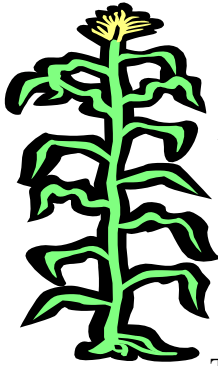


**2010 Regular Session**  
**FINAL EDITION**  
*of*  
**Legislative Highlights**



## Agriculture/Rural Development

by: Curry Johnson  
(225) 342-0645



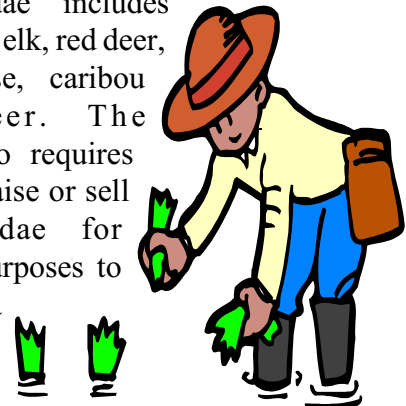
### ANIMALS

**Senate Bill 36 by Senator Thompson (Act 113)** requires the Louisiana Board of Animal Health to adopt regulations establishing standards governing the care and well-being of bovine, equine, ovine, caprine, porcine, and poultry.

The legislation prohibits local governmental entities or governing authorities of any group or association, private or public, having jurisdiction over a specific geographic area from enacting ordinances, laws, subdivision restrictions or regulations establishing such standards. The legislation allows local governmental entities and governing authorities of a public or private group or association to petition the commissioner for approval of such an ordinance and provides a procedure for obtaining such approval. The legislation specifies that local governing authorities are authorized to enact laws, ordinances, subdivision restrictions or regulations regarding the possession of such animals.

**Senate Bill 73 by Senator Heitmeier (Act 764)** prohibits euthanasia by carbon monoxide gas chambers on cats and dogs beginning on January 1, 2013 and thereafter. The legislation further prohibits euthanasia by intra cardiac injection on cats and dogs unless the animal is unconscious or rendered completely unconscious and insensitive to pain through the injection of an anesthetic.

**Senate Bill 146 by Senator Thompson (Act 17)** requires the commissioner of agriculture and forestry to adopt regulations setting forth the requirements for raising, slaughtering, and selling exotic cervidae for commercial purposes in Louisiana. The legislation also requires him to adopt regulations setting forth fencing requirements for exotic cervidae. Exotic cervidae includes species such as elk, red deer, sambar, moose, caribou and reindeer. The legislation also requires persons who raise or sell exotic cervidae for commercial purposes to obtain a license.



### House Bill 576

#### by Representative Mills

**(Act 108)** allows municipal and parish governing authorities to adopt ordinances regulating dogs running at large, prohibiting dangerous dogs or limiting the enforcement of ordinances or the imposition of fees and fines. Such ordinances may provide for the utilization of dog and cat license fees and fines for the operation of its animal control program or for the effective enforcement of its animal control ordinances.

**House Bill 606 by Representative Ellington (Act 980)** removes the exceptions to swine running at large in certain wards,

districts, and parishes. The legislation also removes exceptions to seizure and impoundment of swine found unaccompanied by its owner or keeper and running at large on public or private property of another person in certain wards, districts, and parishes of the state. The legislation further provides a sunset date of January 1, 2020, for exceptions in certain wards, districts, and parishes to liability of damages.

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

**Senate Bill 35 by Senator Thompson (Act 112)** provides for the definition of "sustainable" or "sustainable agriculture" as science-based practices, including the use of technology, which lead to broad outcome-based performance improvements to meet the needs of present and future generations while advancing environmental, social and economic goals and the well-being of agricultural producers and rural communities. Critical outcomes to consider include increasing agricultural productivity, improving human health through access to safe, nutritious and affordable food, and enhancing agricultural and surrounding environments, including water, soil and air quality.

**Senate Bill 148 by Senator Thompson (Act 495)** repeals certain mandates on the commissioner of agriculture and forestry including a requirement that he publish statistics related to the resources of the state and maintain a register of lands for sale in the state. The legislation also repeals the defunct Weather Modification Program, makes various technical corrections and corrects certain references. The legislation also makes changes to the membership, powers, and meeting requirements of several

boards and commissions including the Louisiana Crawfish Promotion and Research Board, the Louisiana Aquaculture Coordinating Council, the Louisiana Aquatic Chelonian Research and Promotion Board, the Louisiana Sweet Potato Advertising and Development Commission, the Louisiana Board of Animal Health and the Livestock Brand Commission.

**House Bill 242 by Representative Anders (Act 34)** authorizes the commissioner of agriculture and forestry to issue temporary arborist licenses in the event of a catastrophe and declaration of emergency. The license authorizes a person to perform certain measures including the removal of a tree or a portion of a tree, measures to prolong the life of a tree, and measures to enhance the aesthetic value of a tree. The legislation requires applicants to be licensed in another state as a result of successful completion of a state exam or to have acquired International Society of Arboriculture (ISA) Certification; present proof of license from another state or proof of ISA Certification; present a certification of insurance; and pay a fee of \$150. The license must be applied for within 90 days of the declaration of emergency and shall remain in effect for 90 days from date of issuance.

**House Bill 430 by Representative Pugh (Act 40)** requires that a stamp or label identifying the farm of origin be affixed to all containers or packages of strawberries offered for sale in order to protect the integrity of the industry and ensure food safety. The legislation authorizes the Louisiana Strawberry Marketing Board to adopt rules and regulations to implement these provisions.

**House Bill 496 by Representative Smiley (Act 579)** merges the Fertilizer Commission and the Louisiana Feed Commission creating the Feed, Fertilizer, and Agricultural Liming Commission and provides for membership, duties, and responsibilities of the commission. The commission may adopt rules and regulations and appoint a director and assistant director of the Feed Program and the Fertilizer Program. The legislation requires the state chemist to conduct any chemical analysis or other test necessary to determine annually the values of a substance claimed to have value as a fertilizer. All persons who manufacture a commercial or customer-formula feed, fertilizer or agricultural liming material for distribution in this state must register with the commission and comply with labeling requirements.

# Capital Outlay

by: Carol Fitch  
(225) 342-0394

## CAPITAL OUTLAY

**House Bill 2 by Representative Greene (Act 20)**, provides for the comprehensive capital outlay budget for Fiscal Year 2010 - 2011, including funding from the following sources of monies:

General Fund (Direct) - Non-Recurring	\$ 1,000,000
Federal Funds	\$ 31,395,221
Federal Funds - TTF	\$ 617,200,000
Transportation Trust Fund (TTF) - Regular	\$ 152,145,975
Interagency Transfers	\$ 54,177,455
Misc. Statutory Dedications	\$ 56,669,600
Fees and Self-Generated Revenues	\$ 27,263,000
Reappropriated Cash	\$ 38,486,692
Revenue Bonds	\$ 1,215,923,400

## TOTAL CASH PORTION

**\$ 2,194,261,343**

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

Priority 1	\$ 1,553,335,000
Priority 2	\$ 150,007,000
Priority 5	\$ 794,643,000

## TOTAL GENERAL OBLIGATION BONDS

**\$ 2,497,985,000**

\*\*\*\*\*

## BONDS NRP/RBP

**\$ 21,974,374**

\*\*\*\*\*

## GRAND TOTAL ALL MEANS OF FINANCING

**\$ 4,714,220,717**

\*\*\*\*\*

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

*Section 16 limits cash lines of credit or  
authorization or issuance of general  
obligation bonds to \$1,706,475,000.*

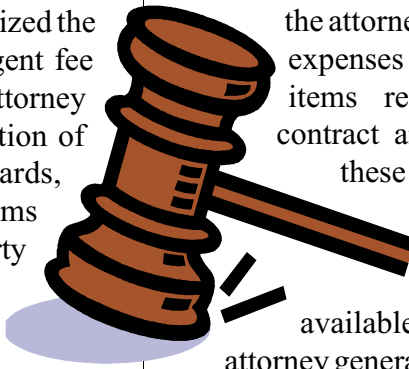


## Civil Law & Procedure

by: Angela De Jean  
(225) 342-0661

**Senator Chaisson** introduced **Senate Bill 731 (Senate adopted conference committee report)** would have authorized the attorney general to enter into contingent fee contracts with a contracting private attorney or law firm appointed for representation of the state or any of its agencies, boards, commissions, or departments for claims relating to the recovery of state property or state funds or the payment of compensation owed to the state or any of its agencies, boards, or commissions on a contingent fee basis. The bill would have authorized the attorney general to enter into contingent fee contracts for legal services only if the attorney general reports to the Litigation Subcommittee of the Joint Legislative Committee on the Budget that the claims are valid with substantial evidence of loss, the attorney general has identified and interviewed no less than three qualified attorneys or law firms, the attorney general, prior to entering a contingency fee contract has made a written determination that there are not sufficient legal or financial resources within his office to handle the matter, and the attorney general, after notice to the defendant, has obtained the approval of the contract at a public hearing of the Joint Legislative Committee on the Budget.

The attorney general would have retained legal authority to control the litigation subject to the contingency fee contract, including, but not limited to the authority to settle or to voluntarily dismiss the case.



The contracting attorney or law firm would have been required to report monthly on the attorney's time, complete costs, and expenses and describe in detail those items relative to performing the contract and to permit inspection of these documents by the attorney general and legislative auditor. All payments of contingency fees must to be available for public inspection on the attorney general's website within 15 days of payment and copies of the contracts and written determinations shall be available for public inspection on the website within five days after the date of execution of the contract, with all documents to remain on the website for a period of three years after termination of the contract.

**Senate Bill 731** also would have required a contingency fee to be payable out of all sums recovered for the state by the contracting private attorney or law firm and prohibits the attorney general from entering into a contingency fee contract that provides for an aggregate contingency fee in excess of:

- (1) 25% of any recovery of up to 25 million dollars.
- (2) 20% of any portion of such recovery between 25 and 50 million dollars.
- (3) 15% of any portion of such recovery exceeding 50 to 125 million dollars.
- (4) 10% of any portion of such recovery exceeding 125 million dollars.

Reasonable costs and expenses incurred in the prosecution of the claim are reimbursable upon the submission of affidavits of correctness to the court out of all sums recovered for the state and all monies recovered for the state under such contracts shall be transmitted for deposit into the state treasury after the deduction of private attorney fees, costs, and expenses.

The provisions of **Senate Bill 731** would not have applied to a contract with a state agency for debt collection activities and present law provisions relative to procurement of private contractual legal services for state agencies. Further the provisions of the bill would not have applied to or otherwise affect the authority of certain agencies to enter into contingency fee contracts. **Senate Bill 731** would have been applicable to contracts entered into subsequent to March 29, 2010.

**Senate Bill 281 by Senator Broome (Act 171)** extends to grandparents with custody the right to confer the power of provisional custody by mandate for the care, custody, and control of a minor child. **Act 171** provides that provisional custody by mandate may not be conferred upon a parent or other person previously denied custody by court order. Currently, parents acting jointly or, in the event of divorce, or separation from bed and board, or illegitimacy, the natural tutor, tutrix, or cotutors acting jointly, to authorize any person of legal age to provide for the care, custody, and control of a minor child not to exceed one year from the date of execution. Present law terminates the mandate of provisional custody when revoked by either parent, by a natural tutor or tutrix, or by either natural cotutor when the agent resigns or otherwise renounces the mandate, 15 days

after the death of either parent, natural tutor or tutrix, or natural cotutor, and upon the qualification of a court appointed tutor or provisional tutor. Present law allows a statutory form that may be used by a parent, natural tutor, tutrix, or cotutors acting jointly to confer the power of provisional custody for the care, custody, and control of the named minor child.

Several legislators introduced bills during the 2010 Regular Session of the Legislature increasing the jurisdictional amount in dispute in certain courts. **Senate Bill 118 by Senator Long (Act 161)** adds the City Court of Winnfield to those city courts having civil jurisdiction where the amount in dispute or the value of property involved does not exceed \$30,000. Under present law, unless specified otherwise, the civil jurisdiction of a city court is concurrent with the district court in cases where the amount in dispute, or the value of the property involved, does not exceed \$15,000.

In the city courts of Hammond, Jennings, and Oakdale, the civil jurisdiction is concurrent with the district court in cases where the amount in dispute or the value of property involved does not exceed \$30,000.

**House Bill 108 by Representative Barras (Act 228)** increases the civil jurisdictional amount in dispute for the City Court of Jeanerette and the City Court of New Iberia from \$15,000 to \$30,000. **House Bill 14 by Representative Montoucet (Act 180)** increases the civil jurisdictional amount in dispute for the City Court of Crowley and the City Court of Rayne from \$15,000 to \$30,000, for the City Court of Baker and the City Court of Zachary from \$25,000 to \$35,000, and for the City Court of Baton Rouge from \$20,000

to \$35,000. **Senate Bill 118 by Senator Long (Act 161)** raises the jurisdictional amount of the City Court of Monroe from \$25,000 to \$30,000. **House Bill 19 by Representative Pearson (Act 219)** increases the jurisdictional limit of the City Court of Slidell in suits for possession of leased premises in eviction proceedings to be concurrent with the limits for justice of the peace courts.

**House Bill 215 by Representative Greene (Act 462)** provides procedures for child in need of care proceedings. Specifically **Act 462** authorizes the Department of Social Services (DSS) to seek leave of court to file a child in need of care proceeding if there are reasonable grounds to do so. At any stage of the proceeding, upon written motion of counsel for the child or his parent, the District Attorney or Department of Social Services, after a contradictory hearing and good cause shown, except if all parties agree, the court shall permit counsel to obtain certain discovery which is relevant to the subject matter of the adjudication hearing. **Act 462** requires that all parties have reciprocal discovery rights and that discovery shall not include any matter that is privileged, including attorney-client privileges or information protected by law. The court is prohibited from ordering the production or inspection of any information which contains identifying information regarding a victim of domestic abuse or victim of dating violence or the location of a shelter or other facility. Lastly, **Act 462** requires the party requesting discovery responsible for any copying costs according to a uniform fee schedule, however an indigent child or parent is not responsible for any costs.

**House Bill 1156 by Representative H. Burns (Act 739)** if passes, would enact the "Military Parent and Child Custody Protection Act". **Act 739** prohibits the court from entering a final order modifying the terms of an existing custody or visitation order until 90 days after the termination of the deployment of a parent unless the matter was fully tried prior to the deployment. Deployment alone shall not constitute a material change in circumstances for the permanent modification of a custody or visitation order. Further, an existing order of custody or visitation may be temporarily modified to make reasonable accommodations necessary for the deployment, and shall provide the deploying parent with custody or visitation during periods of military leave, if the court determines it is in the best interest of the child and if the existing order granted custody or visitation.

**Act 739** requires the other parent to provide the court and the deploying parent with written notice 30 days prior to a change of address and telephone number. A temporary modification terminates by operation of law upon the completion of deployment and requires the prior order to be reinstated. Cooperation between the parents is required and a deploying parent is required to provide a copy of the deployment orders to the other parent. The appointment of counsel for the child when the court declines to grant or extend a stay of proceedings in accordance with the Servicemembers Civil Relief Act, 50 U.S.C. Appendix §521-522. **Act 739** provides that the absence of a child from this state during the deployment of a parent shall be a "temporary absence" for the purposes of the Uniform Child Custody Jurisdiction and Enforcement Act.



**House Bill 1261 by Representative Ligi (Act 407)** provides for the service of a 102 divorce petition. Under present law citation and service are required in all civil actions except summary and executory proceedings, actions for divorce in accordance with Civil Code Art. 102, and proceedings under the Children's Code. **Act 407** requires that when a 102 divorce petition is filed, service of the petition shall be requested within 90 days. It further provides that a defendant may expressly waive the service requirement unless he files a declinatory exception of insufficiency of service of process alleging the failure to timely request service of the petition for divorce. **Act 407** provides that an action for divorce shall be dismissed if service is not timely requested and a declinatory exception of insufficiency of service is filed.

**House Bill 1435 by Representative Greene (Act 754)** provides for the jurisdiction of the East Baton Rouge Parish Family Court. Present law provides for exclusive and continuing juvenile jurisdiction in certain support of family cases. **Act 754** excepts East Baton Rouge Parish from the exclusive juvenile jurisdiction provisions of present law and adds nonsupport cases to the jurisdiction of the East Baton Rouge Parish Family Court. **Act 754** repeals present law provisions which provide for the concurrent jurisdiction of the juvenile and family courts in the parish of East Baton Rouge.

**Senate Bill 606 by Senator Martiny (Act 793)** creates the Preservation of Religious Freedom Act. Article I, Section 8 of the Louisiana Constitution provides that "No law shall be enacted respecting an establishment of religion or prohibiting the

free exercise thereof." **Act 793** provides that government may not substantially burden a person's exercise of religion, even if the burden results from a facially neutral rule or a rule of general applicability, unless it demonstrates that application of the burden to the person is both in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest. A compelling interest shall include legitimate penological interests needed to protect the safety and security of incarcerated persons and correctional facilities, but that such shall not outweigh reasonable requests by incarcerated individuals for the opportunity to pray, reasonable access to clergy, reasonable use of religious materials that are not violent or profane, and reasonable dietary requests.

**Act 793** does not authorize any relationship, marital or otherwise, that would violate Art. XII, Section 15, of the Louisiana Constitution, prohibiting same-sex marriages and providing that marriage in the state of Louisiana shall consist only of the union of one man and one woman. Further, the bill is not intended to create or preclude a right of any religious organization to receive funding or other assistance from a government, or of any person to receive government funding for a religious activity. It provides that a person whose religious exercise is being, has been, or is likely to be burdened in violation of proposed law may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief, without regard to whether the proceeding is brought in the name of the state or by any other person. It also establishes the procedure for a person to assert a claim for violation of the Preservation of Religious Freedom Act.

The protections of **Act 793** are in addition to the protections granted by federal law and the state and federal constitutions. It does not affect the grant of benefits or tax exemptions to religious organizations. Additionally, it shall not affect, interpret, or in any way address that portion of the First Amendment to the Constitution of the United States and of Article 1, Section 8 of the Louisiana Constitution that prohibits laws respecting the establishment of religion.



## Coastal Restoration

*by: Jerry Jones  
(225) 342-1769*

On April 20, 2010, in the Gulf of Mexico about 40 miles off the Louisiana coast, the Deepwater Horizon drilling rig exploded and burned. Eleven people were killed and seventeen were injured. The tragic loss of life and injuries were, unfortunately, just the beginning of what would become the largest oil spill in history and an ecological, economic, and environmental catastrophe for Louisiana.

The Deepwater Horizon rig was designed for ultra-deep drilling. At the time of the explosion, it was drilling an exploratory well at a water depth of approximately 5,000 feet in the Macondo Prospect, Mississippi Canyon Block 252 area in the Gulf.

After burning for over 36 hours, the rig sank on April 22. A large oil slick formed in the area that same day. Almost 5,000 feet down in the waters of the Gulf, oil was spilling from the damaged wellhead.

According to the most recent estimates, over the next 100 days almost 5 million barrels (about 210 million gallons) of oil escaped from the damaged wellhead. This is 20 times more oil than was released during the Exxon Valdez spill.

After several unsuccessful attempts to cap the well, on July 15<sup>th</sup> BP was able to put a temporary cap over the well. On August 3, BP began a "static kill" process to pump heavy

synthetic drilling fluid or mud into the blown-out well to push the leaking oil and gas back into the reservoir. As of this writing (August 6), the process appears to have been successful. The plan is to follow up the mud with pumping cement down the broken wellhead, and then to continue with drilling of relief wells for further cementing to plug the leak.

Still trying to recover from the disastrous effects of hurricanes in recent years, Louisiana residents, businesses, state agencies and coastal parishes found themselves facing a new and unprecedented threat from the oil spill that was just as catastrophic. The oil spill directly impacted the people, communities, economies, and businesses of Louisiana. It will continue to do so for an unknown period of time.

Commercial fishing, shrimping, and oyster industries were devastated, and the extent of potential recovery is currently uncertain. The spill has necessitated costly containment, cleanup and ongoing coastal restoration efforts to protect, conserve, and restore coastlines, barrier islands, beaches and the fragile ecosystems of marshlands. Jobs have been lost. The Louisiana seafood industry is threatened. The economic costs and personal effects upon individuals and public and private entities from the spill and cleanup, and also from a federally imposed moratorium on deepwater drilling, continue to be

significant.

Both the short-term and long-term effects upon Louisiana's coastal ecology, ecosystems, environment, and marine life and wildlife (including numerous rare and endangered species and their habitats) are of major concern. The need for present and future resources to combat the effects of the oil spill presents a significant challenge for all those affected by it.

Studies showing that most of the spilled oil has been accounted for (through containment, evaporation, or dispersal) have been met with skepticism. Even if accurate, the same studies indicate that there are still millions and millions of gallons of spilled oil in Gulf of Mexico waters, possibly in subsurface plumes whose locations and paths are not clearly known. This oil could pose a long-term continuing threat to ecosystems and marine life, and to the economies, businesses, communities and individuals dependent upon them. Questions have also arisen about the use of dispersants to combat the spill and their potential long-term effects.

Although most news stories have focused upon the effects of the oil spill, it should be kept in mind that the Deepwater Horizon event is a story of two tragedies. The first tragedy is the human toll in death, injury and suffering from the rig explosion and fire. The second tragedy is the oil spill and its ecological, economic, environmental, and personal effects.

It will take years to determine the total impact and effects of the Deepwater Horizon event and its cleanup. The economic costs alone are staggering, widespread, and continue

to grow. Numerous investigations into the event and its effects continue. Civil litigation arising from the rig explosion and oil spill will be lengthy and complex, with billions of dollars at stake. Individuals, businesses, and public entities will seek to recoup expenses, losses and damages from responsible parties. Responsible parties face additional civil and possibly even criminal penalties for possible violations of federal and state laws.

