tax and provides that all corporations subject to the tax pay only an initial tax of \$10 in the first accounting period or fraction in which they become subject to the tax or would have become subject to the tax.

ENTERTAINMENT INDUSTRY TAX CREDITS

HB 458 by Talbot *(Last Action –Sent to the Governor)*

SB 123 by Michot *(Last Action - Sent to the Governor)*

Authorizes a tax credit against state income tax, for state-certified sound recording production or infrastructure projects. The tax credit shall be earned by investors at the time expenditures are certified by the Dept. of Economic Development (DED) according to the total base investment certified for the sound recording production company per calendar year.

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Removes the prohibition against allowing a sound recording production company from earning a sound recording investor tax credit in more than three years out of any five-year period.

Further provides that "expended in the state" shall mean 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 income tax.

Requires that after certification, DED shall submit the tax credit certification letter to the DOR on behalf of the investor who earned the tax credits. Upon receipt of the tax credit certification letter, the DOR shall make payment to the investor in the amount to which he is entitled from the current collections of the taxes collected pursuant to present law.

Provides that as a condition for receiving certification of tax credits, state-certified productions may be required to display the state brand or logo, or both, as prescribed by DED.

HB 798 by Carter (*Last Action - Sent to the Governor*)

Authorizes the Dept. of Economic Development (DED) to collect an application fee for state-certified productions and state-certified musical and theatrical infrastructure projects and provides for the disposition of the monies from the fee.

Authorizes an application fee equal to .02% multiplied by the estimated total incentive tax credits; however the minimum application fee shall not be less than \$200, and the maximum application fee shall not be more than \$5,000.

Requires that monies from the application fee shall be deposited into the state treasury, and after compliance with the requirements of the Bond Security and Redemption Fund, an amount equal to the monies generated shall be credited into the Entertainment Promotion and Marketing Fund to be used solely for promotion and marketing of La.'s entertainment industry.

Requires that as a condition for receiving certification of tax credits, state-certified productions and infrastructure projects may be required to display the state brand or logo, or both, as prescribed by the Dept. of Economic Development.

SB 245 by Adley (*Last Action - Sent to the Governor*)

HB 898 by Henry (*Last Action - Sent to the Governor*)

Grants a transferable income tax credit for state-certified movie productions approved on or after January 1, 2006, of 30% of the "base investment" if the base investment is greater than \$300,000. Further grants an additional 5% tax credit to the extent that base investment is expended on payroll for Louisiana residents employed with a state-certified productions.

Ways and Means

Increases the tax credit transferred to the office to 85% of the face value of the credits for projects certified on and after July 1, 2009.

Provides that prior to any final certification of a state-certified production or infrastructure project, the motion picture production company or infrastructure project applicant shall submit to the office a notarized statement demonstrating conformity, and agreeing to, the following:

- (1) To pay all undisputed legal obligations the film production company has incurred in Louisiana.
- (2) To publish, at completion of principal photography, a notice at least once a week for three consecutive weeks in local newspapers in regions where filming has taken place in order to notify the public of the need to file creditor claims against the film production company by a specified date.
- (3) That the outstanding obligations are not waived should a creditor fail to file by the specified date.
- (4) To delay filing a claim for the film production tax credit until the office delivers written notification to the secretary of the Dept. of Revenue that the film production company has fulfilled all requirements for the credit.

Provides that as a condition for receiving certification of tax credits, state-certified productions may be required to display an animated state brand or logo, or both, which includes a fleur de lis as prescribed by the Dept. of Economic Development as long as the animated state brand or logo is not contrary to any rules or regulations of the Federal Communications Commission.

SB 277 by Duplessis (*Last Action - Sent to the Governor*)

Provides that for applications for state-certified productions submitted to the office on or after July 1, 2009, and subsequently approved by the office and secretary, there are hereby authorized tax credits in the amount of 25% of the base investment and an additional 10% tax credit for payroll expended for Louisiana residents. Tax credits shall be earned by a digital interactive media company at the time funds are expended in Louisiana on a state-certified production.

Requires transferors and transferees to submit, in writing to the office and Dept. of Revenue, notification of any transfer or sale of tax credits within 30 days after the transfer or sale of such tax credits. Further requires a copy of the tax credit certificate and any other information required by the office or the Dept. of Revenue.

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Requires, prior to final certification of a state-certified production, the digital interactive media company to submit a cost report of production expenditures which shall be subject to an agreed-upon procedures engagement conducted by a certified public accountant in accordance with statements on standards for attestation engagements established by the American Institute of Certified Public Accountants. Further requires the accountant to issue a report in the form of procedures and findings.