As of this writing (August 6), BP has said that it has paid \$303 million dollars in claims to more than 40,000 businesses and individuals affected by the oil spill. BP has also set up a \$20 billion dollar oil spill compensation fund that will begin processing claims in August.

BP has additionally established a \$100 million dollar Rig Workers Assistance Fund to be administered by the Gulf Coast Restoration and Protection Foundation. News reports have stated that the fund will begin processing claims in September and is limited to rig workers employed as of May 6, 2010, who lose their jobs as a result of the deepwater drilling moratorium.

**House Bill 688 (Act 197) by Representative Foil**, authorizes the Coastal Protection and Restoration Authority and the Office of Coastal Protection and Restoration to assist in the formation of and contract with a coastal science consortium.

**House Bill 485 (Act 253) by Representative Billiot** requires that the elevation reports of coastal levees indicate elevation based on the North American Vertical Datum of 1988.

**House Bill 844 by Representative Gisclair (Act 834)** provides that, prior to issuance of a coastal use permit, the secretary shall ensure that the activity for which application is being made is consistent with the state's master plan for integrated coastal protection. No activity which is not consistent with the plan shall be granted a coastal use permit. In addition, any permit granted to repair or replace a pipeline that would impact integrated coastal protection in the state's master or annual plan shall include a requirement that the pipeline owner shall be responsible for the cost to repair or replace such pipeline. The pipeline owner shall be responsible for the performance of any pipeline relocation work to accommodate the construction of any integrated coastal protection. Any incremental costs associated with such relocation work shall be reimbursed to the pipeline owner by the appropriate federal, state, or local governmental agency. Defines "incremental costs" as the cost of the pipeline relocation required by the appropriate governing authority less the cost that the pipeline operator would have incurred for the maintenance project.

**House Bill 1090 by Representative Dove (Act 734)** revises the structure, management, duties, functions, and powers of the Office of Coastal Protection and Restoration.

**Senate Bill 65 by Senator Amedee (Act 956)** authorizes the inclusion of all or any portions of Ascension or Iberville parishes in the inland boundary of the coastal zone that are recommended for inclusion in the coastal zone by the final report of the Coastal Protection and Restoration Authority of Louisiana prepared in response to Senate

Concurrent Resolution 3 No. 60 of the 2009 Regular Session.

**Senate Bill 562 by Senator Chabert (Act 890)** provides relative to the South Louisiana Wetlands Discovery Center.

**Senate Bill 599 by Senator B. Gautreaux (Act 964)** provides that in each fiscal year, at least \$200,000 but no more than 7% of the federal revenues received by the state generated from Outer Continental Shelf oil and gas activity may be used for administrative costs or fees. Does not include revenues received by the state pursuant to Section 1337(g) of Title 43 of the United States Code, also known as "8(g)" funds, any securitization or other monetizing of all or any portion of the federal revenues received by the state generated from Outer Continental Shelf oil and gas activity, and any monies received by the state for reimbursement of costs in response to the Deepwater Horizon oil spill.

**Senate Bill 693 by Senator Morrish (Act 1008)** creates the Chenier Plain Coastal Restoration and Protection Authority.

**Senate Bill 708 by Senator Chabert (Act 1011)** provides relative to contracts by a public entity for levees not maintained with federal funds. The prior law provided that the special contract limit for any contract by a public entity to restore or rehabilitate a levee which is not maintained with federal funds or to perform mitigation on public lands owned by the state or a political subdivision shall be equal to the sum of \$1,000,000 provided that the project is undertaken by the public entity with its own resources and employees or with the resources and employees of another public entity through a cooperative endeavor or other

agreement with such entity. It further provided for a termination date of the special contract limit on December 31, 2010. The new law changes the termination date from December 31, 2010 to December 31, 2014, and retains the remainder of the law.

**Senate Resolution 61 by Senator Heitmeier (Filed with the Secretary of State)** directs local, state, and federal governmental agencies to work in close coordination, in order to minimize damage to Louisiana's natural resources caused by the Deepwater Horizon oil spill, and to utilize all available resources to protect and support Louisiana residents and businesses affected by the spill.

**Senate Resolution 72 by Senator N. Gautreaux (Filed with the Secretary of State)** designates May 11, 2010, as "Coastal Day" at the Louisiana Senate.

**Senate Concurrent Resolution 107 by Senator B. Gautreaux (Filed with the Secretary of State)** requests the state and the federal governments to encourage all entities involved in the environmental cleanup effort to utilize Louisiana's citizens and their ideas to rehabilitate the Gulf of Mexico.

**Senate Concurrent Resolution 113 by Senator Crowe (pending House final passage)** requests the president of the United States to utilize all the resources of the federal government to stop the oil leak in the Gulf of Mexico and to minimize its impacts on the state of Louisiana, its citizens, businesses, and wildlife and fisheries, and to expedite any necessary permits and to waive or suspend any federal requirements as necessary in order to protect Louisiana's coast, marshes, estuaries,

citizens, businesses, and wildlife and fisheries.

**Senate Concurrent Resolution 114 by Senator Chaisson (Filed with the Secretary of State)** expresses condolences upon the death of the 11 crew members who perished aboard the offshore oil rig Deepwater Horizon on April 20, 2010.

**Senate Concurrent Resolution 115 by Senator Crowe (Filed with the Secretary of State)** requests the Coastal Protection and Restoration Authority of Louisiana and the U.S. Army Corps of Engineers to incorporate the East Biloxi Shoreline Barrier Zone as a vital component in the state and federal master plans for coastal restoration and storm protection.

**House Concurrent Resolution 7 by Representative Leger (Filed with the Secretary of State)** suspends for one year the provisions of the Infrastructure Priority Program within the Coastal Protection and Restoration Authority.

**House Concurrent Resolution 28 by Representative Dove (Filed with the Secretary of State)** approves the FY 2010-2011 annual state integrated coastal protection plan.

**House Concurrent Resolution 39 by Representative St. Germain (Filed with the Secretary of State)** approves the Atchafalaya Basin Annual Plan for FY 2010-2011.

**House Concurrent Resolution 44 by Representative Henry (Filed with the Secretary of State)** urges and requests the Coastal Protection and Restoration Authority to study the practicality and feasibility of the

state authorizing tax credits for certain coastal preservation projects.

**House Concurrent Resolution 153 by Representative Dove (Filed with the Secretary of State)** recognizes Tuesday, May 11, 2010, as Coastal Day at the legislature.

**House Concurrent Resolution 171 by Representative J.H. Smith (Filed with the Secretary of State)** urges and requests DOTD to study the impact of expanding the territorial jurisdiction of the Coastal Protection and Restoration Authority to include any levee district that is not in the coastal area and under its current jurisdiction or authority.

**House Concurrent Resolution 190 by Representative Connick (Filed with the Secretary of State)** urges and requests the U.S. Army Corps of Engineers and the president of the U.S. to expedite permitting of the artificial barrier island plan.

**House Concurrent Resolution 205 by Representative Brossett (Filed with the Secretary of State)** memorializes Congress to adopt the Restoring Ecosystem Sustainability and Protection on the Delta (RESPOND) Act.

**House Concurrent Resolution 251 by Representative Brossett (Filed with the Secretary of State)** memorializes Congress to support the Southeast Hurricanes Small Business Disaster Relief Act of 2010.

**House Resolution 57 by Representative Henderson (Filed with the Secretary of State)** requests parishes participating in oil spill prevention and cleanup along the La. coast to give contracting

preference to commercial fishermen and others working in related industries within the parish whose employment is directly impacted by the spill.

**House Study Request 1 by Representative A. Badon (approved)** requests the study of the impacts of borrow pits for levee and flood wall projects.

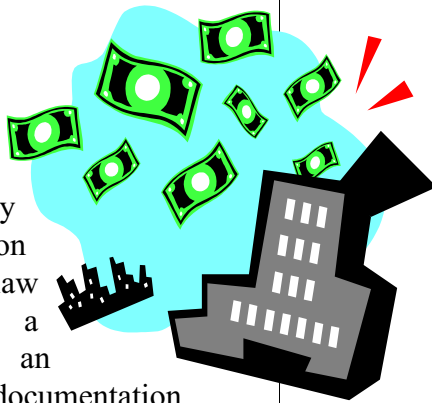
## Commerce & Consumer Protection

by: *Carla Roberts*  
(225) 342-9541

**House Bill 1058 by Representative Green (Act 936)** requires certain fees to be disclosed to the consumer by the extender of credit on an automobile. The enrolled bill further requires that a statement be attached to the paperwork for the sale stating that the fee is not mandated by federal or state law but may be charged at the discretion of the lender.

**House Bill 547 by Representative Arnold (Act 96)** removes the caps on certain fees charged by banks and credit unions on consumer loans. Prior law capped those fees to a maximum of \$50 for an origination fee, \$5 for a documentation fee on a non-real estate consumer loans, and 2% on a revolving loan which is secured by real estate (e.g. a home equity line of credit). The Act further provides that the fees charged shall not be considered interest charges. Current law limits interest charges on a consumer loan to 36%. The fees, allowed under Act 96, would be paid in addition to the maximum interest charges. Testimony at the committee established that the lenders, under the new law, could charge an unlimited amount on these fees.

**House Bill 368 by Representative Arnold (Act 366)** allows a creditor to charge a fee, in any amount, for expenses incurred in connection with flood zone determination pursuant to the sale of a manufactured home.





# Constitutional Amendments

by: Tom Tyler  
(225) 342-6156



All constitutional amendments adopted during this session will appear on the November 2, 2010 ballot.

## RETIREMENT

**House Bill 229 by Representative Pearson (Act 1048)** - Prohibits enactment of any retirement benefit provision for members of any public retirement system, plan, or fund that is subject to legislative authority unless the provision is approved by two-thirds vote of the elected members of each house of the legislature.

## AD VALOREM TAX EXEMPTION

### Exemption for Veterans

**House Bill 246 by Representative Pope (Act 1049)** - In addition to the regular homestead exemption of \$7,500 of assessed valuation of the homestead, the next \$7,500 of assessed valuation of the homestead property owned and occupied by a veteran having a service-connected disability is also exempt from ad valorem taxes. This additional exemption applies to the surviving spouse of the deceased veteran if the exemption was in effect prior to the veteran's death and if the surviving spouse remains the owner of the property.

The property on which the exemption has been claimed is not be treated as taxable property for purposes of any subsequent reappraisal or valuation for millage adjustment and the decrease in the total

amount of ad valorem taxes collected by the taxing authority as a result of the exemption is to be absorbed by the taxing authority.

This exemption only extends and applies in a parish only after the question of its adoption is approved by majority of the registered voters in the parish.

### Homestead Damaged in Disaster

The owner of property subject to a homestead exemption or special assessment level which property is damaged or destroyed during a disaster or emergency, who is unable to occupy the property, and who has filed an affidavit of intent to return and reoccupy the property within five years of the disaster or emergency is able to claim and keep the exemption for a period not to exceed two additional years under **Senate Bill 21 by Senator Murray (Act 1050)**. This two year extension is only available if the homeowner's damage claim to repair or rebuild the damaged or destroyed homestead is filed and pending in a formal appeal process with any federal, state, or local government agency or program offering grants or assistance for repairing or rebuilding damaged or destroyed homes as a result of the disaster, or if he has a damage claim filed and pending against the insurer of the property.

Upon expiration of this two year extension, the assessor may grant, on a case-

by-case basis, up to three additional one-year extensions of the homestead exemption or special assessment level.

## **EXPROPRIATION**

**House Bill 276 by Representative Leger (Act 1052)** - Provides that property expropriated in order to remove a threat to the public health or safety caused by the existing use or disuse of the property and held for more than thirty years need not be offered back to the original owner.

## **COURTS**

### Appeals

In situations where a court of appeal modifies or reverses the civil judgment of a district court and there is one judge dissenting, the case is to be reargued before a panel of at least five judges prior to rendition of judgment. **Senate Bill 42 by Senator Murray (Act 1051)** requires the same procedure for administrative agency determinations in a worker's compensation claim.

### Jury Trial

Currently a non-capital case defendant can knowingly and intelligently waive his or her right to a jury trial. **House Bill 940 by Representative Montoucet (Act 1053)** requires that the waiver must be done no later than 45 days prior to the trial date and is irrevocable.

## **FUNDS**

### Budget Stabilization Fund

**Senate Bill 1 by Senator Chaisson (Pending Conference)** would have provided that when monies in the Budget Stabilization Fund (Fund) are incorporated into the official forecast of the Revenue Estimating Conference (Conference) as to what is

available for appropriation by the legislature in the current fiscal year and if two-thirds of the elected members of each house of the legislature give consent, then the state treasurer is to transfer that amount from the Fund to the state general fund. In each of the three fiscal years immediately following the fiscal year in which monies from the Fund are incorporated into the official forecast, then appropriations into the Fund are to be limited to one-third of the specified amount that was incorporated into the Fund.



### Incarceration

Attempting to reduce the burden on the state's budget and at the same time decrease the population of geriatric inmates in correctional institutions throughout the state, **Senate Bill 195 by Senator Claitor (Withdrawn from the files of the Senate)**, would have allowed the release of certain non-violent inmates.

An inmate would have been eligible for consideration for release under the medical parole program if any inmate, because of an existing medical or physical condition, was determined by the department to be within one of the following designations:

- \* "Permanently incapacitated inmate" which means any person who, by reason of an existing physical or medical condition, is so permanently and irreversibly physically incapacitated that he does not constitute a danger to himself or to society; or
- \* "Terminally ill inmate" which means any person who, because of an existing medical condition, is irreversibly terminally ill, and who by reason of the condition does not constitute a danger to himself or to society

## Corrections

by: Tim Prather  
(225) 342-8299

The bill defined "geriatric" as any person who is 70 years of age or older and suffers from chronic infirmity, illness, or disease related to aging that has progressed such that the inmate is incapacitated to the extent he or she does not constitute a danger to himself or to society.

Continuing the trend to save money and reduce the inmate population **House Bill 35 by Representative Smith (Subject to call, Senate final)**, would have provided that any person sentenced to the custody of DPS&C who has served at least 10 years of a term of imprisonment would be eligible for parole consideration upon reaching the age of 60 if certain conditions were met.

An offender would have had to meet all of the following conditions and would be prospectively applied:

- \* The offender has not been convicted of a crime of violence or a sex offense, or an offense which would constitute a crime of violence or a sex offense, regardless of the date of conviction.
- \* The offender has not committed any disciplinary offenses in the 12 consecutive months prior to the parole eligibility date.
- \* The offender has completed the mandatory minimum of 100 hours of pre-release programming.

- \* The offender has completed substance abuse treatment as applicable.
- \* The offender has obtained a GED, unless the offender has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED due to a learning disability. If the offender is deemed incapable of obtaining a GED, the offender must complete at least one of the following: a literacy program, an adult basic education program, or a job skills training program.
- \* The offender has obtained a low-risk level designation determined by a validated risk assessment instrument approved by the secretary of DPS&C.

#### Inmate Education

**House Bill 775 by Representative Simon (Act 832)** imposes a duty upon the DPS&C to establish programs, conduct research, and provide assistance to and treatment for incarcerated persons. The Act requires DPS&C to establish a program to prepare offenders to take and pass the GED test.

The program will be available to offenders who have not previously graduated from high school, or passed the GED test, and who have the ability to do so.

#### Work Release

Following the theme of reduced state spending and budget cuts, **House Bill 89 by Representative Leger (Act 809)** provides that

room, board, and other administrative costs resulting from an inmate's participation in a work release program be borne by the inmate and deducted from his wages.

Currently, the amount deducted from an inmate's wages was not to exceed 50% of his wages. The Act adds incidental costs resulting from an inmate's participation in a work release program to the list of costs that are deducted from the inmate's wages.

That amount will be a flat rate, not to exceed 70%, that may be deducted from an inmate's gross wages to cover room, board, and other administrative and incidental costs resulting from the inmate's participation in a work release program. The rate of deduction shall be established by the secretary of DPS&C.

#### Malfeasance in Office

Hoping to address recent events, **House Bill 377 by Representative Wootton (Act 915)** prohibits volunteers and contract workers of DPS&C from engaging in sexual conduct with persons sentenced to their custody. Currently, it is unlawful and constitutes malfeasance in office for any person who is a law enforcement officer, an employee of DPS&C, an employee of any prison, jail, or correctional institution, or any person employed by entities operating work release facilities of DPS&C, to engage in sexual conduct with persons under their supervision.

Under the Act, this prohibition is extended to volunteers and contract workers and broaden the definition of "law enforcement officer" to include commissioned

police officers, sheriffs, deputy sheriffs, marshals, deputy marshals, correctional officers, constables, wildlife enforcement agents, state park wardens, and probation and parole officers.

#### Parole Board

In an effort to insure that the state's parole board represents a broad cross-section of society, **Senate Bill 52 by Senator B. Gautreaux (Act 57)**, creates a Seven-member board of parole that will be appointed by the governor. The members of the parole board should possess no less than five years experience in the field of penology, corrections, law enforcement, sociology, law, education, social work, medicine, or a combination thereof.

The Act further provides that a person with five years service on the parole board would be qualified to serve on the board without regard to experience in the field of penology, corrections, law enforcement, sociology, law, education, social work, or medicine.

#### Pretrial Diversion Facilities

**Senate Bill 96 by Senator Morrish (Act 493)**, augments the current law by requiring that the facilities for individuals who have been arrested for the commission of a crime and who are referred by any judicial agency facility must be inspected and certified by DPS&C **prior to** providing such housing or temporary residence to any individual.

Currently, facilities must be accredited by the American Correctional Association (ACA) within 18 months of opening a judicial

agency referral residential facility. The Act extends the period of time for facilities to be accredited by the ACA to within 24 months of opening as a judicial agency referral residential facility and requires that facilities maintain accreditation by the ACA at all times thereafter.

## Crimes/Criminal Procedure

by: Michael Bell  
(225) 342-1175

### CRIMINAL PROCEDURE

**Senate Bill 61 by Senator Amedee (Act 58)** provides that an affidavit containing the electronic signature of the applicant shall satisfy the constitutional requirement in any application for a warrant and authorizes that all courts and clerks of court to place their signatures by electronic means on all issue subpoenas.

**Senate Bill 45 by Senator Appel (Act 160)** provides that the court shall not order restitution payments to be made directly to the victim unless the victim consents.

**Senate Bill 374 by Senator Morrell (Act 69)** requires that time served by an habitual offender shall be served at hard labor.

**Senate Bill 774 by Senator Claiborne (Act 674)** provides for the court to inform a defendant, who has been convicted of a capital offense and a sentence of death has been imposed, at sentencing of his right to waive all rights of appeal, with the exception of the sentence review. The court shall inform the defendant of this information orally and in writing.

### CRIME PUNISHMENT

**Senate Bill 38 by Senator Martiny (Act 114)** creates the crime of participation in cockfighting and provides for penalties of a

fine of not more than five hundred dollars or imprisonment for not more than six months, or both.

**Senate Bill 685 by Senator Murray (Act 215)** creates the crime of out-of-state bail jumping which is the intentional failure to appear, by leaving the state to avoid appearing in court, at the date, time, and place as ordered by the court before which the defendant's case is pending.

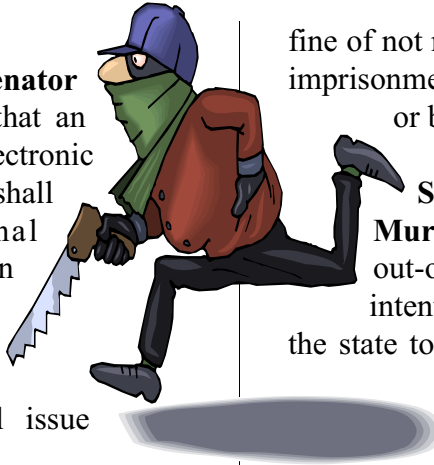
Provides that whoever commits the crime of jumping bail, will be fined two thousand dollars and imprisoned at hard labor for not less than one year nor more than three years.

### CONTROL DANGER SUBSTANCE

**Senate Bill 37 by Senator Thompson (Act 866)** criminalizes the possession, manufacturing, distribution, creation or dispensing of synthetic marijuana, also known as "Spice, K-2, or Mojo" and provides for the same penalties as the crime of possession of marijuana.

### INTERNET

**Senate Bill 151 by Senator Adley (Act 62)** creates the crime of using an Internet, virtual, street-level map where the map is used in the commission or attempted commission of an act of terrorism and provides for an additional sentence for a period of not less than one year shall be which shall be served consecutively with the sentence imposed for



the underlying offense.

#### **SEX OFFENSES**

**Senate Bill 56 by Senator Martiny (Act 763)** provides for the seizure and impoundment of the personal property used in the commission of certain sex crimes and the property shall be sold at a public sale or public auction by the district attorney. Personal property that was stolen or if the owner did not know his property was being used in the commission of the crime and if the property is subject to a lien recorded prior to the date of the offense then said property would be exempt from sale.

**Senate Bill 780 by Senator Cheek (Act 973)** known as the "Justin M. Boxom Act" which prohibits certain sex offenders from maintaining certain types of employment and requires the court to notify the person convicted of a sex offense and criminal offense against a victim who is a minor that certain types of employment are prohibited for the duration of their registration period.

## Culture, Recreation & Tourism

### CULTURE

by: Nancy Vicknair  
(225) 342-1472

**Senate Bill 800 by Senator LaFleur (Act 679)** statutorily creates the Council for the Development of French in Louisiana (CODOFIL) within the Department of Culture, Recreation and Tourism to preserve, promote, and develop Louisiana's French and Creole culture, heritage, and language.

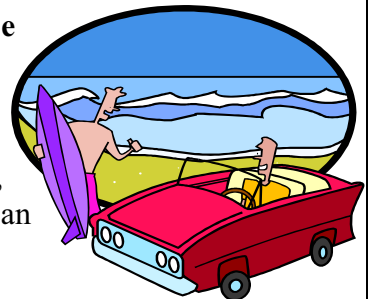
**House Bill 527 by Representative Sam Jones (Act 707)** establishes the Louisiana Cemeteries Historic Preservation Program within the Department of Culture, Recreation and Tourism, office of cultural development, to provide for the adequate protection of historic cemeteries that are not under the jurisdiction of the Louisiana Cemetery Board, are not on state lands, and are not solely comprised of unmarked graves.

**House Bill 768 by Representative LaFonta (Act 599)** creates the Louisiana Council on the Provision of Governmental Services to Latin Americans and authorizes the council to support the state's celebration of its bicentennial of statehood by holding or participating in programs and events through which it can increase public awareness of the significance of Latino American heritage, culture, and contributions throughout the state's history.

**House Bill 809 by Representative Tucker (Assigned to Senate and Governmental Affairs) and Senate Bill 558 by Senator Walsworth (Act 550)** creates the La. Bicentennial Commission within the Dept. of Culture, Recreation, and Tourism for the purpose of commemorating the anniversary of La.'s attainment of statehood.

**House Bill 812 by Representative Henry (Involuntarily Deferred in House and Governmental Affairs)** would have abolished the office of lieutenant governor and the Department of Culture, Recreation and Tourism (DCRT). The legislation also would have transferred the powers and duties of the lieutenant governor to other officials and transfers the powers, duties, and agencies of DCRT and agencies in the office of the lieutenant governor to other executive branch departments.

**House Bill 1054 by Representative Norton (Assigned to House Municipal, Parochial and Cultural Affairs)** would have required public libraries to establish African American fiction and African American nonfiction sections within their collections. The legislation would have required such sections to include works by African American authors, works about African American persons, works relative to African American





culture, and works relative to African American history.

**House Bill 1287 by Representative Lorusso (Act 745)** creates the Battle of New Orleans Bicentennial Commission within the Department of Culture, Recreation and Tourism for the purpose of commemorating the 200<sup>th</sup> anniversary of the Battle of New Orleans.

**Senate Bill 170 by Senator Nick Gautreaux (Act 770)** authorizes the Department of Culture, Recreation and Tourism to enter into a cooperative agreement with any appropriate public or private entity for the operation and maintenance of the Palmetto Island State Park. The legislation also provides that such agreement require the state to be responsible for any and all costs for road construction and maintenance, and for any and all costs for heating, cooling, and sewerage, except electricity costs.

#### **CULTURAL COMMENDATIONS**

**House Concurrent Resolution 42 by Representative Pugh (Filed with the Secretary of State)** recognizes Wednesday, April 7, 2010, as Ponchatoula Strawberry Festival Day.

**House Concurrent Resolution 70 by Representative Pugh (Filed with the Secretary of State)** recognizes Louisiana Irish Week in March in celebration of the state's rich Irish heritage.

**House Resolution 72 by Representative Monica (Filed with the Secretary of State) and Senate Resolution 76 by Senator Chaisson (Filed with the Secretary of State)** commends the River Region Caucus and its member parishes, Ascension, St. Charles, St. James, and St. John the Baptist, for their cooperative efforts in improving the quality of life in the river region.

**House Resolution 77 by Representative Montoucet (Filed with the Secretary of State)** commends the Rayne High School ProStart Management team and the Hammond High School ProStart Culinary team for their successful participation in the National ProStart Invitational in May, 2010. At the Louisiana Restaurant Association Education Foundation ProStart Student Competition in New Orleans, both Rayne and Hammond High Schools won their respective competitions and the right to represent Louisiana on the national level.

**Senate Concurrent Resolution 15 by Senator Thompson (Filed with the Secretary of State)** expresses the support of the legislature to the Department of Culture, Recreation and Tourism in its efforts to achieve a World Heritage designation for Poverty Point State Historic Site.

**Senate Concurrent Resolution 55 by Senator Walsworth (Filed with the Secretary of State)** authorizes and directs the Department of Public Safety and Corrections to imprint "Louisiana Bicentennial 1812-2012" on the license plates for private passenger motor vehicles in commemoration of Louisiana being admitted by Congress on April 30, 1812, as the eighteenth state in the Union.

**Senate Resolution 86 by Senator LaFleur (Filed with the Secretary of State)** commends the Tunica-Biloxi Tribe of Louisiana for its many contributions made to the state with its history, culture, and people, and proclaims May 24, 2010, as Tunica-Biloxi Day at the Senate.

## **RECREATION**

*by: Tammy Crain Waldrop  
(225) 342-9818*

**House Bill 480 by Representative Montoucet (Act 9)** provides relative to the membership of the State Parks and Recreation Commission with one member to be appointed by the governor from a panel of four members nominated by the Louisiana Garden Club Federation, Inc. instead of the Louisiana State Garden Society.

**Senate Bill 559 by Senator Walsworth (Act 551)** provides relative to the membership of the State Parks and Recreation Commission with one member to be appointed by the governor from a panel of four members nominated by the General Federation of Women's Clubs of Louisiana, Inc. instead of the Louisiana Federation of Women's Clubs.

**House Bill 787 by Representative Fannin (Act 633)** directs the state treasurer to transfer monies among funds within the state treasury and added the transfer of specified amounts from specified funds into the state general fund. Authorizes and directs the treasurer to deposit the monies into the state general fund for Louisiana State Parks Improvement and Repair Fund.

**House Bill 812 by Representative Henry (Involuntarily Deferred in House & Governmental Affairs committee)** tried to abolish the office of lieutenant governor and Dept. of Culture, Recreation and Tourism and transfer powers, duties, and agencies to executive branch departments.

**House Bill 967 by Representative Guinn (Act 50)** provides relative to state park recognition of certain discount cards issued by certain federal agencies. Relative to discounts for out-of-state residents at state parks, restricts the discount extended to bearers of such federal passes to those citizens whose home state park system also accepts such passes for discounted access or services.

**House Bill 1287 by Representative Lorusso (Act 745)** creates the Battle of New Orleans Bicentennial Commission for the purpose of commemorating the 200th anniversary of the Battle of New Orleans. Requires members appointed by Senate President and House Speaker to be New Orleans residents.

**House Bill 1358 by Representative Fannin (Act 51)** makes Supplemental Appropriations for FY 2009-2010. As for State Parks and notwithstanding any provision of law to the contrary, each statewide elected official receiving State Fiscal Stabilization Funds from the American Recovery and Reinvestment 39 Act of 2009, is authorized to utilize these funds for allowable expenditures throughout the department.

**Senate Bill 170 by Senator N. Gautreaux (Act 770)** authorizes the Department of Culture, Recreation and Tourism to enter into a cooperative agreement for Palmetto Island State Park and provides for funding and regulations of office of state parks holdings.

**Senate Bill 808 by Senator Morrell (Act 681)** corrected the New Orleans Chamber of Commerce's name in the Louisiana Revised Statutes.

**Senate Bill 534 by Senator Hebert (Act 790)** allows the possession of firearms on certain state lands. Allows that a person who lawfully possesses a firearm may possess or transport such firearm within the boundaries of a state park, state historic site, state preservation area, wildlife management area, or wildlife refuge.

**Senate Bill 558 by Senator Walsworth (Act 550)** creates the La. Bicentennial Commission within the Dept. of Culture, Recreation, and Tourism for the purpose of commemorating the 200<sup>th</sup> anniversary of La.'s attainment of statehood and provides 12 members be appointed and that the commission shall:

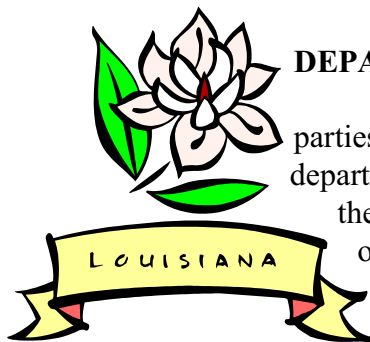
- (1) Plan and develop activities to commemorate La.'s bicentennial of statehood.
- (2) Encourage private organizations and local governments to participate.
- (3) Serve as a clearinghouse for information about bicentennial events and plans.
- (4) Cooperate and coordinate with any similar commission throughout the U.S.
- (5) Encourage state agencies to develop bicentennial programs.
- (6) Seek cooperation from private and governmental agencies and organizations.
- (7) Adopt rules and regulations regarding the use of any logos, symbols, or marks for use in connection with the bicentennial commemoration.

**Senate Bill 799 by Senator B. Gautreaux (Act 678)** authorizes the department enter into a lease of all or any portion of the state owned property north of Highway 90 at Fort Pike to the Rigolets Marina, Inc. and provides that the lease will provide for the uses of the property, and the lease will be subject to approval by the federal government. Further provides that the compensation received by the state will be at least 5% of the appraised value of the property to be paid biannually to the state.

**Senate Concurrent Resolution 15 by Senator Thompson (Enrolled)** expresses the Legislature's support for the efforts of the Dept. of Culture, Recreation and Tourism to achieve a World Heritage designation for the Poverty Point State Historic Site.

## **TOURISM**

by: Linda Nugent  
(225) 342-8892



### **DEPARTMENT OF CULTURE, RECREATION & TOURISM**

Prior to the 2010 Regular Session, there was interest among some parties to abolish the office of the Lieutenant Governor and the state department which he oversees, Culture, Recreation and Tourism, and moving the functions of the offices to other departments. The functions of the office of Tourism would have been moved to the Department of Economic Development under the provisions of **House Bill 812 by Representative Henry (involuntarily deferred in House and Governmental Affairs)**; however, this legislation failed to pass.

### **LOUISIANA BICENTENNIAL COMMISSION**

**Senate Bill 558 by Senator Walsworth (Act 550) and House Bill 809 by Representative Tucker (pending Senate and Governmental Affairs)** create the Louisiana Bicentennial Commission within the Department of Culture, Recreation and Tourism. The commission will plan and develop activities to commemorate in 2012 the two hundredth anniversary of Louisiana's attainment of statehood. The governor, lieutenant governor, president of the Senate, and speaker of the House of Representatives shall each appoint three members of the commission, and all members must reside in New Orleans. The Act provides for the termination of the 12-member commission on December 31, 2012.

### **BATTLE OF NEW ORLEANS BICENTENNIAL COMMISSION**

The Battle of New Orleans Bicentennial Commission is created by **House Bill 1287 by Representative Lorusso (Act 745)** to plan and develop activities appropriate to commemorate the two hundredth anniversary of the series of battles of the War of 1812 collectively referred to as Battle of New Orleans. The governor, lieutenant governor, president of the Senate, and speaker of the House of Representatives shall each appoint two members of the commission. Three additional members shall be appointed by the state legislators whose districts include any part of the Chalmette Battlefield or the Chalmette National Cemetery. The Act provides for the termination of the 11-member commission on January 8, 2016.

### **JEFFERSON DAVIS PARISH FLYWAY BYWAY DISTRICT**

Created by **House Bill 715 by Representative Guinn (Act 482)**, the Jefferson Davis Parish Flyway Byway District is a political subdivision comprised basically of the southern half of the parish of Jefferson Davis. Its purpose is to stimulate economic development and tourism within the district, which includes the town of Jennings, the parish seat. In addition to fostering economic development, the district is charged with developing and implementing a plan for the preservation,

beautification, and promotion of the natural beauty of the area, scenic routes and the natural, historic, and cultural sites and attractions of such routes, which will benefit tourism in the area. The district will be governed by a seven-member board of commissioners and the secretary of the Department of Transportation and Development and the secretary of the Department of Culture, Recreation and Tourism, neither of whom are voting members.

### **HISTORIC CEMETERY PRESERVATION**

Building on legislation enacted in 2008 (Act 600) which required the Department of Culture, Recreation and Tourism (CRT) to establish and maintain a register of historic cemeteries located in the state, **House Bill 527 by Representative Sam Jones (Act 707)** establishes the Louisiana Historic Cemetery Preservation Program within CRT for the primary purpose of protecting historic cemeteries and isolated graves. The legislation provides for permits to be issued for the disinterment and scientific study of human skeletal remains and artifacts in these sites and further provides for penalties and civil remedies for violations. The Louisiana Historic Cemetery Trust Fund is created and administered by an advisory board within CRT; monies in the fund may be used only for the preservation, protection, and repair of historic cemeteries, tombs, and grave plots. This legislation is significant for tourism because genealogy is a popular hobby and cemeteries are among the resources available to those seeking to trace their ancestry. It seems logical that the Louisiana Historic Cemetery Preservation Act would enhance this resource and attract more visitors.

### **DISCOUNT CAMPING PASSES**

A provision that would boost Louisiana's tourism numbers is contained in **House Bill 967 by Representative Guinn (Act 50)** which allows a U. S. citizen who presents a valid America the Beautiful National Parks and Federal Recreational Lands Senior Pass or Access Pass, issued under federal law, and proof of identification to camp at Louisiana state parks for half the normal fee if the home state park system of such citizen also accepts such passes for discounted access or services. State law already authorizes U. S. citizens who present Golden Age Passports and Golden Access Passports and proper identification to camp in our state parks for half the normal fee; Act 50 includes a requirement that the home state park system of such citizen also accepts such passes for discounted access or services.

### **TOURISM DISTRICTS**

Several bills were considered affecting tourism districts and tax collections generated within the districts.

- From the funds of the St. Helena Parish Tourist Commission, a \$50 per diem may be paid to a commissioner for each meeting he attends, limited to 12 meetings a year, as provided in **House Bill 149 by Representative Edwards (Act 232)**.
- **House Bill 716 by Representative Barras (Act 272)** provides that, regardless of the amount of the statutorily authorized 4% hotel occupancy tax that the Iberia Parish Tourist Commission may levy, an amount of the proceeds collected equal to a 2% tax shall be dedicated to the Iberia Industrial Development Foundation.

A tourist commission statutorily created in a parish with a population of 100,000 but not more than 104,000, based on the latest federal decennial census, would be designated as the name of the parish followed by " \_\_\_\_\_ Parish Tourist Commission", in accordance with **Senate Bill 231 by Senator Nevers (Act 432)**.

#### **PRINTING EXEMPTION CHANGES**

The present law in Louisiana requires that all printed matter caused to be printed by state agencies, with certain exceptions, to contain a specific statement concerning the cost of publishing and printing the publications. Promotional materials of the Department of Culture, Recreation and Tourism have been exempt from the requirement. **House Bill 309 by Representative Greene (Act 574)** changes and restricts the exemption for the Department of Culture, Recreation and Tourism to leaflets, postcards, brochures of no more than two pages, or certain magazines designed to promote culture, recreation, or tourism. After the close of a fiscal year, the department has to submit a report to the Joint Legislative Committee on the Budget setting forth the actual expenses associated with the printed matter.



## Economic Development

by: Alan Miller  
(225) 342-2576

### STRATEGIC PLANNING

**Senate Resolution 119 by Senator Appel (Filed with the Secretary of State)** creates the Senate Task Force on Global Trade-Based Economic Development Strategies to develop comprehensive trade-based initiatives. The goal of the task force is to create initiatives that create wealth for Louisiana's citizens and corporations, achieved by the growth of highly paid, sustainable jobs, derived from the global trade sector. The task force further seeks to develop strategies that ensure Louisiana's participation in the fully integrated global economy in such sectors as: deep draft maritime based commerce and port facilities; air cargo based commerce and airport facilities; manufacturing based upon cargoes shipped into or out of Louisiana ports and airports; distribution of primary and secondary manufactured products produced in or shipped through the state; landside transportation links including rail and over the road; and shallow draft waterborne transportation links. The task force is composed of representatives of the public and private sectors, and must submit a report of its findings to the Senate by March 1, 2011.

### DEPARTMENT REPORTING REQUIREMENTS

**House Bill 406 by Representative Waddell (Act 368)** requires the Department of Economic Development to submit reports semi-annually to the Joint Legislative

Committee on the Budget regarding monies appropriated from the Rapid Response Fund and the Louisiana Mega-Project Development Fund. These reports will be made available electronically and will include information such as performance targets, outcomes, numbers of jobs created and retained, and overall payroll generated, as well as any economic impact analysis developed for the project.

**House Bill 553 by Representative Waddell (Act 420)** requires the Department of Economic Development to publish legal agreements, reports, and economic analyses, including project expenditures regarding each Mega-Project Development Fund and Rapid Response Fund project. As part of these requirements, the department will develop a uniform accountability report, and develop a formula for measuring the state's return on investment.

**House Bill 559 by Representative Waddell (Act 383)** requires that all legal agreements related to Rapid Response Fund projects include accountability requirements that include the following information: the minimum number of full-time created or retained jobs; a specified time frame for job targets to be achieved; the minimum payroll requirements; the total capital investment to be made by the receiving entity; a specified process by which all targets are validated; and recoupment procedures for nonperformance.

**House Bill 1078 by Representative Foil (Act 1034)** requires the secretary of the Department of Economic Development to electronically submit the department's annual report to every member of the legislature and the Senate and House Commerce committees. The annual report shall include an overview of each business incentive and assistance program administered by the department. The overview of each business incentive and assistance program administered by the department shall include the following: a brief description of each program's objective and recent annual activity and performance information such as number of applications received; the number of new projects; the amount of associated certified spending in the state; the number of new permanent jobs; the number of construction jobs; the number of retained permanent jobs; the amount of associated capital investment; and the amount of incentive awarded.





## K-12 Education

by: Jeanne Johnston  
(225) 342-0626

### ACCOUNTABILITY

**Senate Bill 302 by Senator Appel (Pending Conference) and House Bill 925 by Representative Austin Badon (Act 718)** requires that each school and school district be assigned a letter-grade designation reflective of academic performance, in addition to the school and district performance scores already assigned to schools by the state's school and district accountability system. The rationale is that such a system is more easily understood by parents and the public.

### CURRICULUM

**House Bill 1029 by Representative Hoffmann (Act 327)** requires that after July 1, 2011, high school graduation requirements will include one full credit of Civics which will include a section on Free Enterprise. Currently one-half credit of Civics and one-half credit of Free Enterprise is required for high school graduation.

**Senate Bill 553 by Senator LaFleur (Act 660)** requires BESE, by the beginning of the 2010-2011 school year, to develop and adopt a policy whereby students will be allowed to accelerate their academic progress, complete all high school graduation requirements, and receive a high school diploma in less than four years. Each city, parish, and other local public school board must fully implement the provisions of the early high school graduation policy adopted by

BESE and to include such in its pupil progression plan.

**Senate Bill 490 by Senator Nevers (Act 445)** requires that questions included in end-of-course examinations administered to students pursuing a career major program and curriculum, the passage of which is required for high school graduation, be constructed in a manner that reflects course design and content and the method of instruction employed for the course.

### HOME STUDY

**Senate Bill 798 by Senator Walsworth (Act 677)** requires all public postsecondary educational institutions, all state departments, agencies, boards, and commissions, and all other state and local governmental entities to give a high school diploma awarded by a state-approved home study program the same recognition afforded to a high school diploma awarded by a state-approved nonpublic school.

**House Bill 303 by Representative Henry (Act 691)** provides that beginning with the 2010-2011 school year, a student participating in a state-approved home study program is eligible to participate in interscholastic athletics at a high school that is a member of the Louisiana High School Athletic Association (LHSAA), subject to compliance with specified guidelines.

**MINIMUM FOUNDATION FORMULA**

**House Concurrent Resolution 243 by Representative Austin Badon (Adopted)** provides for legislative approval of the formula adopted by the State Board of Elementary and Secondary Education on June 8, 2010, to determine the cost of a minimum foundation program of Education in all public elementary and secondary schools. The 2010-2011 MFP, for the second year in a row, does not provide for the customary 2.75% growth factor in the base per pupil amount. Consequently, any cost increases result from increases in public school enrollment and changes in district wealth.

The cost of the MFP for the 2010-2011 fiscal year is \$3.319 billion, an increase of \$43.9 million over the 2009-2010 formula.

The formula also:

1. Retains the same base per pupil amount of \$3,855 used in FY 2008-2009 and FY 2009-2010.
2. Retains the same weights for at-risk, special education (including gifted and talented), and career education students used in FY 2008-2009 and FY 2009-2010.
3. Retains the \$100 per pupil allocation for mandated costs involving health insurance, retirement, and fuel used in FY 2008-2009 and FY 2009-2010.
4. Continues the phase-out of "hold-harmless" funding over 10 years, which began in FY 2007-2008, for specified school systems.
5. Continues suspension of the requirement that certain school systems and schools use 50% of "new" funds derived when the 2.75% growth factor is provided for in the formula for pay increases and related retirement costs for certificated employees.
6. Retains requirement that 70% of local school system general fund expenditures be in the areas of instruction and school administration at the school building level. Provides for consequences for a school system that fails to meet this requirement and permits a waiver for noncompliance if the school system has a District Performance Score (DPS) at or above the state average.
7. Provides for October and February mid-year adjustments based on increases and decreases in student enrollment.
8. Deletes incentive funding for a local school system that enrolls a student who transfers from an academically unacceptable school.
9. Directs the state Department of Education to establish a task force to study funding for public education and specifies certain issues for review and evaluation.

**SCHOOLS**

**House Bill 433 by Representative Hardy (Act 701)** requires the State Board of Elementary and Secondary Education to develop and provide for the implementation of

a uniform grading scale for use in public schools. Requires the board to appoint a task force composed of various education stakeholders to provide input and advice on develop the uniform grading scale.

This bill seeks to address issues surrounding grade inflation and to provide a level playing field for students applying to colleges and universities and for scholarships where a student's grade point average is used as an eligibility criteria.