Authorizes state-certified productions, as a condition for receiving certification of tax credits, to display the state brand or logo, or both, as prescribed by the secretary of Dept. of Economic Development.

SB 159 by Marionneaux *(Last Action - Sent to the Governor)*

Present law prohibits movie investor tax credits for expenditures made after December 31, 2008 for a movie infrastructure project which had not applied for initial certification or pre-certification prior to August 1, 2007 unless 50% of the "total base investment" provided for in the "initial certification" of the project had been expended prior to that date.

Provides that transactions that qualify for meeting or exceeding the 50% expenditure requirement includes, but is not be limited to a transaction in which the obligation is secured by the subject of the transaction and the maturity date for such obligation occurs after December 31, 2008, if the transaction was executed prior to December 31, 2008.

HB 693 by Greene *(Last Action - Sent to the Governor)*

Present law provides that an application for an infrastructure project filed on or before Aug. 1, 2007, shall have 24 months from the date of approval of the rules or Jan. 1, 2008, whichever is earlier, to qualify for the 40% tax credits earned on expenditures. The payment of tax credits may extend beyond or be made after the year expenditures are made.

Clarifies present law by providing that an infrastructure project for which an application was filed on or before Aug. 1, 2007, that has received an initial certification letter from the division, the DED, and the office, by Dec. 31, 2009, shall be entitled to receive credits equal to 40% of the base investment expended in the development of the state-certified infrastructure project until the project is completed, provided that a minimum of 20% or \$10 million of the total base investment established by the initial certification letter, whichever is less, shall be expended on infrastructure unique to La. film, video, television, and digital production and post-production infrastructure no later than June 30, 2010.

Provides that if a project fails to obtain an initial certification letter or fails to expend the minimum of 20% or \$10 million of the total base investment established by the initial certification letter, whichever is less, by June 30, 2010, then no expenditures shall be entitled to earn tax credits. Tax credits shall not be considered for final certification unless and until

the minimum of 20% or \$10 million of the total base investment established by the initial certification letter, whichever is less, is expended.

Prohibits more than a total of \$25 million dollars in state-certified infrastructure project tax credits from being approved in any fiscal year; however, if less than \$25 million dollars of tax credits are certified in a fiscal year, the remaining amount of available tax credit certifications shall be added to the amount available for certification for the next fiscal year and from being carried forward for use in the next fiscal year. Further requires tax credits for each fiscal year to be approved on a first come, first served basis.

Requires an infrastructure project to be approved within 45 days of submission if it is a film, video, television, or digital production or postproduction facility. Denials of applications shall be in writing and shall constitute final agency action. Written reasons for the denial shall be provided to the applicant within five days of a written request.

Provides that prior to any final certification of the state-certified production or infrastructure project, the applicant shall submit a cost report of production or infrastructure project expenditures audited and certified by an independent certified public accountant.

Requires the office to provide written notice of all denials, the written reasons a denial, and the status of any appeal to the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means.

SEVERANCE TAX

SB 21 by Marionneaux (*Last Action - House Committee*)

HB 765 by Gallot (*Last Action – Enrolled*)

Proposed constitutional amendment that provides for changes in the amount of severance tax distributions to the parishes and also provides for deposits into the Atchafalaya Basin Conservation Fund from a portion of severance tax revenues and royalties collected on state lands in the Atchafalaya Basin, beginning after April 1, 2012.

The provisions of this proposed constitutional amendment become effective and shall be implemented in the event that the last official forecast occurring before the start of a fiscal year contains an estimate of severance tax revenues for natural resources, other than sulphur, lignite, or timber, which will exceed the actual amount of such severance taxes which were collected in Fiscal Year 2008-2009. Beginning in the fiscal year for which that forecast was adopted, the allocations of severance tax to parishes, and deposit of monies into the Atchafalaya Basin Conservation Fund, shall occur as follows:

- (1) In the first year of implementation, the maximum amount which shall be remitted to the parish in which severance or production occurs is increased from \$850,000 to \$1,850,000. In the following year, and all fiscal years thereafter, the limit shall be

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\$2,850,000 per fiscal year. The maximum amount remitted to the parishes shall be increased each July 1 by an amount equal to the average annual increase in the Consumer Price Index for All Urban Consumers, as published by the U.S. Dept. of Labor, for the previous calendar year.