**House Bill 942 by Representative Carter (Act 720)** requires a favorable of a majority of the membership of a local school board to hire a local school superintendent, but requires a 2/3 vote of a local school board to remove a superintendent prior to the expiration of his contract for reasons other than cause.

Specifies that the local superintendent is the instructional leader of the school district with the primary responsibility for making personnel decisions. Also prohibits a local school board member from acting in an individual capacity to influence personnel decisions.

**House Bill 1368 by Representative Jane Smith (Act 749)** provides for the Red Tape Reduction and Local Empowerment Waiver Program which allows a school's governing authority to request a waiver from the State Board of Elementary and Secondary Education from various BESE rules and regulations and state laws other than those regarding specified curriculum requirements, health, safety, and special education requirements, and the provisions of the state school and district accountability system.

Also prohibits waiving of limitations on outsourcing specified services.

Prohibits a school's governing authority from requesting a waiver for a school unless a majority of the classroom teachers employed in the school, voting by secret ballot, approve inclusion of the school in the waiver request.

Provides that the governing authority of a public elementary or secondary school must submit a written request for the waiver that includes the following elements: identification of provisions he wishes to be waived, description of alternative policies and procedures to the waived provisions, description of how the waiver will increase the quality of instruction and improve academic achievement, and description of measurable educational goals and the methods of measurement.

Provides that local public school boards are not required to comply with unfunded mandates imposed by state law or BESE rule or regulation.

## **SCHOOL CHOICE**

**House Bill 216 by Representative Foil (Act 515)** establishes the School Choice Pilot Program for Certain Students with Exceptionalities as a two-year pilot program, beginning with the 2011-2012 school year in any parish with a population in excess of 190,000 according to the most recent federal decennial census. According to the 2000 Census numbers, the program will be available in the parishes of Caddo, East Baton Rouge, Lafayette, Jefferson, Orleans, and St. Tammany.

Students attending public and BESE approved nonpublic schools who meet the following eligibility requirements may participate: The student has been evaluated by a local education agency, is determined to be in need of services for autism, a mental disability, emotional disturbance, developmental delay, other health impairment, specific learning disability, or traumatic brain injury, and has an Individual Education Plan (IEP) or a services plan in accordance with specified federal regulations.

The value of each certificate shall be determined by the Department of Education and shall be an amount equivalent to 50% of the per pupil allocation of state funds to the local public school district in which the eligible student is residing for that school year, but shall not exceed the tuition amount charged by the eligible nonpublic school. The state will not pay any cost above the amount of the certificate issued to the parent/guardian.

### **SCHOOL FACILITIES**

**Senate Bill 584 by Senator Peterson (Vetoed) and House Bill 210 by Representative Leger (House Education committee)** would have created the La. Statewide Education Facilities Authority within the state Department of Education to provide funding, coordination, assistance, and oversight for the repair, renovation, and construction of public school facilities.

### **STATE SUPERINTENDENT OF EDUCATION**

**House Bill 251 by Representative Patricia Smith (Act 323)** provides that the state superintendent of education must possess the same qualifications for employment as those established for a local school

superintendent as follows:

1. A valid Type A or Level 3 teaching certificate.
2. Five years of education administration experience.
3. A master's degree.
4. Specified graduate-level course work.

The State Board of Education can waive these requirements with a 2/3 vote of the board's membership.

Allows the State Board of Elementary and Secondary Education to establish other qualification requirements for the state superintendent.

### **STUDENTS**

**Senate Bill 262 by Senator Nevers (Act 498)** requires the governing authority of each public elementary and secondary school that collects biometric information from students to implement policies governing the collection, storage, use of such data and to ensure that the privacy of the student will be protected.

School districts across the country (22 states), including some in Louisiana, are using or considering using biometric data collected from students for a variety of purposes:

Cafeteria	To reduce fraud and speed up the lunch line
School Buses	To ensure that student boarding bus has access privileges
Libraries	To check out books and track return of books

Most systems use a thumbprint scanner. Some systems use facial recognition software.

Prior to this Act, there was no statutory authority or prohibition pertaining to the use of biometric information collected from students attending Louisiana's public schools, nor had BESE adopted policy regarding the collection and use of such data.

Such data cannot be collected without the written consent of the parent, or student if 18 or older, and a student cannot be denied services if permission is not granted to the school to collect and use the student's biometric information.

## TEACHERS

**House Bill 1033 by Representative Hoffmann (Act 54)** significantly changes the way teachers and administrators will be evaluated. Currently, new teachers are evaluated in accordance with the Louisiana Teaching Assistance and Assessment Program (LaTAAP) and tenured teachers and administrators are evaluated at least once every three years in accordance with locally developed evaluation plans that are based upon observations and subjective criteria.

This legislation abolishes LaTAAP and replaces local evaluation programs with a value-added assessment model as follows:

1. Beginning with the 2012-2013 school year, 50% of the evaluation shall be based on evidence of growth in student achievement using the BESE developed value-added assessment model.

2. For teachers of subjects and grade levels for which value-added data is available, 50% of their evaluation is based upon such data. This provision affects teachers of core subjects - Math, English, Science, Social Studies.
3. For teachers of subjects and grade levels for which value-added data is not available, BESE will establish other measures of student growth. This provision affects teachers who do not teach core subjects - Music, Art, Drama, Home Economics, Physical Education, etc.
4. The evaluation model must take other student factors into consideration, such as special education, eligibility for free and reduced price meals, student attendance, and student discipline.
5. If a teacher or administrator is found to be ineffective, they will be provided with an intensive assistance program and a timeline for improvement as specified by BESE.
6. The local board must terminate a teacher who is still found to be ineffective after the assistance program period has ended.

### **With respect to teacher certification:**

A teacher who meets the standard for effectiveness as determined by BESE using the value-added data for 3 years during the initial certification or renewal process shall be issued a teaching certificate, unless the local board appeals and presents evidence that the

teacher's certificate should not be issued or continued.

A teacher determined to be ineffective, using either the value-added data or other components of the evaluation, for three years during the initial certification or renewal process, shall not be issued a teaching certificate, unless the local board appeals and presents evidence that the teacher's certificate should be issued.

### **Educator Evaluation Advisory Committee**

The bill requires BESE to require the state superintendent to appoint an Educator Evaluation Advisory Committee to make recommendations to BESE regarding the development of the value-added assessment model, the identification of measures of student growth for grade levels and subjects for which value-added data is not available and for personnel for whom value-added data is not available.

At least 50% of this committee must be composed of classroom teachers, the committee must include at least two parents, and representatives of A+PEL, LAE, LFT, LASS, LSBA, LAP, two members of the Senate and House committees on education, and one member appointed by each BESE member.

This committee must report its findings to BESE and the Senate and House committees on education not later than April 12, 2012.

### **Charter Schools**

The governing authority of each charter school must annually evaluate every teacher and administrator employed at the

school using the value-added assessment model established by BESE.

By the 2012-2013 school year, 50% of each teacher and administrator's evaluation shall be based on growth in student achievement using the value-added model. BESE will establish other measures of academic growth for subjects and grade levels for which value-added data is not available.

Charter schools will be subject to the same evaluation instrument, data reporting, and compliance monitoring requirements as traditional public schools and will be subject to the same sanctions for noncompliance.

### **Implementation**

The provisions of this bill will be implemented in phases:

2011-2012 school year - the value-added student achievement data will be used to compute school and district performance scores.

2012-2013 school year - at least 50% of teacher and administrator evaluations will be based upon student growth as determined by the value-added assessment model.

### **TEXTBOOKS AND INSTRUCTIONAL MATERIALS**

**Senate Bill 533 by Senator LaFleur (Act 659)** requires BESE to make every effort to ensure that electronic versions are available for every title it approves for placement on the state list of approved textbooks and instructional materials. If available, an electronic version of a BESE-approved textbook or instructional material must be placed on the state list of textbooks and

instructional materials approved for use in public schools. The state Department of Education, when inviting publishers to participate in the state textbook adoption process, must communicate the state's desire to increase availability and accessibility of electronic textbooks and instructional materials and to encourage publishers to provide electronic versions of their products. School boards are authorized to purchase such electronic textbooks and materials, which are not be subject to or limited by any BESE-established textbook adoption cycle. The state Dept. of Education must make every effort to ensure that an electronic version of any textbook or instructional material under consideration for adoption is made available to members of textbook adoption committees prior to adoption.

## Postsecondary Education

by: Sherri Breau  
(225) 342-6145



### ADULT EDUCATION

**Senate Bill 297 by Senator Donahue (Act 132) and House Bill 1055 by Representative Richmond (Act 732)** removes authority for the division of adult and community education within the Dept. of Education and transfers responsibility to the Board of Supervisors for Community and Technical Colleges for the provision of adult education programs through the La. Community and Technical College System (LCTCS). Beginning July 1, 2010 and thereafter, the board of supervisors will have the responsibility for establishing, operating, and maintaining a statewide adult education program, and the adoption of such regulations as may be necessary for the provision of such program.

### BOARD OF REGENTS

**Senate Bill 488 by Senator Nevers (Act 648)** provides that rules adopted by the Board of Regents (BOR), other than those adopted to regulate the internal management of the board's affairs, must be adopted in accordance with the Administrative Procedure Act. The board must submit a copy of any order, rule, regulation, plan, agreement, policy, or recommendation so adopted to the Senate Committee on Education and the House Committee on Education, along with the written reasons and explanations and a summary report of the proceedings of the public hearings conducted. The measure also statutorily creates the position of commissioner of higher education to

administer and implement the BOR programs and policies. The commissioner of higher education must be appointed by a 2/3 vote of the total membership of the board, and the appointment is subject to Senate confirmation. The salary of the commissioner, determined by the BOR, is subject to the approval of the Joint Legislative Committee on the Budget.

**Senate Bill 538 by Senator Nevers (Act 447)** makes a clearer distinction between the Board of Regent (BOR) policy and coordinating functions and the management boards' management functions. The bill clarifies that the management boards have the authority to supervise and manage the "day-to-day" operations of the colleges and universities under their supervision, leaving the policy decisions to the BOR. All constitutional responsibilities of the Board of Regents, including the development of a formula for equitable distribution of funds, provisions of the master plan for postsecondary education, and any other board policy that is part of a statewide plan or has statewide application, apply to all public postsecondary institutions. Further, the new law will require the BOR to use its evaluation of instructional and physical resources of existing institutions to create efficiencies, increase student access, enhance academic quality, further the goals established by the master plan for postsecondary education, and for any other purpose that will



serve to advance postsecondary education in each region and the state as a whole.

**Senate Bill 746 by Senator Jackson (Act 899)** requires any formula formulated and adopted by the Board of Regents for funding institutions of postsecondary education in the ensuing year must be annually reported to the Senate Committee on Education, the Senate Committee on Finance, the House Committee on Education, and the House Committee on Appropriations, not later than March fifteenth of each year.

**House Bill 402 by Representative Pearson (Act 696)** requires the Board of Regents to broadcast over the Internet live audio and video streams all of its board and committee meetings held in Baton Rouge (except executive sessions) and provides for such meetings to be recorded, archived, and made accessible to the public for at least one year after the date of the meeting. The board, however, is not required to fulfill these requirements if there is a technical problem beyond its control or when the only meeting room available lacks the equipment necessary to facilitate Internet broadcast.

**House Concurrent Resolution 218 by Representative Nowlin (enrolled)** requests the Board of Regents to restructure the performance-based funding formula to better account for the unique roles, scopes, and missions of the state's public postsecondary institutions, their admissions standards, and available resources and that the board allocate formula funding based upon performance after improvements to the formula are made.

## COLLEGES AND UNIVERSITIES

**Senate Bill 713 by Senator Nevers (Act 452)** provides that the La. Association of Independent Colleges and Universities (LAICU) and its member institutions are not liable if any confidential student data or records they submit to the Board of Regents pursuant to a law, rule, or regulation, is breached as the result of actions of the board or its staff and not from the transmission of such data or records by LAICU or a member institution prior to receipt by the board. The provisions of the bill are applicable to any student data or records that are confidential under any state or federal law, including the federal Family Educational Rights and Privacy Act.

**House Bill 836 by Representative Wooton (Act 715)** requires every public higher education institution in the state to disclose the amount, terms, restrictions, and requirements attached to or made a part of any gift of a value in excess of \$250,000 made to such institution by a foreign government, foreign legal entity, or foreign person in any fiscal year, and requires disclosure of all gifts from the same source if multiple gifts from such a source exceed a value of \$250,000 in a single fiscal year. The disclosure must be in a report to the Board of Regents and filed with the board no later than 30 days after the final day of the fiscal year. The report and the information in it is considered a public record.

Pursuant to present law, public postsecondary education management boards are authorized, subject to the approval of the State Mineral and Energy Board, to execute and fix the terms and conditions of oil, gas, and mineral leases upon certain lands. The revenues from such leases are to be used by the

recipient board solely for the benefit of the college or university located on the leased properties. The revenues must be used for the following purposes: to alleviate safety hazards and other bona fide emergency conditions, to make needed major repairs to buildings, grounds, streets, and parking lots, purchase land, and upgrade utility systems, for new capital construction or capital acquisitions, and for establishment of permanent endowment funds from which investment earnings are used for scholarships or as salaries or salary supplements or for other expenses directly related to scholarly work for faculty members. **House Bill 934 by Representative Nowlin (Act 395)** adds "other operating expenses" upon the approval of the appropriate management board to this list of purposes for which such revenues are to be used.

**House Concurrent Resolution 152 by Representative Tucker (Enrolled)** directs each public postsecondary education management board and the Board of Regents to publish, including on their respective websites, certain performance and cost data relative to public postsecondary education in Louisiana.

**House Bill 1171 by Representative Tucker (Act 741)** provides for the La. Granting Resources and Autonomy for Diplomas Act (LA GRAD) under which postsecondary institutions enter into performance agreements with the Board of Regents in order to be granted limited operational autonomy and flexibility in exchange for committing to meet established targets for performance objectives as applicable to the institution. These objectives are categorized relative to student success,

articulation and transfer, workforce and economic development, and institutional efficiency and accountability and generally include graduation rate and graduation productivity goals, increasing admission standards, eliminating academic program offerings that have low student completion rates, increasing research productivity and technology, eliminating remedial education course offerings, demonstrating progress in placing students in jobs, increasing nonresident tuition amounts, designating centers of excellence, and reporting organizational data. The performance objectives must be defined in the BOR adopted formula funding performance model for FY 2010-2011 and aligned with specified performance objectives.

A performance agreement will be a six-year agreement reviewed annually by the BOR which may be revoked at any time if an institution has failed to abide by the terms of the agreement. Tuition and fee increase authority will be granted to such institutions without legislative approval based on a phased-in implementation based on a phased-in implementation of such increases of up to 5% for the 2010-2011 and 2011-2012 fiscal years, and up to 10% beginning in the 2012-2013 fiscal year.

The BOR will annually monitor and report to the legislature and governor on each participating institution's progress in meeting the performance objectives and determine whether to recommend renewal of an institution's performance agreement, subject to the approval of the Joint Committee on the Budget, and based on the recommendations of a review panel.

To reduce the burden on students with financial hardship, each management board is required to establish criteria for waiving any such increase in tuition or mandatory fee. Information relative to such waivers and the criteria and procedures for obtaining a waiver must be made available to all prospective students so that each student is informed of the availability of a waiver prior to making a final decision concerning attendance at a public institution.

### **COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

**Senate Bill 712 by Senator Nevers (Act 555)** authorizes the Bd. of Supervisors of Community and Technical Colleges (with the approval of and in coordination with the Bd. of Regents) to establish a Centers of Excellence Program to provide customized educational and training programs to meet areas of need as identified by La. business and industry. The Bd. of Supervisors may establish a tuition and fee structure for a Center of Excellence that differs from that established for other courses and programs offered by institutions within the La. Community and Technical College System (LCTCS).

**Senate Bill 752 by Senator Long (Act 556)** authorizes the formation and incorporation of a nonprofit corporation for the purpose of financing the design, acquisition, purchase, construction, renovation, improvement, equipping or expansion of centers of excellence to be leased to LCTCS and used as centers of excellence. However, the financing of the centers of excellence will be in addition to any other funds or appropriations provided to LCTCS, and such financing can not displace,

replace, supplant, or prevent funding for such system or system's projects from the capital outlay act or appropriations acts. No more than 50% of the total project cost can be financed with funds provided through bonds issued. At least 50% of the funding must be from contributions by private sources through donations of cash, immovable property, or equipment, or a combination of them, or from contributions by parishes, municipalities, or their agencies.

**House Bill 443 by Representative Hutter (Act 521)** provides that by not later than Aug. 15, 2010, the Bd. of Supervisors of Community and Technical Colleges shall transfer all programs and courses of study offered through the Jefferson, Sidney N. Collier, Slidell, and West Jefferson campuses of the technical college to Delgado Community College, along with the funds, facilities, property, obligations, and functions relative thereto. Any student enrolled in a program or course of study at any of these LTC campuses will be permitted to complete his program or course of study at no greater cost or conditions than those applicable to the student prior to the transfer of such program or course of study to Delgado Community College, provided the student completes his program or course of study within two years of such transfer. The board must review the programs and employees at the former technical college campuses and provide for an employee transition consistent with the mission of Delgado Community College and provide opportunities for an employee to have a role at the community college at least equivalent to his position prior to the transfer of the employing technical college campus to Delgado Community College.

**TOPS**

Core curriculum. Current requirements are that students who graduate from a La. public high school or a state-approved nonpublic high school must successfully complete at least 17½ units of specified course work which constitutes a core curriculum to meet eligibility requirements for TOPS. Under **House Bill 1491 by Representative Downs (Act 758)**, the 17½ unit requirement is applicable to students through the 2012-2013 school year. Beginning with the 2013-2014 school year and thereafter, students must successfully complete at least 19 units of the specified core curriculum. The bill further specifies the units of the core curriculum which will be increased.

General. Current law provides that, in lieu of TOPS, any student participating in the tuition exemption program for persons serving in the La. National Guard shall receive that tuition exemption. Additionally, however, there is authorized a payment of a sum on behalf of eligible National Guardsmen who also meet the minimum qualifications for receipt of a TOPS Award. **Senate Bill 182 by Senator N. Gautreaux (Act 201)** doubles the sums to be paid for eligible guardsmen to the following:

- (1) For those who qualify for any award level (Opportunity, TOPS-Tech, Performance, or Honors): a sum of \$300 per semester or \$600 per academic year to be applied toward the cost of books and other instructional materials.
- (2) For certain other educational expenses for those who qualify for a Performance Award: an additional

sum of \$400 per semester or \$800 per academic year.

- (3) For certain other education expenses for those who qualify for an Honors Award: an additional sum of \$800 per semester or \$1600 per academic year.

**Senate Bill 486 by Senator Nevers (Act 647)** provides an alternative requirement for qualification for a TOPS-Tech Award. Currently, a student graduating from high school during the must have a composite score on the ACT of 17 or higher or the SAT equivalent. The new law will now allow students graduating in 2010-2011 and thereafter to qualify for the award by attaining a silver level score on the ACT WorkKeys system assessments in lieu of the ACT or SAT score.

**House Bill 1000 by Representative Waddell (Act 724).** Effective for the 2010-2011 award year and thereafter, a student who is the recipient of an TOPS award and who pursues skill or occupational training may use the award at any school that has a valid and current certificate of registration issued by the La. State Bd. of Cosmetology and that is accredited by an accrediting organization recognized by the U.S. Dept. of Education and any proprietary school that has a valid and current license issued by the Bd. of Regents and that is accredited by an accrediting organization recognized by the U.S. Dept. of Education. When used at one of these schools, the award amount will be an amount determined to equal the weighted average of amounts paid for students attending public colleges and universities.

**TUITION**

**Senate Bill 505 by Senator Jackson (Act 655)** statutorily creates the Louisiana GO Grant Program — the only needs-based financial aid program provided by the state. The current program is and will continue to be managed for the Board of Regents (BOR) by the Office of Student Financial Assistance. The Louisiana GO Grant program has enhanced access to postsecondary educational opportunities for Louisiana students with demonstrated financial need by providing critically needed assistance to help cover the cost of attending postsecondary education institutions in the state. Leveraging access to postsecondary education for students with demonstrated financial need ensures that all qualified students are afforded an opportunity to achieve their full educational potential, increase their overall quality of life, and maximize their contribution to the state's economic development. The program allows participation of any Louisiana student who meets the following requirements:

- (1) Meets the admission requirements and is enrolled in a Louisiana public college or university or a regionally accredited independent college or university (LAICU).
- (2) Is a recipient of a federal Pell Grant or has submitted a Free Application for Federal Student Aid and is a recipient of a financial need grant from an eligible college or university or any other need-based aid as determined by the BOR.
- (3) Is determined to have unmet need with regards to the ability to pay the cost of attendance for the eligible college or

university in which the student is enrolled.

- (4) Maintains steady academic progress as defined by the BOR for continued participation.
- (5) Meets any other eligibility criteria the BOR may require.

## Vocational/Technical Education

*by: Nancy Vicknair  
(225) 342-1472*

**House Bill 443 by Representative Hutter (Act 521) and Senate Bill 200 by Senator Duplessis (Assigned to Senate Education)** provides that by not later than August 15, 2010, the Board of Supervisors of Community and Technical Colleges is required to transfer all programs and courses of study offered through the Jefferson, Sidney N. Collier, Slidell, and West Jefferson campuses of the technical college to Delgado Community College, along with the funds, facilities, property, obligations, and functions relative thereto. The legislation also provides that any student enrolled in a program or course of study at the Jefferson, Sidney N. Collier, Slidell, or West Jefferson campus of the Louisiana Technical College be permitted to complete his program or course of study at no greater cost or conditions than those applicable to the student prior to the transfer of such program or course of study to Delgado Community College, provided the student completes his program or course of study within two years of such transfer.

The legislation further requires the board of supervisors to review programs and employees at the former technical college campuses and provide for an employee transition that is consistent with Delgado's mission and that provides opportunities for an employee to have a role at Delgado at least equivalent to his position prior to the transfer.

**House Bill 1055 by Representative Richmond (Act 732) and Senate Bill 297 by**

**Senator Donahue (Act 132)** removes authority for the division of adult and community education within the Department of Education and transfers responsibility to the Board of Supervisors for Community and Technical Colleges for the provision of such programs through the La. Community and Technical College System (LCTCS).

Provides, beginning July 1, 2010 and thereafter, for the board of supervisors to have the responsibility for establishing, operating, and maintaining a statewide adult education program, and the adoption of such regulations as may be necessary for the provision of such program.

Requires the board of supervisors to fully fund the cost of a statewide adult education program and to allocate such funds appropriated therefor based on an adopted formula, and requires each program of adult education to meet eligibility criteria established and adopted by the board of supervisors. Provides for quality indicators and performance-based criteria, as established and adopted by the board, to be used to allocate funds on an annual basis.

Provides that, to ensure a smooth transition in effectuating and implementing the transfer of adult education programs to LCTCS, the adult education content standards and benchmarks set forth by BESE rule shall be deemed to be the adult education content standards and benchmarks of LCTCS on July

1, 2010 and thereafter, until such time as the board of supervisors promulgates rules and regulations.

**Senate Bill 493 by Senator Nevers (Act 446)** repeals duplicative and outdated LCTCS reporting requirements.

**Senate Bill 712 by Senator Nevers (Act 555)** authorizes the Board of Supervisors of Community and Technical Colleges, with the approval of and in coordination with the Board of Regents, to establish a Centers of Excellence Program to provide customized educational and training programs to meet areas of need as identified by Louisiana business and industry.

Authorizes the board to establish an advisory board composed of not more than seven representatives of private businesses with high workforce training demands. Provides that the advisory board shall assist in the identification of the needs of business and industry and provide consultation regarding admissions, curriculum, equipment needs, tuition and fee models, and other aspects of the operation of a Center of Excellence as prescribed by the board.

Provides that a Center of Excellence may be established only with private sector support, including funding and the donation of land or equipment. Further provides that a Center of Excellence shall be operated on a business model conducive to real-time market responsiveness which provides for flexibility in pricing, service delivery, and administration.

Authorizes the board to establish a tuition and fee structure for a Center of

Excellence that differs from that established for other courses and programs offered by institutions within the LCTCS system.

**Senate Bill 752 by Senator Long (Act 556)** authorizes the formation and incorporation of a public, nonprofit corporation, the purpose of which shall be the financing of the design, acquisition, purchase, construction, renovation, improvement, equipping or expansion of public facilities to be leased to the Louisiana Community and Technical Colleges System (LCTCS) and used as "centers of excellence" by the students, faculty and staff of the system - that is a community college or vocational technical facility which provides customized education and training programs for targeted industries that drive Louisiana's economy.

The legislation requires such financing to be in addition to any other funds or appropriations provided to the LCTCS, and prohibits such financing from displacing, replacing, supplanting, or preventing funding for such system or system's projects from the capital outlay act or appropriations acts.

The legislation provides that no more than 50% of the total project cost can be financed with funds provided through bonds issued and requires at least 50% of the funding must be derived from contributions by private sources through donations of cash, immovable property, or equipment, or a combination of them, or from contributions by parishes, municipalities, or their agencies.

**Senate Resolution 23 by Senator Nevers (Filed with the Secretary of State)** commends Evan Kyle Cleland on being named to the 2010 All Louisiana Academic

Team by Phi Theta Kappa and the Louisiana Community and Technical College System in recognition of his outstanding academic achievement.



## Elections

by: *Alden Clement*  
(225) 342-0640

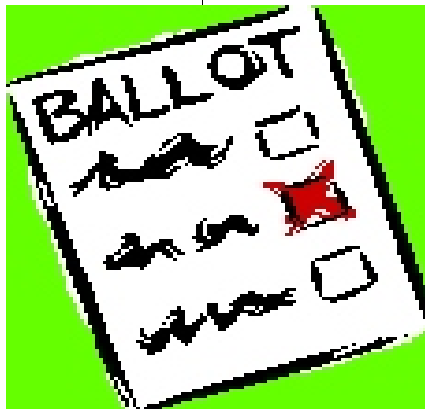
The 2010 Regular Session saw its share of revisions and additions to existing elections law.

Perhaps the most significant bills in the area of elections law this session were **Senate Bill 796 by Senator Adley (subject to call-House final passage)** and **House Bill 292 by Representative Greene (Act 570)**, which return Louisiana to an open primary system for congressional elections. Accordingly, a qualified voter may vote on congressional candidates in both the primary and general elections without regard to the voter's party affiliation, and all candidates who qualify for the primary or general election may be voted on without regard to their party affiliation. Candidates run in a single primary, and unless a candidate receives a majority of the vote in the primary and is elected, the top two candidates are the candidates in the general election. The candidate in the general election who receives a majority of the votes cast is elected to the congressional office.

**Senate Bill 28 by Senator Morrell (Act 759)** provides that in addition to the poll watchers already provided for in current law, each candidate in a parish containing a municipality with a population of 475,000 or more also may designate one watcher as a "super watcher," who is to be admitted as a

watcher in every precinct in the parish where the office the candidate seeks is on the ballot.

**Senate Bill 225 by Senator LaFleur (pending in Senate and Governmental Affairs Committee)** would have made an application to obtain a resident hunting, fishing, or trapping license issued by the Department of Wildlife and Fisheries also serve as an application for voter registration. The law would have applied to an applicant who was within six months of his 18<sup>th</sup> birthday or older, unless the applicant specifically declined to register to vote, or failed to sign the voter registration application.



**Senate Bill 319 by Senator Heitmeier (failed House final passage)** would have required a candidate for elected office to certify that he has filed his federal and state income tax returns, has filed for an extension of time, or is not required to file. A false certification would have been a ground for objecting to a candidacy.

**Senate Bill 396 by Senator Nick Gautreaux (subject to call-House final passage)** would have provided that a candidate in a primary election may submit a statement to the qualifying official by 4:30 p.m. on the next business day after the close of

qualifying that another candidate for the same office at the same election has a felony conviction that would prohibit that person from qualifying. Upon the timely receipt of the completed and signed statement, the qualifying official is to hand deliver or fax a copy of the statement and the notice of candidacy of the candidate alleged to have a felony conviction to the district attorney whose jurisdiction includes the office for which the candidate has sought to qualify. The district attorney would have been required to investigate and determine if an action objecting to the candidacy should be filed.

**Senate Bill 652 by Senator Hebert (Senate adopted Conference Committee Report)** would have provided that the statement of any question or proposition to be submitted to the voters at an election must be composed of simple, unbiased, concise, and easily understood language, and is to be posed in the form of a question. The statement of the proposition could not exceed 200 words in length.

**House Bill 1200 by Representative Richard (Act 624)** provides that, for a person who meets certain eligibility requirements but is unable to appear in person to register to vote because he is in the United States Service or resides outside of the U.S., the registrar of voters may transmit the application form to the applicant electronically. The form must still be returned to the registrar by mail. Further, voting materials, including the ballot, may be sent electronically to members the United States Service and persons residing outside the United States.

## Environment

by: Cathy Wells  
(225) 342-1126



**House Bill 1163 by Representative St. Germain (Act 986)** requires the Department of Environmental Quality if requested by the permit applicant to:

- (1) Provide the permit applicant a written summary of specific changes to the existing permit whenever the department prepares a draft database permit for the renewal, extension, or substantial permit modification of an existing hazardous waste permit, solid waste permit, LPDES permit, or air quality permit.
- (2) Provide the permit applicant a reasonable opportunity to review a draft hazardous waste permit, solid waste permit, LPDES permit, and air quality permit before such draft permit is publicly noticed. Where the draft permit includes one or more revisions to an existing permit, the draft permit shall clearly identify each change made by the department to the existing permit.
- (3) Provide the permit applicant a reasonable opportunity to review the proposed language of the permit modification or revision prior to issuance of the final permit modification or revision for minor permit modifications or revisions that do not require preparation of a draft permit and public notice.

If the department proposes minor permit modifications or revisions not requested by the permit applicant, the department shall provide the permit applicant a reasonable opportunity to review the proposed language of the permit modification or revision prior to issuance of the final permit modification or revision or shall reopen the permit in accordance with applicable law.

**House Bill 1476 by Representative Harrison (Act 862)** requires the Department of Environmental Quality to promulgate regulations, prior to July 1, 2011, for all applicants specifying emergency response requirements that includes the preparation of an emergency response plan for any applicant seeking a permit to process or dispose of solid waste and shall provide that the requirement for an emergency response plan is satisfied by the applicant's demonstration that it has the ability to meet the response requirements of the applicable sections of the National Fire Protection Association.

All potential applicants who seek to obtain a permit to process or dispose of solid waste are required to file an emergency response plan, in compliance with the promulgated regulations, as a special structures plan review with the state fire marshal. No application for a permit to process or dispose of solid waste shall be filed with nor accepted by the department prior to the applicant obtaining approval of the emergency response plan from the state fire

marshal's office. Note: These requirements do not apply if the applicant has demonstrated its ability to meet the response requirements of the applicable sections of the National Fire Protection Association.

## RECYCLING

**House Bill 1322 by Representative Barrow (Act 852)** requires each department of the executive branch, the legislature, and the judicial branch to:

- (1) Adopt a program to reduce solid waste, including adopting paperless office programs.
- (2) Adopt a recycling program with emphasis on single stream recycling.

## SOLID WASTE

**House Bill 892 by Representative St. Germain (Act 152)** excludes from the definition of "solid waste disposal facility" any facility where solid waste management activities are limited to transferring solid waste from collection vehicles to other vehicles for transport without processing.

**House Bill 904 by Representative Badon (Act 983)** prohibits a solid waste landfill or any other solid waste disposal facility which receives residential or commercial solid waste from storing, processing, or disposing of such waste within 300 feet from the inside of the facility's property line where such property line is adjacent to a structure currently being used as a church. Requires the church to have been utilized as such prior to the department's receipt of the facility's permit application. The Department of Environmental Quality may grant a waiver of these provisions upon the

consent from all landowners having an ownership interest in property. The provisions of this Act do not apply to any landfill or disposal facility existing prior to April 1, 2010, to any portion of such facility that has been closed or that has ceased operations, or to future expansions of the permitted disposal area of any such facility.



## Ethics

by: Alden Clement  
(225) 342-0640



Despite concerns over a difficult budget picture, the

2010 Regular Session saw its share of bills designed to clarify and otherwise "fine tune" the ethics reforms passed in the First Extraordinary Session of 2008 and subsequent sessions.

### ETHICS, ETHICS BOARD, AND ETHICS ENFORCEMENT

**Senate Bill 310 by Senator Kostelka (Act 1002)** and **Senate Bill 418 by Senator Kostelka (vetoed)** clarify various provisions of the ethics code. Among other things, these bills set forth three-year terms for members of the Ethics Adjudicatory Board, and provide that the ethics board cannot vote to issue charges against a person more than one year after its receipt of a complaint or four years after the occurrence of the alleged violation, whichever occurs first. These bills are substantively similar to **House Bill 1143 by Representative Gallot (Senate adopted Conference Committee Report)**.

### FINANCIAL DISCLOSURE

**Senate Bill 72 by Senator Appel (pending in Senate and Governmental Affairs Committee)** would have made the

annual financial disclosure requirements that are applicable to legislators, certain elected officials, members of the ethics board, and BESE members also applicable to appointed and elected judges. It also would have made current provisions requiring ethics educational training for statewide elected officials, legislators, and the public service commissioner applicable to appointed and elected judges.

Similarly, **Senate Bill 477 (Senate adopted Conference Committee Report)** would have made certain financial disclosure requirements applicable to the commissioner of conservation, the commissioner of financial institutions, the executive director of the Louisiana State Racing Commission, and the executive director of the Office of Coastal Protection and Restoration.

**Senate Bill 492 by Senator Nevers (Act 786)** brings the governing boards of charter schools under the financial disclosure requirements of the ethics code.

**House Bill 761 by Representative White (pending in Senate and Governmental Affairs Committee)** would have required financial disclosure statements from each public employee of a parish having a population of 50,000, or of a municipality having a population of 35,000, who serves as the chief financial officer, head of public works, head of procurement, or chief engineer,

or equivalent position, for the parish or municipality.

## **CAMPAIGN FINANCE**

**Senate Bill 92 by Senator Murray (Act 766)** provides that, if at any time during the three calendar days prior to and including the due date of any report required to be filed electronically, the ethics board's Computerized Data Management System is unavailable for use by the person or political committee required to file a report electronically, then the report may be submitted to the board by any other means, including the United States Postal Service, commercial delivery service, hand delivery, or facsimile. The person or political committee submitting the report by such other means must certify in writing that the Computerized Data Management System was inoperable or otherwise impaired at the time of the attempted electronic filing. He also must submit the report electronically within 24 hours of submitting the report by other means or within 24 hours of the Computerized Data Management System becoming available for use, whichever occurs first.

**Senate Bill 311 by Senator Kostelka (Act 778)** provides that, with regard to campaign contributions in the form of a payroll deduction or dues check-off system, only the full name and address of a person who has made contributions in excess of \$5 in the aggregate in a calendar year need to be reported to the Board of Ethics. It also provides that, with regard to expenditures made in support of or in opposition to a proposition submitted to the voters by someone other than a candidate or member of the principal campaign committee of a

candidate or a political committee, the requirement to report such expenditures applies only if the aggregate amount equals or exceeds \$1,000.

**Senate Bill 333 by Senator Hebert (pending in Senate and Governmental Affairs Committee)** would have provided that half of all campaign contributions over a certain amount received by a candidate for certain elected offices, including governor and state legislator, would be equally distributed among all other candidates qualified in the election. **Senate Bill 431, also by Senator Hebert (pending in Senate and Governmental Affairs Committee),** would have done essentially the same via a state constitutional amendment.

**House Bill 296 by Representative Hutter (failed Senate final passage)** would have allowed a public servant to accept a gift from any person when the value of the gift does not exceed \$15, and the aggregate value of all gifts from any one person does not exceed \$45 in a calendar year.

## **CONFLICTS OF INTEREST**

**Senate Bill 126 by Senator Adley (pending in Senate and Governmental Affairs Committee)** would have made the provisions of the ethics code that prohibit or restrict contracts involving the governor, legislators, and the secretary, deputy secretary, undersecretary, and assistant secretary of executive branch agencies also applicable to the spouses and immediate family members of such officials.

## LOBBYING AND LOBBYISTS

**Senate Bill 507 by Senator Jackson (Act 788)** provides for the regulation of and disclosure of expenditures made by those who lobby local governments. Among other requirements, local government lobbyists must electronically register with the ethics board as soon as possible after being employed as a lobbyist or after the first action requiring registration, whichever occurs first, and must report the identity of each elected local government official or spouse of an elected local government official with whom he or his employer or principal has, or has had, a business relationship in the preceding twelve months.

## OTHER MATTERS

**Senate Bill 277 by Senator Martiny (pending in Senate and Governmental Affairs Committee)** would have required every public higher education institution in this state to disclose the amount, terms, restrictions, and requirements attached to or made a part of any gift in excess of \$100,000 made to such institution by a foreign government, foreign legal entity, or foreign person in any fiscal year.

**House Concurrent Resolution 51 by Representative Gallot (pending in Senate and Governmental Affairs Committee)** would have requested the Board of Ethics to work with the Office of Facility Planning and Control to determine the potential costs and feasibility of installing audio-video equipment to the board's meeting room to record, archive, and broadcast board meetings.

# Finance

by: Jay Lueckel  
(225) 342-0647

**House Bill 1 by Representative Fannin (Act 11)**, the General Appropriations Act, provides for the ordinary operating expenses of state government for Fiscal Year 2010-2011. Act 11, contains \$7.1 billion in State General Fund (Direct) spending and the total means of financing amounts to \$23.7 billion exclusive of double counts.

**House Bill 787 by Representative Fannin (Act 633)**, generally provides for the transfer and deposit of monies among certain state funds. Relative to the Budget Stabilization Fund deletes "federal" from the description of sources providing monies for disaster relief that shall not be included in state revenue receipts.

Establishes the La. Filmmakers Grant Fund and provides for the use of monies in the fund. Relative to the Rapid Response Fund and the Mega-Project Development Fund, provides for conditions under which the secretary of the Department of Economic Development may furnish information relative to active negotiations for an economic development project in a legislative district. Further provides for expanding the uses of the Mega-Project Development Fund to include "general purposes".

Requires the Eli Lilly and Company Consent Judgment be deposited into the state general fund after complying with provisions

of law regarding the Bond Security and Redemption Fund, the Medical Assistance Programs Fraud Detection Fund, and the Dept. of Justice Legal Support Fund.

Relative to the Oil Spill Contingency Fund and as authorized by the La. Constitution, lifts the limitation during an emergency or declared disaster. Also removes the \$7,000,000 cap relative to the collections of fees during an emergency or declared disaster and the \$600,000 administrative and personnel expenses caps.

Provides for the transfer of \$74.7 million of Tax Amnesty monies into the Budget Stabilization Fund. Further provides for a variety of transfers of funds into the Coastal Protection and Restoration Fund, the State General Fund, as well as into the Overcollections Fund.

**House Bill 1358 by Representative Fannin (Act 51)**, provides for supplemental appropriations for Fiscal Year 2009-2010, including restoring shortfalls for several agencies as well as making reductions pursuant to mid-year reductions, end of the year spending freezes and executive ordered reductions.

**Senate Bill 1 by Senator Chaisson (Pending in Conference Committee)**, would have provided relative to deposits into and transfers out of the Budget Stabilization Fund.





As the Constitutional amendment left the Senate, would have provided that beginning in Fiscal Year 2013 and in subsequent years that a percentage of all mineral revenues received in each year (after fulfilling other requirements) would be deposited into the Budget Stabilization Fund. Permitted up to 1/3 of the Budget Stabilization Fund, subject to 2/3 approval of each house of the legislature, to be incorporated in the next fiscal year's official forecast if a decrease in federal financial participation in state assistance expenditures for health or social services programs, including Federal Medical Assistance Percentages, creates a projected deficit for the next fiscal year. The difference between the current fiscal year's federal financial participation and the ensuing fiscal year's projected federal financial participation, not to exceed 1/3 of the fund, were to be incorporated into the official forecast.

Would have changed the cap on the fund (from 4% of total state revenue receipts for the previous fiscal year) to provide that in FY 2012-2013 and thereafter, except pursuant to a specific appropriation, no deposit shall be made to the fund if such would cause the fund balance to exceed \$1 billion. Further would have provided that in the fiscal year immediately following the fiscal year in which a specified amount of the fund is incorporated into the official forecast or an appropriation or transfer is made from the fund, no more than 5% of mineral revenues shall be deposited in the fund, except pursuant to a specific appropriation by the legislature to the fund.

House amendments deleted: provisions deleting the mineral revenue base; deleted provisions which would have allowed utilization of monies in the fund in the event

of a decrease in federal financial participation caused a projected deficit; limitation on deposits into the fund for Fiscal Years 2010 through 2012; provisions regarding deposits in the same year in which monies from the fund are incorporated into the official forecast or an appropriation or transfer is made from the fund; and provisions on limitations on the amount of deposits under certain conditions.

House amendments restricted deposits of mineral revenue into the fund in the year in which an amount of the fund is incorporated into the official forecast and restricts the amount of mineral revenues deposited into the fund to no more than one-third of the specified amount of the fund incorporated into the official forecast or appropriated or transferred from the fund for each of the three fiscal years immediately after.

Further provided that the amount of the appropriation or deposit subject to this limitation would not exceed the specified amount, and this limitation shall not otherwise restrict, reduce, or affect any other appropriation or deposit required to be made to the fund in accordance with the official forecast. Further provided that this limitation would only apply to the amount which, if incorporated into the official forecast or appropriated or transferred from the fund, would in the same fiscal year cause, require, or result in a deposit to the fund.

## OTHER ISSUES

**Senate Bill 367 by Senator Michot (Senate Adopted Conference Committee Report)**, would have authorized certain public entities to use of reverse auctions which is defined as a competitive online solicitation

process on the Internet for materials, supplies, services, products, or equipment in which vendors compete against each other online in real time in an open and interactive environment. Would have authorized political subdivisions and state agencies that determine that the use of reverse auction were in the best interest of that entity to use such electronic procurement method. Also would have provided for a report to the legislature on cooperative purchasing.



## Gaming

by: *Michelle Ducharme*  
(225) 342-6162



### CHARITABLE GAMING

**Senate Bill 91** by **Senator Long** (assigned to **Senate Committee on Judiciary B**) was introduced and debated in the Senate Committee on Judiciary B. This bill sought to change the distribution of proceeds collected from electronic bingo machines. The bill proposed to increase the amount that the charitable organization would receive from forty-five percent to fifty percent of the net win. The bill further provided that the charitable organization would then remit five percent of the net win collected to the Louisiana Food Bank Association. The Louisiana Food Bank Association would have been responsible to equally distribute the proceeds to the Food Bank of Central Louisiana, Food Bank of Northeast Louisiana, Food Bank of Northwest Louisiana, Greater Baton Rouge Food Bank, and Second Harvest Food Bank of Greater New Orleans and Acadian.

**Senate Bill 532** by **Senator Marionneaux** (assigned to **Senate Committee on Judiciary B**) would have called for an election to determine whether electronic bingo machines should be allowed to operate in each parish. This election would have been similar to the local elections that took place in each parish during the 1990's to determine which types of gaming would be allowed in each parish.