- (2) Further requires that at least 50% of the excess severance tax remitted to a parish in a fiscal year be used only within the parish for the same purposes as money received from the Parish Transportation Fund. The term "excess severance tax" shall mean the amount of severance tax remitted to a parish in excess of that received in Fiscal Year 2011-2012.
- (3) Provides that, after the allocations of severance tax to the Bond Security and Redemption Fund, the parishes, the Conservation Fund and the Coastal Protection and Restoration Fund have been satisfied, an amount equal to 50% of the revenues received from severance taxes collected on state lands within the Atchafalaya Basin, not to exceed \$10 million, is to be deposited into the Atchafalaya Basin Conservation Fund. The money in the fund shall be used exclusively to support projects contained in the state or federal Basin master plans or an annual Basin plan or to provide match for the Atchafalaya Basin Floodway System, Louisiana Project. Each year's plan for the expenditure of monies appropriated from the fund shall be subject to the approval of the appropriate standing committees of the legislature.

AD VALOREM TAX

Homestead Exemption

HB 252 by Pearson (*Last Action – House Committee*)

HB 330 by Greene (*Last Action - House Committee*)

The Louisiana constitution provides for the annual levy of ad valorem taxes, as well as exemptions from such taxation for homesteads and other property. The homestead exemption applies to the first \$7,500 of the assessed value of residential property. HB 252 would have changed the amount of assessed value at which the homestead exemption would apply to the assessed valuation over the first \$1,000 of assessed value. HB 330 would have had it apply to the valuation over the first \$2,000 of assessed value.

HB 259 by Henry (*Last Action - House Committee*)

Would have increased the amount of the homestead exemption from \$7,500 of assessed value to \$15,000 of assessed value, and, after a statewide reappraisal it would have increased by the same amount as the growth in the Consumer Price Index.

Increases in millage rates after a reappraisal without voter approval ("roll forwards")

There were a number bills introduced in both the House and the Senate to further limit the constitutional authority for local taxing bodies to increase millage rates which have been rolled back due to a reappraisal which yielded higher property tax values. 2008 was a statewide reappraisal year and in many jurisdictions taxpayers experienced higher tax bills. The Louisiana constitution authorizes a taxing authority to increase ad valorem tax millages after they have been adjusted downward because of a reappraisal. The increase may be levied, without further voter approval, if authorized by a 2/3 vote of the total membership of the taxing authority, but only after a public hearing for which there has been extensive public notice.

These bills generally dealt with 1) the notice requirements for the public hearings, 2) millage increases by taxing bodies with governing authorities which are not elected, and 3) millage increases in general.

HB 83 by T. Burns *(Last Action - Sent to Governor)*

Requires that the notice for the public hearing be published in the newspaper no less than 30 days before the hearing date. It also provides for circumstances where such a public hearing was scheduled, but then cancelled or postponed or the proposal was considered without action or vote. In such case, for the conduct of any future public hearing on the matter public notice must be given, except there is no additional newspaper advertisement required.

HB 380 by Cromer *(Last Action - Senate Committee)*

Would have required posting of the public notice for the public hearing, at least 72 hours before the hearing, at the principal office of the taxing authority. Further, the notice would have been required to be transmitted by electronic mail to the members of the legislature whose district comprises all or a part of the parish containing the taxing district.

HB 105 by Abramson *(Last Action - House Committee)*

HB 325 by Abramson *(Last Action - House Committee)*

HB 632 by T. Burns *(Last Action - House Committee)*

HB 634 by T. Burns *(Last Action - House Committee)*

HB 902 by Arnold *(Last Action - Sent to Governor)*

HB 903 by Arnold *(Last Action - Filed with Sec. of State)*

Non-elected taxing authorities:

HB 105, HB 325, HB 632, and HB 634 proposed to add specific limitations on the ability to increase millages for a taxing authority whose governing authority membership is composed of persons who were not elected. Millage increases for such taxing authorities would have required the additional approval of the parish governing authority or other political subdivisions.

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HB 902 and HB 903 add specific limitations on the ability to increase millages for a taxing authority whose governing authority membership is composed of persons who were not elected. Increases in millages by such taxing authorities are limited to an amount which would not increase the property taxes collected by more than 2 ½% of the collections for calendar year immediately preceding the year for which the increased millage rate would take effect. These provisions do not effect special fire protection or fire department districts, ports, port harbor or terminal districts, nor the millages levied by certain levee districts under the authority of the Louisiana constitution.

HB 226 by Richard *(Last Action - House Committee)*

HB 229 by Richard *(Last Action - House Committee)*

HB 260 by Henry *(Last Action - House Committee)*

HB 493 by Henry *(Last Action - House Committee)*

HB 471 by Downs *(Last Action - House Committee)*

HB 472 by Downs *(Last Action - House Committee)*

Roll forwards in general:

HB 226 and HB 229 would have required a lapse of 12 months' time before the authority to increase a millage rate may be exercised by a taxing authority.

HB 260 and HB 493 would have repealed the constitutional authority for a taxing authority to increase a millage after reappraisal.

HB 471 and HB 472 would have required voter approval at a general election for any millage increase.