### **Senate Bill 782** by **Senator Nick Gautreaux** (assigned

to **Senate Committee on Revenue and Fiscal Affairs**) would have created a promotional expense deduction to be subtracted from net gaming proceeds, net slot machine proceeds, and gross revenue. The bill would have set a baseline based on Fiscal Year 2010-2011 for each gaming facility to determine if the gaming facility would be eligible to take the deduction.

### HORSE RACING

**Senate Bill 781** by **Senator Nick Gautreaux** (**Act 675**) provides for venue for judicial review of a final decision or order of the Louisiana State Racing Commission. This bill provides that a proceeding for judicial review of a final decision or order in an adjudication proceeding by the commission may be instituted in a district court in the parish where the matter arose that was subject of the final decision or order.

**Senate Concurrent Resolution 130** by **Senator Nick Gautreaux** (subject to call-senate referral) would have requested the Senate Committee on Commerce, Consumer Protection, and International Affairs and the House Committee on Commerce to study the regulation of the horse racing industry in Louisiana. The resolution would have required that a written report be submitted to the legislature prior to March 1, 2011.

## **HORSEMEN'S BENEVOLENT AND PROTECTIVE ASSOCIATION**

**House Bill 1408 by Speaker Tucker (Act 630)** provides for an annual audit of the Horsemen's Benevolent and Protective Association. It provides that the association shall annually submit, at the association's expense, an audit to the legislative auditor that has been prepared by an auditing firm approved by the legislative auditor. This bill requires that each audit shall be submitted to the legislative auditor within six months of the end of each fiscal year of the association.

## **SLOT FACILITIES**

**Senate Bill 640 by Senator Murray (assigned to Senate Committee on Judiciary B)** would have provided that the prescription concerning games that require, or typically include, the participation of another person, shall not apply to the acquisition and deployment of games, or devices that fit the classification of an electronic gaming device, as determined by the board, at the Fairgrounds. The bill further provided that the devices of this nature acquired by that facility shall in no way expand the number of electronic gaming devices authorized by law for that facility.

## **VIDEO DRAW POKER DEVICES**

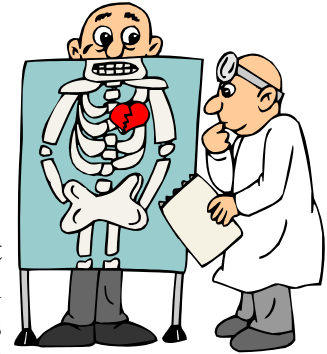
**House Bill 47 by Representative Wooton (Act 908)** authorizes remote deactivation of video draw poker devices operated or owned by an entity refusing to remit the civil penalty imposed. The authority to remotely deactivate the devices shall only apply in instances where no administrative hearing has been timely requested. However, upon payment of the penalty, the devices shall be reactivated.

The bill also adds a provision to the definition "institution investor" to mean any other regulated investor as the board may determine in its sole discretion consistent with the provisions law.

**Senate Bill 719 by Senator Michot (subject to call-Senate final passage)** would have provided that any employee of a licensee holding a video draw poker employee permit or employed as a designated representative, a licensed and insured uniform security guard, or off duty P.O.S.T. certified law enforcement officer performing security detail at a licensed establishment, shall be subject to revocation of their permit, status, or card should the licensee receive a violation for allowing an underage person to play video draw poker devices provided that the employee, representative, officer, or guard is determined to be at fault.

## Health & Hospitals

by: Greg Waddell  
(225) 342-9675



### PHARMACY

Several pieces of legislation this session made changes to the Prescription Monitoring Program. This program requires pharmacists to enter certain information into a database when an individual fills a prescription for a controlled dangerous substance. **House Bill 197 by Representative Mills (Act 144)** adds veterinarians to the definition of "dispenser" within the Prescription Monitoring Program thus mandating that veterinarians who dispense controlled dangerous substances to submit certain information to the Prescription monitoring Program. The legislation further and also adds the president of the La. Veterinary Medical Association to the membership of the advisory council and removes the president of the La. State Board of Examiners of Psychologists.

**House Bill 1095 by Representative Mills (Act 488)** requires that each eligible prescription transaction shall be reported to the Prescription Monitoring Program as soon as possible but not more than seven days after the date of dispensing. The allows agents, dispensers, and prescribers of the Prescription Monitoring Program may report suspected violations of the law to any local, state, or federal enforcement agencies whether in state or out-of-state. The legislation further allows Pharmacy Board can provide prescription monitoring information to public or private entities for public research, policy, or educational purposes only after removing

information that identifies individual patients or persons who received prescriptions from prescribers.

With the recent increase in cases of the H1N1 virus, **House Bill 872 by Representative Mills (Act 287)** allows a pharmacist to administer influenza immunizations to persons age seven and up if immunizations are: performed according to U.S. Centers for Disease Control guidelines; reported to the state registry for immunizations; and recorded by the pharmacist with the record maintained for two years. The legislation requires pharmacists to report all adverse effects observed to the appropriate authority (Vaccine Adverse Events Reporting System - VAERS) and to refer the patient with an adverse event to the influenza immunization for appropriate medical care.

### BLOOD DONATION

In an effort to increase the pool of possible blood donors **Senate Bill 450 by Senator Cheek (Subject To Call - House Final Passage)** and **House Bill 312 by Representative Smiley (Act 145)** allows a minor at least 16 years of age to donate blood with the consent of a parent or legal guardian. Prior law only allowed a person 17 years of age or older to donate blood. The legislation would prohibit a minor from receiving compensation for the donation of their blood.

**BOARDS AND COMMISSIONS**

Several pieces of legislation this session made various changes to several of the board and commissions which regulate various aspects of healthcare. **House Bill 813 by Representative Katz (Act 602)** authorizes the State Board of Medical Examiners to require a license or permit holder or applicant to pay the costs and expenses of board proceedings through a board decision, consent order, or other agreed order and also adds authority to collect additional expenses, such as witness fees and expenses, and the per diem and expenses of the members of the board's hearing panel. This legislation also authorizes the recovery of costs and attorneys' fees in the collection of the costs of board proceedings, fines, and other ancillary costs if they are not paid within the time specified by the board and authorizes any member of the board to sign an affidavit, petition, or other legal process authorized by law, including but not limited to filing a petition for a money judgment for any and all costs and fines payable pursuant to a final decision, consent order, or other agreed order.

**House Bill 963 by Representative Katz (Act 298)** allows the Louisiana State Board of Medical Examiners to establish a volunteer medical license as a category of license which may be issued by the board and allows any licensing fees and costs for the volunteer license to be waived by the board. In addition, the legislation requires that anyone practicing medicine under such a license must do so exclusively on a volunteer (uncompensated) basis.

**House Bill 1271 by Representative St. Germain (Act 329)** increases the membership of the La. Emergency Medical

Services Certification Commission from nine voting members appointed by the governor to 11 voting members appointed by the governor. The two additional members shall consist of one nominated by the La. Municipal Association, who is, at a minimum, a state-certified emergency medical technician-basic, and one nominated by the Professional Firefighters Association of La.

**Senate Bill 451 by Senator Cheek (Act 75)** provides that the Radiologic Technology Board of Examiners may: (1) Issue temporary permits authorizing the practice of radiologic or fusion technology for a designated period of time; (2) Issue permits for specific purposes with restrictions as to the type of radiologic or fusion technology activities that may be performed; (3) Issue permits to radiologic technologists participating in educational and training programs which include the administration of radiologic or fusion technology services to patients. The legislation would further allow the board may issue a temporary permit authorizing the performance of the clinical requirements of the American Registry of Radiologic Technologists (ARRT) Computed Tomography (CT) specialty examination to a licensed nuclear medicine technologist while under the supervision of a licensed radiographer for a term not to exceed one year.

**Senate Bill 545 by Senator Erdey (Act 80)** increases from two to four the number of members of the Clinical Laboratory Personnel Committee which may be domiciled in the same congressional district.

**House Bill 960 by Representative Burford (Act 721)** increases the minimum and maximum amounts of fees that the Board

of Examiners of Nursing Facility Administrators may establish and impose.

### ORGAN DONATION

There were two pieces of legislation which dealt with the issue of organ donation **House Bill 1123 by Representative Gallot (Act 937)** enacted the Uniform Anatomical Gift Act. Louisiana had adopted the uniform act in 1968 and this legislation adopted the 2007 version of the uniform act. This placed Louisiana in conformity with forty other states with the enactment of the latest version of the uniform anatomical gift act.

**Senate Bill 453 by Senator Cheek (Act 885)** removes a provision of law in Title 32 of the Motor Vehicle Law which provided that in any and all cases of death, when organs are to be used in a transplant, it is not mandatory that an additional physician, not a member of the transplant team, make the pronouncement of death. This provision created a degree of confusion among healthcare providers and hospitals which perform transplants as to whether a single doctor as provided for in this provision or two doctors as provided for in Title 9 of Revised Statutes was required to make the pronouncement of death. This legislation removes the provision and therefore the existing provision which requires two doctors would remain and remove any confusion among providers.

### NURSING

Two pieces of legislation dealt with the nursing profession. **House Bill 343 by Representative Willmott (Act 246)** adds authority for registered nurses to administer anesthetic agents through perineural catheters using the same guidelines included in

accordance with an order of an authorized prescriber in accordance with guidelines provided for in current law.

**Senate Bill 591 by Senator McPherson (Act 553)** makes changes to the requirements of an applicant to be licensed as a practical nurse. Prior law provided that an applicant shall be a citizen of the United States or have taken out his first citizenship papers. This legislation would remove the requirement of an applicant having taken out his first citizenship papers and expands the requirement to allow an applicant who is a permanent resident of the United States.

### SAFE HAVEN LAW

**House Bill 504 by Representative Willmott (Act 471)** specifies the duties of designated emergency care facilities (safe haven relinquishment sites) with regard to instructing facility employees on provisions of the state's safe haven law. Existing law provides for certain duties and responsibilities of designated emergency care facilities (safe haven relinquishment sites) and of the Department of Social Services, relative to safe haven infant relinquishments. This legislation requires designated emergency care facilities (safe haven relinquishment sites) to provide periodic instruction to employees on infant relinquishment procedures requires the Department of Social Services to make safe haven training materials available for download on its website, and to provide notice to the public of the existence of designated emergency care facilities and the use of safe havens through the website and through the establishment of a toll-free telephone number.

### NURSING HOMES

Two pieces of legislation made

changes to the Nursing Home Reimbursement Methodology. The first piece of legislation, **House Bill 766 by Representative Tucker (Act 150)**, changes the level of payment for direct care costs which was set at a level no less than 110% of the median of direct care costs for all facilities and limited the minimum occupancy penalty to no more than 70% of the licensed bed capacity. This legislation increases the payment for direct care costs to 112.4% of the median of direct care costs for all facilities and limits the minimum occupancy penalty to no more than 85% of the licensed bed capacity.

The second piece of legislation, **Senate Bill 563 by Senator Cheek (Act 891)**, requires that the state portion of the amounts collected by DHH pertaining to the difference between the direct care spending floor and the actual amounts expended by the nursing homes on direct care and care related costs, as determined by DHH, shall be deposited into the Medicaid Trust Fund for the Elderly.

**Senate Bill 216 by Senator Mount (Act 128)** provides for changes to the Nursing Home Bill of Rights. This legislation places Louisiana's Nursing Home Bill of Rights into conformity with the Federal Nursing Home Bill of Rights.

#### DEPARTMENT OF HEALTH AND HOSPITALS

**House Bill 865 by Representative Burford (Act 286)** provides that active duty members of the military and their immediate family who have qualified for and received disability waiver benefits and who have been temporarily moved out of state on assignment by the military shall be eligible to receive the next available slot for waiver services from

the Department of Health and Hospitals upon the resumption of their residence in Louisiana after such assignment. The legislation provides criteria which must be satisfied in order to qualify for the next available slot for waiver services, which are the following: (1) The person must be an active duty member of the armed services, a spouse of a member of the armed services, a child of a member, or someone over whom the member of the armed services has guardianship; and (2) The member of the armed services must have resumed his residence in La. once the assignment is complete.

**Senate Bill 235 by Senator Heitmeier (Act 434)** authorizes the Department of Health and Hospitals to develop mechanisms to support the continued operation of state-funded health care programs, specifically Medicaid, through the utilization of physician upper payment limit reimbursement methodologies. This legislation provides that the methodology utilized shall be designed to continue access and delivery of healthcare services to the poor and participation in the utilization of physician upper payment limit reimbursement methodologies shall be limited to only those hospitals which certify public expenditures to the state of Louisiana.

**Senate Bill 253 by Senator Dorsey (Act 130)** requires the secretary of the Department of Health and Hospitals to distribute and make available information that will provide citizens of this state with information concerning the various health care facilities and providers available to provide non-emergent care. The Act requires that the information shall be community-specific and distributed in each community in such a



manner that the information will be available to the largest number of citizens.

**House Bill 1185 by Representative Nowlin (Act 305)** is aimed at reducing the costs of home and community based services. The Medicaid program currently spends in excess of seven hundred eighteen million dollars annually on a variety of home- and community-based programs to address the long-term care needs of our citizens who are elderly or have severely disabling conditions. These expenditures constitute in excess of sixteen percent of all Medicaid costs for health care services delivered by private providers. The expenditures for Medicaid home- and community-based long-term care supports and services accounts for fifteen percent of the total growth of Medicaid spending in the past five years. In an effort to better control the costs of home and community based services and help insure that the state is spending on these services in the most efficient manner possible, the legislation requires DHH to adopt rules and regulations in accordance with the APA by October 1, 2010, with regards to the following:

- (1) Taking actions necessary to complete implementation of the resource allocation models for the New Opportunities Waiver, the Elderly and Disabled Adults Waiver, and the Long-Term Personal Care Services program by July 1, 2012.
- (2) Developing an objective formula to determine the staff needed to appropriately regulate and monitor the various home- and community-based programs to control fraud and abuse, to ensure program regulations are

adhered to and services are delivered in a quality manner, and to report the department's findings.

- (3) Changing the policy on the allocation of waiver slots so that the office for citizens with developmental disabilities and the office of aging and adult services may allocate all Centers for Medicare and Medicaid Services-approved waivers, such as Children's Choice, Supports, Residential Options and Adult Day Health Care, based upon individual need and cost-effectiveness, as long as individual needs are met with the alternative waivers.
- (4) Developing and implementing a budget neutral pilot program in selected areas of the state for an integrated, coordinated, prepaid delivery model for long-term care services for the elderly and people with adult-onset disabilities.
- (5) Submitting quarterly reports, the first report being submitted no later than October 1, 2010, to the House and Senate committees on health and welfare and the Joint Legislative Committee on the Budget. Each report shall include the number of recipients served in the Long-Term Personal Care Services program, the Elderly and Disabled Adults Waiver program, and the New Opportunities Waiver program, and the average annual cost per recipient served in each program along with other certain information.

**House Bill 1443 by Representative Edwards (Vetoed) and Senate Concurrent Resolution 75 by Senator Marionneaux (Pending House Final Passage)** both attempted to establish requirements for the issuance of an RFP and contracts which proposed to privatize certain services and institutions of the Department of Health and Hospitals. The legislation would have required legislative approval of both the issuance of an RFP to privatize services and for the approval of the award of any contracts which are issued pursuant to the RFP.

#### **ABORTION**

**House Bill 1370 by Representative Mills (Act 490)** allows DHH to deny a license, refuse to renew a license, or revoke an existing license, if an investigation or survey determines that the applicant or licensee is in violation of any provision of this Part, in violation of the licensing rules promulgated by the department, or in violation of any other federal or state law or regulation. The legislation further allows DHH to issue an immediate suspension of a license if an investigation or survey determines that the applicant or licensee is in violation of any provision of this law or the rules promulgated by the department and the secretary determines that the violation or violations pose an imminent or immediate threat to the health, welfare, or safety of a client or patient. The legislation provides for the applicable notice requirements and for due process for those facilities whose licenses are revoked pursuant to the legislation.

Additionally, the legislation provides that if a license is revoked or renewal of a license is denied other than for cessation of business or non-operational status, or if the

license is surrendered in lieu of an adverse action, any owner, officer, member, manager, director, or administrator of the licensee may be prohibited from owning, managing, directing, or operating another outpatient abortion clinic in the state of Louisiana.

**Senate Bill 528 by Senator Broome (Act 888)** requires that an ultrasound be performed within two hours prior to an abortion. The legislation requires the physician who is to perform the abortion, the referring physician, or a qualified person working in conjunction with either physician shall comply with all of the following requirements:

- (1) Perform an obstetric ultrasound on the pregnant woman and offer to simultaneously display the screen which depicts the active ultrasound images so that the pregnant woman may view them.
- (2) Offer to provide a simultaneous explanation of what the ultrasound is depicting, which shall include the presence and location of the unborn child within the uterus and the number of unborn children depicted, the dimensions of the unborn child, and the presence of external members and internal organs, if present and viewable.
- (3) Offer to provide the pregnant woman with a sealed envelope clearly marked "ultrasound print" that contains an ultrasound photograph or print of her unborn child of a quality consistent with current standard medical practice that accurately portrays, to the extent

feasible, the body of the unborn child including external members, if present and viewable.

- (4) Orally read a statement to the pregnant woman in the examination room prior to beginning the ultrasound examination which details the options available to her regarding the ultrasound.

If the physician determines that a medical emergency exists with respect to a pregnant woman, the provider shall certify in writing the specific medical conditions that constitute the emergency. The certification shall be placed in the medical file of the woman and shall be kept by the abortion provider for a period of not less than seven years. If the woman is a minor, then the certification shall be placed in the medical file of the minor and kept for at least seven years or for five years after the minor reaches the age of majority, whichever is greater. The woman's medical files shall be kept confidential as provided by law.

### **EMERGENCY MEDICINE**

**House Bill 985 by Representative White (Act 934)** requires the Louisiana Emergency Response Network (LERN) to establish a statewide trauma registry and to promulgate rules to identify specific data elements for submission and establish a process for analysis and reporting of registry data. In addition, the legislation authorizes the LERN board to work with the department to develop stroke and ST segment elevation myocardial infarction (STEMI) systems that are designed to promote rapid identification and access to STEMI resources statewide. The

legislation also expands the Louisiana Emergency Response Network Board from 24 members to 27 members.

**House Bill 1030 by Representative St. Germain (Act 935)** provides for certain public employees and volunteers who render emergency medical services. Under prior law DHH could not set the fee for certification of an emergency medical technician-basic to exceed \$15 and recertification not to exceed \$10 for any individual who is an employee of a municipal law enforcement agency, fire service, or fire protection district who does not perform emergency medical services outside of the individual's official governmental responsibilities for any form of compensation. This legislation adds any person employed by or a volunteer of the state or another public entity, a municipal fire department, a fire protection district, or a volunteer fire department to the list of persons for whom the fee is capped at \$15.

The legislation further exempts certain employees and volunteers of the state or another public entity, a municipal fire department, a fire protection district, or a volunteer fire department from the authority of the commission to conduct disciplinary hearings, request investigations, and initiate prosecution, except when the hearings, investigations, or prosecutions pertain to scope of practice or patient care issues.

### **HEALTH CARE PROVIDERS**

**Senate Bill 214 by Senator Mount (Act 66)** allows dental hygienists licensed by the board and who have obtained a permit for the administration of nitrous oxide inhalation analgesia to administer nitrous oxide analgesia.

**House Bill 987 by Representative G. Smith (Act 614)** requires that any person conducting or operating a clinical laboratory or medical facility shall report test results to the patient who is the subject of the test upon the request of the patient. The Act further provides that when a clinical laboratory or medical facility provides test results to a patient it shall also provide the results to the health care provider ordering the test.

**House Bill 1120 by Representative Johnson (Act 303)** extends the statutory moratorium on licensure of additional methadone maintenance programs but exempts programs located in regions VIII and IX of DHH. The legislation further creates a task force which shall conduct a statewide assessment of needs for services of methadone maintenance programs and report findings to the joint committees on health and welfare by March 15, 2011.

**Senate Bill 590 by Senator McPherson (Act 139)** changes the supervision requirements which are required to be met by a physical therapist while supervising a physical therapist assistant. Prior to the legislation, supervision requirements were determined by the Physical Therapy Board through the rulemaking process. This legislation standardized the supervision requirements by placing those requirements in statutory law. The supervision requirements of a licensed physical therapist assistant shall only be the following:

- (1) It is the responsibility of each licensed physical therapist to determine the number of licensed physical therapist assistants he can supervise safely,

however, in no case shall the number of individuals supervised by a physical therapist exceed five individuals, nor exceed the certain limitations specified in the legislation.

- (2) A supervising licensed physical therapist is responsible for and will participate in the patient's care.
- (3) A licensed supervising physical therapist must be on call and readily available when physical therapy services are being provided.
- (4) A physical therapist assistant's duties shall not include interpretation or implementation of referrals or prescriptions, performance of evaluations, or the determination or major modification of treatment programs.
- (5) A licensed supervising physical therapist shall hold documented conferences with the physical therapist assistant regarding the patient. The physical therapist is responsible for determining the frequency of the conferences consistent with accepted standards of practice, however, such conferences shall not be for a frequency longer than every sixth treatment day or not more than thirty days.

**Senate Bill 794 by Senator Mount (Act 905)** requires a provider of proton beam radiotherapy services to register the proton beam radiotherapy equipment with DHH prior to the operation of the equipment. The legislation provides that if a proton beam radiotherapy facility is operating without prior registration with DHH, then DHH shall have the authority to issue an immediate cease and desist order to that facility. Any such facility

or provider receiving such a cease and desist order from DHH shall immediately cease operations until such time as that provider is properly registered with DHH. The legislation places an immediate moratorium on all registrations of proton beam radiotherapy equipment by DHH except for the registration of facilities meeting any of the following criteria:

- (1) A major Louisiana cancer center which functions as the primary sponsoring institution for any of the following accredited graduate medical education programs related to oncology including radiation oncology, medical oncology, hematology/oncology, and maintains an accredited Institutional Review Board for research.
- (2) A National Cancer Institute designated Comprehensive Cancer Center.
- (3) A Louisiana non-profit corporation organized and formed to undertake, promote, develop, support, and carry on the treatment of patients with cancer through charitable, scientific, and educational activities which meets certain criteria.
- (4) Any facility who has executed a contract, secured by a deposit, for proton radiotherapy equipment prior to January 1, 2010.
- (5) A state operated hospital located in a city in which a state operated medical school is located.

The legislation terminated and will cease to be effective ten years from the date of issuance of the first registration issued by DHH.

**House Bill 1473 by Representative Abramson (Act 491)** provides authority for ambulatory surgical centers to enter into use contracts with providers who are not employed by the ambulatory surgical center. The legislation defines as "use agreement" as a written agreement between a licensed ambulatory surgical center and an individual or entity under which the ambulatory surgical center allows the individual or entity to use its facility, or a portion thereof, on a part-time basis to provide the services of an ambulatory surgical center. A use agreement entered into pursuant to this legislation is require to comply with all applicable federal laws and regulations.

#### **HIV/AIDS**

**House Bill 153 by Representative LaFonta (Act 143)** extends the termination date of the La. Commission on HIV, AIDS, and Hepatitis C from Sept. 1, 2010, to Sept. 1, 2014.

**Senate Bill 239 by Senator Broome (Act 129)** expands the purposes for which results of HIV tests may be released to DHH. Prior law provided that the tests could only be submitted to DHH for the purpose of statistical summary and analysis. This legislation would allow the results of an HIV test to be submitted to DHH for the purpose of controlling the spread of communicable diseases as authorized by Title 36 and Title 40 of the Louisiana Revised Statutes and by the Louisiana State Sanitary Code.

#### **RURAL HOSPITALS**

**Senate Bill 401 by Senator Thompson (Act 883)** provides that the DHH shall develop and implement, by emergency rule, a payment methodology which optimizes

Medicaid inpatient and outpatient payments to rural hospitals. Payments shall be developed utilizing available Medicare upper payment limits for inpatient and outpatient services in accordance with state and federal law. Calculated payments shall be distributed to qualifying rural hospitals no less than quarterly, or as authorized by federal law. The legislation further provides that after federal funds are optimized, the remaining appropriated funds for rural hospitals may be utilized to develop a state-only funded program to provide direct funds to qualifying rural hospitals to support access to services that would not be available otherwise. In the event the amount appropriated for such state-only funded program is insufficient in any state fiscal year to meet the total payments required by all rural hospitals to recover payment reductions, the payments to qualifying rural hospitals under this state-only funded program may be reduced proportionately.

**House Bill 1450 by Representative Ellington (Pending Conference Committee)** would have required DHH to administer a grant program to be available to rural and community hospitals as defined by the legislation. Grants shall be made each year from monies appropriated for such purpose to provide funding for capital and other improvements for rural hospitals which have applied for a grant for that fiscal year. The total amount of grants awarded in a year shall not exceed the appropriation, and the amount available for each grant shall be contingent upon the total available funding and the number of grant applicants. The grant program shall prioritize capital initiatives which sustain access to services, enhance health care programs, or create opportunities

for rural and community hospitals to develop revenue-producing programs that help reduce the reliance of rural and community hospitals on state funds. The secretary of DHH would have been required to design and provide for an application procedure and all necessary forms and documentation and shall meet certain minimum criteria as specified in the legislation.

#### **END OF LIFE CARE**

**House Bill 1485 by Representative Mills (Act 954)** establishes the La. Physician Order for Scope of Treatment (LaPOST) program. This document allows a person to convert his wishes concerning life-sustaining medical treatment into a standing medical order. The legislation provides for specific requirements in order to execute the form and provides for responsibilities of physicians, health care providers, certified emergency technicians, and certified first responders regarding LaPOST.

## Homeland Security

by: Heyward Jeffers  
(225) 342-2064

### HOMELAND SECURITY

**House Bill 870** by **Representative Geymann (Act 151)** recognizes that the proposed federal PASS ID Act will allow states to opt out of the new, controversial federal law and directs the Department of Public Safety and Corrections, including the office of motor vehicles, not to implement the provisions of the PASS ID Act and to report to the governor any attempt by agencies or agents of the U.S. Department of Homeland Security to secure the implementation of the PASS ID Act or any future Act of Congress containing provisions substantially similar, through the operations of the division and department. This all comes as a result of the vast majority of the various states to reject the initial federal identification program known as REAL ID. The PASS ID Act was a compromise attempt by the federal government to establish a national identification card, and it, too, appears to be unacceptable to most states because of lack of federal funding support.

**House Bill 985** by **Representative White (Act 934)** establishes the Louisiana Emergency Response Network as the lead agency to govern, develop, and manage a comprehensive, statewide trauma system that would address traumatic and time-sensitive illness. LERN, under the provisions of the bill, shall establish a statewide trauma registry and promulgate rules to identify specific date



elements for submission and establish a process for analysis and reporting of registry data. LERN will provide the financial support to operate the registry through the LERN fund. The new fund created shall acquire monies through various grants, state funds and federal funds. For a hospital to qualify for trauma center status, it must meet national guidelines and be subject to verification by the American College of Surgeons in Hospital and Pre-Hospital Resources for Optimal Care of the Injured Patient. Hospitals must receive a state-issued trauma certification in order to claim trauma center status. The LERN governing board would add four new members, one cardiologist from the Louisiana Ambulance Association Chapter of the American College of Cardiology, one physician from the American Stroke Association, one registered, critical care or emergency nurse from the State Board of Nursing, one medical director from the Association of EMS Physicians, and one optometrist from the Optometry Association of Louisiana. Patient and peer review information submitted to the registry or the board shall be exempt from the provisions of law relative to public records. The bill awaited action by the governor as the 2010 Regular Session ended.

**House Bill 1214** by **Representative White (Act 1035)** enacts the Intrastate Mutual

Aid Compact, which provides for a system of mutual aid agreements between parishes in the state for the prevention of, response to, and recovery from, any emergency disaster, in participating parishes. Present provisions of immunity for personnel responding to requests for assistance would continue under the compact. The proposal would establish an Intrastate Mutual Aid Subcommittee, eligible for travel expenses approve by the chairman of the subcommittee. The subcommittee would review statewide mutual aid and track and evaluate operation of the system, and submit a report on its activities to the governor and the Joint House and Senate Select Committees on Homeland Security. Any request for assistance through the compact would be in writing and be made by way of the office of emergency preparedness and directed to the respected office of emergency preparedness of the responding parish, and reported to the Governor's Office of Homeland Security and Emergency Preparedness. GOHSEP would be responsible for developing guidance and procedures for the implementation of the compact in accordance with the Administrative Procedure Act. Personnel authorized to respond to an event under this law, would remain entitled to all applicable benefits available through their employment even though they may be under the direction and control of a different parish or other entity.

**Senate Bill 520 by Senator Walsworth (subject to call - Senate concurrence)** started out as a modest proposal to change the number of times the Unified Command Group issued a status report to the governor from semi-annual to annual. However, the bill was substantially amended by the House to require post-disaster

mitigation, prevention, recovery, and cleanup directed or coordinated under the auspices of the Governor's Office of Homeland Security and Emergency Preparedness to be considered part of the homeland security and state emergency operations plan, subjecting such activity to all other protection and immunities afforded by the Louisiana Homeland Security and Emergency Assistance and Disaster Act. It also provides that in the event the governor designates one or more trustees pursuant to the federal Oil Pollution Act of 1990, post-disaster mitigation, prevention, recovery, and cleanup directed or coordinated at the direction of a trustee shall also be subject to the protections and immunities afforded by the Louisiana Homeland Security and Emergency Assistance and Disaster Act. Only willful misconduct can cause liability for death or injury to persons or damage to property as a result of such activity. The bill would not limit any individual or governmental claim against any responsible party, including such party designated under the Oil Pollution Act of 1990. The full Senate returned the bill to the calender in the final days of the session without voting to concur or reject the numerous House amendments and the bill died when the Legislature adjourned Sine Die.





## Human Resources

by: Michael Anne Percy  
(225) 342-2384

### House Bill 1027 by Representative

**Smiley (assigned to House Labor and Industrial Relations) or Senate Bill 67 by Senator Martiny (assigned to Senate Labor and Industrial Relations),** would have required all employers in Louisiana to register with "E-Verify," the electronic verification of work authorization program operated by the U.S. Department of Homeland Security. The bills would have applied to any government or private employer in Louisiana.

**Senate Bill 249 by Senator Dorsey (assigned to Senate Labor and Industrial Relations), House Bill 832 by Representative Richmond (assigned to House Labor and Industrial Relations), and House Bill 673 by Representative Norton (assigned to House Labor and Industrial Relations),** all of which would have provided for the creation of the Louisiana Equal Pay for Women Act. All of the proposed bills would affirm that paying unequal wages based on sex unjustly discriminates against the person receiving the lower rate of pay and is against public policy. SB 249 and HB 673 defined an "employer" as a company that employs four or more employees, while HB 832 defined an employer as a company that employs 20 or more employees.

**House Bill 1079 by Representative Ponti (assigned to Senate Labor and Industrial Relations),** which would have

amended Louisiana's final paycheck law relative to bonuses. The bill originally proposed that if a dispute over a bonus payment occurred after separation from employment, an employee would have to file a written complaint with the employer. If the complaint was not resolved in a reasonable period of time, the employee could then take the complaint to the Louisiana Workforce Commission. If the complaint was not resolved by the commission, the employee could then file a civil suit seeking the bonus plus reasonable attorneys' fees, court costs, and judicial interest. The amendments to the bill added a requirement that the employee first file a detailed written complaint with the employer. Further, the amended bill removed the requirement that an employee take the complaint to the Louisiana Workforce Commission before filing suit and now states that if the complaint is not resolved within 90 days after being presented to the employer, the employee could then file suit in district court. Finally, the amended proposal states that there shall be no interruption to the one-year prescriptive period for filing a court action resulting from an employee's giving or failing to give notice of a complaint or during the employer's investigation and attempt to resolve the complaint.

**House Bill 817 by Representative Williams (assigned to House Labor and Industrial Relations) or Senate Bill 529 by Senator Broome (assigned to Senate Labor and Industrial Relations),** both of which

relate to the use of credit reports in making employment decisions. HB 817 would have prohibited the use of an applicant's or employee's credit history or credit report to make employment decisions unless the information directly relates to a bona fide occupational qualification reasonably necessary to the normal operation of the business. SB 529 is similar, but would not have applied to banks or credit unions, employers that are required by law to use individual credit history for employment purposes, or public safety officers.

**Senate Bill 44 by Senator Murray (assigned to Senate Labor and Industrial Relations)**, would have prohibited any conspiracy to violate Louisiana's employment discrimination law. The proposed law also would have prohibited a person from aiding, abetting, inciting, or compelling another person to engage in any acts or practices declared unlawful by the Louisiana employment discrimination law.

**Senate Bill 194 by Senator Duplessis (Act 164)**, adds a provision to Louisiana's noncompete law affirming that "every contract or agreement, or provision thereof, which meets the exceptions as provided in this Section, shall be enforceable."

**House Bill 1098 by Representative Henry (assigned to House Labor and Industrial Relations) and Senate Bill 459 by Senator Martiny (assigned to Senate Labor and Industrial Relations)** would have required that workers' comp benefits for professional athletes be reduced or offset on a dollar-for-dollar basis by payments of any type from wages or benefits, collective bargaining agreements, contracts of hire of any type,

severance pay, injured reserve pay, termination pay, grievance or settlement pay, workers' comp benefits of any type from any other state, or any payments made to the athlete by the employer pursuant to any contract or agreement. The bills would not have reduced the workers' comp benefits available to athletes, but would have avoided duplicate or cumulative payments for the same injury.

**House Bill 1097 by Representative Henry (Subject to Call - House Final Passage) and Senate Bill 352 by Senator Martiny (assigned to Senate Labor and Industrial Relations)** both originally provided for workers' comp reciprocity in other states for professional athletes. As originally drafted, the bills were intended to address the situation in which an in-state professional athlete sustained a work-related injury out of state and proposed that the athlete pursue workers' comp benefits according to the laws of Louisiana in that situation. The original bills also would have provided that the employer of a professional athlete hired outside Louisiana be exempt from the provisions of the Louisiana workers' comp law if the employer has furnished workers' comp coverage under the law of the other state and if reciprocity is provided for Louisiana professional athletes in the other state. HB 1097 was expanded in committee to apply to all employers in the state, not just employers of professional athletes. The House Committee on Labor and Industrial Relations, approved the bill, which would prohibit professional athletes from filing workers' comp claims in other states that may award benefits inconsistent with Louisiana law but require the Louisiana employer pick up the tab.

**House Bill 1076 by Representative Henry (assigned to House Labor and Industrial Relations) and Senate Bill 17 by Senator Murray (assigned to Senate Labor and Industrial Relations)**, relates to the definition of a professional athlete's weekly wages when the athlete sustains a compensable work-related injury. HB 1076 proposes that if the professional athlete signs a contract for hire and is on the official club roster and is injured during the regular season, then his annual weekly wage should be determined by the contract in force at the time. Further, if the athlete signs a contract for hire, is not on the official club roster during the regular season, and is injured during the off-season or preseason, then his weekly wage should be calculated based on the actual off-season or preseason wages he is earning at the time of the injury. SB 17 proposes that if an athlete signs an annual contract for hire, his average weekly wage should be determined by the annual contract agreement in force at the time of the injury divided by 52. That figure would be considered the athlete's weekly wage for purposes of workers' comp and would apply regardless of the time of the injury or the athlete's status on the active roster.

**House Bill 669 by Representative Dixon (assigned to House Labor and Industrial Relations)** proposes that "case manager" shall not be interpreted to include private investigators. The proposed law also provides that it is the responsibility of a physician to determine the physical capabilities of the injured worker and the responsibility of a vocational rehabilitation counselor to determine whether a particular job is appropriate for the injured worker. Current law provides that a health care

provider, without the necessity of a subpoena or other discovery device, shall verbally discuss an injured employee's medical information only with another health care provider examining the employee, a case manager, or a vocational rehabilitation counselor assigned to provide rehabilitation for the worker.

**Senate Bill 372 by Senator Amedee (assigned to Senate Labor and Industrial Relations)**, proposes that the provisions of Louisiana workers' comp law shall apply to every person who is a legal resident of the United States.

**Senate Bill 452 by Senator Cheek (withdrawn from the files of the Senate)**, proposes to allow an authorized agency to obtain conviction records on behalf of an employer if a job applicant has signed a consent form authorizing the employer to obtain those records. An "authorized agency" means a private entity hired by the employer and authorized by the Office of the State Police to conduct criminal history checks.

**Senate Bill 481 by Senator Riser (assigned to Senate Labor and Industrial Relations)**, would have defined bonus payments to employees and provides for the resolution of disputed bonus payments after an employee separates from employment.

**House Bill 873 by Representative Smith (Act 288)**, raises the penalties for employers who fail to carry workers compensation insurance. Also provides that all funds collected to be deposited in the Workers' Compensation Administrative Fund.

## Information Technology

by: Gary Schaefer  
(225) 342-1001



### ADMINISTRATION

**House Bill 1267 by Representative Brossett (Act 310)** requires the commissioner of administration to disclose the following information concerning state contracts via the Internet: the contract amount, description of the purpose of the contract, the beginning and ending dates, the contracting agency, the name, city and state of the contractor.

### ATTORNEYS

**Senate Bill 731 by Senator Chaisson (Senate Adopted Conference Report)** would have provided relative to contractual legal services that represented the state or a state agency and would have required all payment of contingency fees be available for public inspection on the attorney general's website within fifteen days of payment and remain on the attorney general's website for three years after the contract was terminated.

### BESE

**Senate Bill 298 by Senator Donahue (Pending House Final Passage Subject to Call)** would have requested the Board of Elementary and Secondary Education to broadcast its meetings over the Internet and to archive such broadcasts for three years.

**Senate Resolution 19 by Senator Thompson (Enrolled)** requests the Board of Elementary and Secondary Education to require public school governing authorities to provide instruction on safe and appropriate Internet use and develop a model Acceptable

Use Policy for use by the public schools.

**House Bill 403 by Representative Pearson (Act 697)** requires the Board of Elementary and Secondary Education to broadcast on the Internet the audio and video of all board and committee meetings conducted in Baton Rouge and to archive the audio and video of such meetings for at least one year. The audio and video records created shall not be construed in a manner to be the official record, or any part of the official record, of the proceedings of a meeting of the board or any of its committees. If the board is precluded from fulfilling this requirement due to a technical problem beyond its control, or when the only meeting room available lacks the equipment necessary to facilitate Internet broadcast, the failure to broadcast or record the proceedings of a meeting of the board or any of its committees shall not be construed to be a violation.

### BOARDS AND COMMISSIONS

**House Bill 302 by Representative Smiley (Act 814)** requires that certain additional board and commissions information (e.g., per diem, reimbursement for travel expenses per meeting, aggregate amount paid per fiscal year) be posted on a website maintained by the commissioner of administration. The bill further requires the legislative auditor to work with the commissioner of administration in ensuring compliance.

## CONGRESS

**Senate Resolution 117 by Senator Thompson (Enrolled)** memorializes the president, congress, and the Federal Communications Commission to refrain from regulating Internet broadband services as common carrier services under Title II of the Communications Act of 1934.

## CAMPAIGN FINANCE

**Senate Bill 92 by Senator Murray (Act 766)** provides for hard copy filing of campaign finance reports if the computerized data management system is inoperable three days prior to and including the due date of the filing. The bill further requires if a person or committee required to file a report electronically through the Board of Ethics Computerized Data Management System is unable to do so because of a technical problem beyond the person's or committee's control, the person or committee shall file the report by the date the report is due via other means. The person or committee shall file with such report a certification detailing the technical problem that prevented the person or committee from electronically filing the report through the Board of Ethics Computerized Data Management System. The person or committee shall file the report electronically through the Board of Ethics Computerized Data Management System no later than five days after the date the report was originally due.

**Senate Bill 722 by Senator Appel (Act 804)** requires that campaign finance disclosure reports be searchable by name of the contributor in the Board of Ethics Computerized Data Management System. The bill further requires that the system provide a person viewing campaign finance

reports filed electronically by a candidate with a link to all reports filed by the candidate in which the candidate is listed.

**Senate Bill 791 by Senator Adley (Act 904)** requires that the supervisory committee on Campaign Finance Disclosure shall post on its website the name of each person or entity for which a prosecution has been instituted or the investigation has been otherwise concluded.

## CHILDREN/NEWBORNS

**House Bill 504 by Representative Willmott (Act 471)** requires instruction of safe haven infant relinquishments for certain individuals, and for safe haven training and public information requirements to be posted on the website of the Department of Social Services.

## CIVIL SERVICE

**House Bill 1001 by Representative Barrow (Pending House Municipal, Parochial & Cultural Affairs Committee)** would have required municipal fire and police civil service systems to offer computer-based tests.

## COMMERCIAL REGULATIONS

**Senate Bill 415 by Senator Michot (Act 74)** provides that developing or manufacturing computer software products, or developing or supplying services, while knowingly using stolen or misappropriated computer software and selling or offering for sale such computer software is a deceptive or unfair trade practice or act.

## COMMITTEE STUDIES

**Senate Concurrent Resolution 133 by Senator Marionneaux (Pending House Final Passage)** would have urged and requested the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means to function as a joint committee to study whether to require financial institutions doing business in the state to participate in an electronic information matching program with the Department of Revenue for the purpose of collecting delinquent state tax debt.

## CONSUMER PROTECTION

**Senate Bill 228 by Senator Duplessis (Act 998)** allows for a consumer to request a security freeze on his credit report by standard mail, a telephone call, or by use of a secure website.

## CONTRACTS

**House Bill 699 by Representative Geymann (Act 1021)** provides for the review and audit process for performance-based energy efficiency contracts and requires the legislative auditor to post the schedule for audits on its website no later than February first of each year.

## CORONERS

**Senate Bill 803 by Senator Donahue (Act 907)** creates a Coroner's Strategic Initiative for Health Information and Intervention Program in the Office of the Coroner that is accessible by telephone or Internet to provide twenty-four hour support for persons suffering from a mental health or substance abuse condition or disorder by providing educational and outreach materials about the resources for mental health patients, which are available in the community,

including the location, transportation, and methods of accessing the resources.

## CORRECTIONS

**House Concurrent Resolution 172 by Representative Burrell (Enrolled)** requests the Reentry Advisory Council with the Department of Public Safety and Corrections to evaluate the feasibility of creating a central statewide computer system that allows the exchange of data between state agencies for the purpose of coordinating reentry services.

## COURTS

**Senate Bill 807 by Senator Hebert (Act 680)** requires the Sixteenth Judicial District Court to post on its website or portal its proposed budget, adopted budget, and amended budget at the time it is amended.

## CRIME

**House Bill 1259 by Representative Burrell (Act 989)** creates the crime of cyberbullying for persons under the age of eighteen. An offense is committed where the communication was originally sent, originally received, or originally viewed by any person.

**House Bill 1357 by Representative Baldone (Act 993)** prohibits the possession or transmission of indecent visual depictions or sexually explicit conduct by persons under the age of seventeen who knowingly and voluntarily use a computer or telecommunication device to transmit an indecent visual depiction to another person, and provides penalties that include fines and imprisonment.

**CRIME/SEX OFFENSES**

**House Bill 193 by Representative Lopinto (Act 514)** authorizes certain law enforcement agencies to issue an administrative subpoena to obtain information regarding an Internet account used in the commission of a sex offense or in the exploitation of children.

**House Bill 291 by Representative Wooton (Act 517)** provides for increased penalties for the computer-aided solicitation of a minor, which results in actual sexual conduct between the victim and the offender. Penalties include fines and imprisonment at hard labor.

**House Bill 290 by Representative Talbot (Act 516)** defines pornography involving juveniles as any photograph, videotape, file, or other reproduction, whether electronic or otherwise, of any sexual performance involving a child under the age of seventeen. The bill defines interactive computer service as any information service system, or access software provider that provides or enables computer access by multiple users to a computer server, including a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions. Penalties include fines and imprisonment with or without hard labor without benefit of parole, probation, or suspension of sentence.

**CRIMINAL PROCEDURE**

**Senate Bill 574 by Senator Claitor (Involuntarily Deferred House Administration & Criminal Justice Committee)** would have authorized expungement of certain traffic offenses if a person had his conviction set aside and

dismissed and would have ordered all agencies and law enforcement offices having any record of the arrest, whether on microfilm, computer card or tape, or any other photographic, electronic, or mechanical method of storing data, to destroy any record of arrest, photograph, fingerprint, or any other information of any and all kinds or descriptions. The court would have ordered such custodians of records to file a sworn affidavit to the effect that the records had been destroyed and that no notations or references had been retained.

**DRUGS/PRESCRIPTION**

**House Bill 1119 by Representative Lebas (Withdrawn)** would have required that the Department of Health and Hospitals make the participant facility registry available on the website for access by any donor wishing to donate cancer drugs or supplies to the Cancer Drug Donation Program. The bill would have further required that the website contain links to cancer drug manufacturers that offered assistance programs or free medication.

**ECONOMIC DEVELOPMENT**

**House Bill 965 by Representative Waddell (Pending House Commerce Committee)** would have required the Department of Economic Development to publish on its website information on each pending mega-project, including, at a minimum, the parishes being considered for location and the nature of the business being subsidized. Mega-projects were defined as those that were in the active planning or development phase or those that had been assigned a code name but had yet to be approved.

**ELECTED OFFICIALS**

**House Bill 1352 by Representative Labruzzo (Pending Appropriations Committee)** would have created a voluntary drug testing program for legislators and statewide elected officials and would have provided that following the drug test, the name of the participant would be listed on the legislature's website or the department's or office's website, as applicable, along with the result reported by the medical review officer for the participant's test. The bill would have further provided that following the psychiatric evaluation, the name of the participant would be listed on the legislature's website or the department's or office's website, as applicable, along with the diagnosis of the mental health professional who conducted the evaluation of the participant.

**ELECTION CODE**

**House Bill 434 by Representative Pugh (Pending House and Governmental Affairs Committee)** would have provided if original records of a registrar of voters were destroyed as a result of catastrophic loss or damage and there were no microfilm, microfiche, or scanned or electronically captured computerized images of the original records of the voters, every attempt would have been made to re-create the records of voters who were not canceled. Computer records from the secretary of state's database would have been deemed the original records until such time as the records could have been re-created.

**ENVIRONMENT**

**House Concurrent Resolution 262 by Representative Leger (Enrolled)** requests the secretary of the Department of Environmental Quality to establish and

appoint an Electronic Recycling and Reuse Task Force to determine viable methods for the reuse and recycling of electronic devices for all Louisiana citizens.

**ETHICS BOARD**

**House Concurrent Resolution 51 by Representative Gallot (Pending Senate and Governmental Affairs Committee)** would have requested the Board of Ethics to work with the office of facility planning and control to determine the potential costs and feasibility of installing audio/video equipment in the board's meeting room to record, archive, and broadcast board meetings.

**FINANCIAL INSTITUTIONS**

**Senate Bill 198 by Senator Duplessis (Act 65)** provides that a seller or extender of credit may charge the consumer fees and expenses for electronic lien and title services, or E.L.T. services, provided in connection with a motor vehicle credit transaction.

**FIRE PROTECTION**

**House Bill 943 by Representative Leger (Pending House Appropriations Committee)** would have required the attorney general to develop and make available for public inspection or publish on its website a directory listing all tobacco product manufacturers that had provided current and accurate certifications conforming to the requirements of fire safe cigarette certification.

**FUNDS/FUNDING**

**Senate Bill 299 by Senator Donahue (Act 1001)** requires each agency that charges fees, which are part of a budget unit's operating budget in the General Appropriation Bill, shall post on its website the data and



information used to calculate the fee and the method of calculation. The agency shall also post any audits regarding the fee as well as any review and findings of the Joint Legislative Committee on the Budget.

**House Bill 1173 by Representative Tucker (Pending Senate Reconsideration)** would have required legislative approval of action plans, action plan amendments, and contracts over \$50,000 issued for the recovery of hurricanes Katrina, Rita, Gustav, and Ike, and would have required the quarterly Disaster Recovery Grant Report to the Joint Legislative Committee on the Budget be made available on the Internet.

## **GAMING**

**House Bill 316 by Representative Carmody (Failed House Final Passage)** would have provided participation in any fantasy or simulation sports game, educational game, or contest would not be considered gambling, and would have provided participation in any fantasy or simulation sports game, educational game, or contest would not be considered gambling by computer if: no fantasy or simulation sports team was based on current membership of an actual team, all prizes and winnings were made known in advance and the value was not determined by the number of participants, all winnings were determined predominately by accumulated statistical results of the performance of individuals, and no winning was based on a real-world team or event.

## **HEALTH/ACCIDENT INSURANCE**

**Senate Bill 732 by Senator Hebert (Act 453)** provides for balance billing disclosure requirements and provides that specific information about in-network and

out-of-network facility-based physicians can be found at the website address of a person's health plan or by calling the customer service telephone number of the person's health plan.

## **HEALTH/DISEASE CONTROL**

**House Concurrent Resolution 202 by Representative Willmott (Enrolled)** requests the Healthcare-Acquired Infections Advisory Group to identify the most significant healthcare-acquired infections, provide strategies for the reduction of healthcare-acquired infections, and requires the information be posted on a designated website for public review and use.

## **HIGHER EDUCATION**

**House Bill 1072 by Representative Harrison (Pending House Education Committee)** would have required every public institution of postsecondary education to provide to the legislature and post on its website information relating to the following: the institutional and student profile, measurements of student and faculty engagement, measurements of student achievement, and measurements of institutional efficiency and its fiscal condition.

**House Concurrent Resolution 197 by Representative Harrison (Enrolled)** requests each public institution of postsecondary education to report annually information about the institution and its students to the House Committee on Education and the Senate Committee on Education and to post the report on its respective website.

**House Bill 402 by Representative Pearson (Act 696)** requires the Board of Regents to broadcast on the Internet the audio

and video of all board and committee meetings conducted in Baton Rouge, and to archive the audio and video of such meetings for at least one year after the date of the meeting. The audio and video records created shall not be construed in a manner to be the official record, or any part of the official record, of the proceedings of a meeting of the board or any of its committees. If the board is precluded from fulfilling this requirement due to a technical problem beyond its control, or when the only meeting room available lacks the equipment necessary to facilitate Internet broadcast, the failure to broadcast or record the proceedings of a meeting of the board or any of its committees shall not be construed to be a violation.

### **INSURANCE PROPERTY**

**House Bill 706 by Representative Abramson (Act 1023)** requires that the Louisiana Citizens Property Insurance Corporation provide on application forms for coverage a disclosure that the applicant may obtain a list of insurance producers and insurance companies that may be able to write his insurance coverage in the private insurance market and include the website address to the Department of Insurance on every application form.

### **INTERNET**

**Senate Bill 541 by Senator Michot (Pending Senate and Governmental Affairs Committee)** would have established the Enhanced Governmental Access Portal and its oversight board in the office of the governor to facilitate electronic access to public information and promote electronic commerce, and would have provided for the functions and duties of the board.

**Senate Bill 151 by Senator Adley (Act 62)** enhances the penalties for criminal and terrorist acts where the use of an Internet, virtual, street-level map is used in the commission of the crime or terrorist act. The bill further provides for additional penalties of not less than one year for crimes against persons or property and for not less than ten years without benefit of probation and parole for acts of terrorism.

**House Resolution 102 by Representative T. Burns (Pending House Final Passage)** would have requested the House Executive Committee to consider allowing open access to the wireless Internet capabilities in House-controlled areas of the State Capitol.

### **LOBBYING**

**Senate Bill 507 by Senator Jackson (Act 788)** provides for the regulation and disclosure of expenditures by persons who lobby local governments. The definition of local government excludes any entity which is an executive branch agency as defined in R.S. 49:72 or any unit of the legislative or judicial branch of state government. The bill further adds to existing law the requirement that the Board of Ethics make available on its website information regarding lobbyists who lobby local governments.

### **MALPRACTICE/MEDICAL**

**House Bill 394 by Representative Mills (Pending Senate Insurance Committee)** would have required that the Patient's Compensation Fund Oversight Board prepare quarterly statements of the financial condition of the Patient's Compensation Fund and publish the statements on the website of the board.

**MOTOR VEHICLES**

**Senate Bill 466 by Senator Chaisson (Pending Senate Transportation Committee)** would have changed the date for the Department of Public Safety and Corrections to develop and implement a statewide computer system, which permitted electronic recording of information concerning the perfection and release of vehicle security interests without submitting or receiving paper title documents from January 1, 2010, to July 1, 2011.

**MOTOR VEHICLES/COMMERCIAL**

**House Bill 863 by Representative Stiaes (Failed House Final Passage)** would have prohibited commercial motor vehicle drivers from using hand-held cell phone devices while driving commercial motor vehicles.

**MOTOR VEHICLE/DRIVER LICENSE**

**House Bill 870 by Representative Geymann (Act 151)** directs the Department of Public Safety and Corrections not to implement the Federal PASS ID Act.

**OFFICIAL JOURNALS**

**House Bill 765 by Representative Greene (Involuntarily Deferred House and Governmental Affairs Committee)** would have made the official website of the Louisiana Legislature the official journal of the state for the purposes of publishing all legislative Acts and joint resolutions.

**House Bill 789 by Representative Cromer (Pending House and Governmental Affairs Committee)** would have made the official website of the Louisiana Legislature the official journal of the state for the purposes of publishing all Acts and joint

resolutions.

**House Bill 1212 by Representative Arnold (Involuntarily Deferred House and Governmental Affairs Committee)** would have established a website as the Official Journal of the State, and would have provided that such website be maintained by the legislature or its designee and have the capability to archive for at least one year all matters it was required by law to publish.

**PARDON/PAROLE**

**House Bill 1356 by Representative H. Burns (Pending House Administration & Criminal Justice Committee)** would have established a one-time fee of \$15.00 for defendants placed on parole and probation for crimes of violence or a sex offense to establish an integrated criminal justice information system.

**PROBATION/PAROLE**

**Senate Bill 47 by Senator Crowe (Act 760)** provides that certain probation fees be paid into the Sex Offender Registry Technology Fund to support computer systems used by sheriffs.

**PROCUREMENT CODE**

**Senate Bill 367 by Senator Michot (Senate Adopted Conference Report)** would have authorized the use of reverse auctions by state agencies, if in the best interest of the state, and certain political subdivisions. The bill defined reverse auction as a competitive on-line solicitation process on the Internet for equipment, supplies, and other materials in which vendors compete against each other online in real time in an open and interactive environment.

**Senate Bill 427 by Senator Donahue (Pending Senate Finance Committee)** would have authorized the use of reverse auctions by certain political subdivisions, and defined reverse auction as a competitive on-line solicitation process on the Internet for equipment, supplies, and other materials in which vendors compete against each other online in real time in an open and interactive environment. Prior to implementation, the state director of purchasing was required to develop policies, procedures, and promulgate regulations, in accordance with the Administrative Procedure Act.

**Senate Bill 727 by Senator Michot (Pending Senate Finance Committee)** would have provided that a competitive request for proposals process be used for the procurement of information technology acquisitions, consulting services, social service or complex procurements without approval and written determination, and placed a \$50,000 threshold on such contracts, which threshold would have applied to consulting services contracts. In addition all contracts for information technology systems and services, which included telecommunications, that had a total cost of \$100,000 or more would have been entered into with the assistance of a procurement support team in accordance with rules promulgated by the commissioner of administration in accordance with the Administrative Procedure Act. The state chief procurement officer may have entered into master agreements for information technology systems and services or supplies for which the state conducted substantial business over a period of time.

## **PUBLIC MEETINGS**

**House Bill 935 by Representative Talbot (Pending House and Governmental Affairs Committee)** would have allowed a public body to give notice of a meeting via its official website in lieu of posting a notice at its principal office or where the meeting was held, or publication in the official journal. The bill would have further allowed the provision of notice by the public body to the news media by electronic mail.

## **PUBLIC PRINTING**

**Senate Bill 609 by Senator Claitor (Pending Senate and Governmental Affairs Committee)** would have provided that any publication of any record by a state or local public entity that was required by law could have been satisfied by posting on the Internet. If published by posting to the Internet website or portal designated "Official Journal of the State," notice of such posting would have been given to the secretary of state as soon as possible after the adjournment of the legislature.

**House Bill 247 by Representative Greene (Pending House Final Passage Subject to Call)** would have eliminated the requirement that the Acts of the legislature be published in the official journal of the state. The bill would have provided specific authority to make Acts of the legislature accessible on the website of the legislature and would have required the secretary of state to cause certain notices to be published in the official journal of each parish having a population greater than 100,000 regarding the website where availability of Acts of the legislature may have been obtained.

**PUBLIC RECORDS**

**Senate Bill 32 by Senator Morrell (Pending Senate and Governmental Affairs Committee)** would have provided that state government e-mails were public records and would have required public servants to execute written acknowledgment, before March 1, 2011, that such e-mails were considered public. The agency of the public servant would have distributed the acknowledgment to each public servant for execution and collected the acknowledgment upon execution by the public servant. The agency would have been the official custodian of the executed acknowledgment.

**RECORDS/RECORDATION**

**House Bill 1305 by Representative Baldone (Pending House Civil Law and Procedure Committee)** would have provided for the redaction, when requested, of all numbers except the last four digits of a person's social security or tax identification number, which appeared on instruments in the mortgage or conveyance records for records that were made available on the Internet.

**REVENUE DEPARTMENT**

**House Bill 1064 by Representative Mills (Pending Ways and Means Committee)** would have authorized the Department of Revenue to implement an electronic financial institution information match system for use in collecting state taxes.

**SCHOOLS**

**Senate Bill 753 by Senator Peterson (Act 557)** provides that each city, parish, and other local public school shall post the four-year cohort graduation rate for each high school in the system and for the system as a whole on its Internet website.

**SCHOOLS/BOARDS**

**House Bill 488 by Representative Harrison (Act 705)** requires the Louisiana School Boards Association to post on its website regularly updated information relative to the number and subject matter of continuing education training hours completed by each school board member.

**House Bill 1458 by Representative Labruzzo (Act 755)** requires a local school board to conduct a review of its student code of conduct and amend such code as necessary to assure that the policy prohibits cyberbullying. Cyberbullying is defined as harassment, intimidation, or bullying of a student on school property by another student using a computer, mobile phone, or other interactive or digital technology, or harassment, intimidation, or bullying of a student while off school property by another student using any such means when the action or actions are intended to have an effect on the student when the student is on school property. The bill further requires each public elementary and secondary school to report all documented incidences to the Department of Education.

**SCHOOLS/CHARTER**

**Senate Bill 344 by Senator Duplessis (Act 334)** provides for the submission and review of charter school proposals and charter renewals. The local school board shall make public, through its website, and in printed form upon request, the guidelines for submitting a charter proposal, all forms required for submission of a charter proposal, the time lines established for accepting and reviewing the charter proposals, the process that will be used to review charter proposals submitted to the board, and the name and

contact information for a primary point of contact for charter proposals.

**House Bill 962 by Representative Carter (Act 722)** provides for the submission and review of charter school proposals and charter renewals. The local school board shall make public, through its website, and in printed form upon request, the guidelines for submitting a charter proposal, all forms required for submission of a charter proposal, the time lines established for accepting and reviewing the charter proposals, the process that will be used to review charter proposals submitted to the board, and the name and contact information for a primary point of contact for charter proposals.

#### **SEX OFFENSES**

**Senate Bill 56 by Senator Martiny (Act 763)** provides for forfeiture of personal property used in the commission of any of the following crimes: cyberstalking, human trafficking, trafficking of children for sexual purposes, felony carnal knowledge of a juvenile, indecent behavior with juveniles, pornography involving juveniles, molestation of a juvenile, computer-aided solicitation of a minor, and enticing persons into prostitution.

**Senate Bill 780 by Senator Cheek (Act 973)** provides for the registration and certain employment activities of sex offenders, including every e-mail address, on-line screen name or other on-line identity used by the offender to communicate on the Internet.

#### **STATE AGENCIES**

**House Bill 387 by Representative Harrison (Pending House Appropriations Committee)** would have required itemized

monthly spending reports to be maintained on a website established and maintained by the commissioner of administration. The bill would have further required the commissioner of administration to establish and maintain a website to post reports of state spending and that the reports include the nature and amount of appropriations for the executive branch of state government contained in the General Appropriation Act and other acts for each budget unit, annual salaries and total compensation of and other acts for each budget unit, annual salaries and total compensation of statewide elected officials and cabinet-level positions in the executive branch of state government and the total number in the table of organization for each budget unit. The bill would have also required the commissioner to maintain on the website a monthly report of spending by each such budget unit, and to consult with the Joint Legislative Committee on the Budget in the development of the specifications for the database used for the website.

**House Bill 1075 by Representative Fannin (Pending Senate and Governmental Affairs Committee)** would have required all state agencies to submit certain information to the division of administration for placement on a website reporting contractual information, and would have required state agencies to cooperate with the division of administration for the development of the website. The bill defined state agency as any board, commission, department, division, agency or other entity within the executive branch of government.

**House Bill 1315 by Representative Talbot (Pending House Appropriations Committee)** would have required the

commissioner of administration to establish and maintain a website to post reports of state spending and specified information to be included on such website. The bill would have further required the commissioner of administration to consult with the Joint Legislative Committee on the Budget in the development of the specifications for the database used for the website.

## **STUDENTS**

**Senate Concurrent Resolution 19 by Senator Crowe (Enrolled)** memorializes Congress to utilize the power of technology to boost American productivity and performance by consulting with state legislatures, education and computer organizations to ensure that every student has access to a low-cost laptop.

## **TAX/AD VALOREM**

**House Bill 771 by Representative T. Burns (Act 1027)** provides for additional public notice requirements related to proposed increases in millage rates without voter approval by maintaining a list of all such hearing notices and posting said notices on the website of the assessor. The notice posted on the Internet shall contain a recitation of the current budget of the taxing authority, the proposed use of new revenues derived from the increased millage, and the amount of increase in taxes attributable to the millage increase.

## **TAX/SALES AND USE**

**House Bill 1136 by Representative Carter (Pending House Ways and Means Committee)** would have required persons who met the definition of a dealer to file tax returns and remittances to the state through the electronic filing option available on the website of the Department of Revenue, which

would have been the central filing and collection point for both state and local sales and use taxes for such dealers. A dealer was defined to include every person who manufactured or produced tangible personal property for sale at retail, for use, or consumption, or distribution, or for storage to be used or consumed in a tax jurisdiction and included persons who had certain substantial relationships and similarities with Louisiana retailers.

## **TAX/TAXATION**

**House Bill 508 by Representative Roy (Act 817)** authorizes the publishing of notices of the sale of immovable property due to delinquent taxes and sale information on the Internet.

## **TEACHERS/CERTIFICATION**

**House Bill 1209 by Representative R. Jones (Pending House Appropriations Committee)** would have created the Louisiana Educator Professional Practices Commission to investigate complaints and allegations of educator sexual misconduct in schools, including the use of the Internet, with authority to suspend or revoke teaching and principal's certificates subject to appeal to the Board of Elementary and Secondary Education.

## **TECHNOLOGY**

**Senate Bill 472 by Senator Michot (Pending Senate Finance Committee)** would have created in the state treasury the Information Technology Operations Fund for the operations of the office of information technology, and would have created the Telecommunications Operating Fund for the operations of the office of telecommunications. The bill would have

further clarified that all information technology personnel within the division of administration, including but not limited to personnel within the office of information systems and the office of computing services, and the office of telecommunications management would have been under the supervision and control of the state Chief Information Officer.

### **TELECOMMUNICATIONS**

**Senate Bill 417 by Senator Michot (Pending Finance Committee)** would have transferred the authority of the office of telecommunications management to the office of information technology.

### **TRANSPORTATION/DEVELOPMENT DEPT.**

**Senate Bill 411 by Senator Chaisson (Act 782)** provides for the development and maintenance of a statewide digital geospatial database for statewide topographic mapping responsibilities within the Department of Transportation and Development. The bill requires the department to act as authority for geographic names, set standards for the mapping of topographic features, and plan and manage data collection for incorporation into a statewide database, and for the department to adopt rules and regulations in accordance with the Administrative Procedure Act.

### **TEXTBOOKS/MATERIALS**

**House Bill 1180 by Representative Patricia Smith (Act 328)** authorizes local public school boards to use state funds to purchase instructional technology and related hardware (e.g., computers).

### **WATER QUALITY**

**Senate Concurrent Resolution 132 by Senator Morrell (Pending House Final Passage)** would have directed the Department of Environmental Quality and the Department of Health and Hospitals to work in close coordination to protect the health and safety of Louisiana citizens by monitoring water quality at or near all major urban areas in Louisiana and other locations at or near potential water sources used for recreation or for drinking water, and would have directed the Governor's Office of Homeland Security and Emergency Preparedness to post the results of such monitoring on its website.

### **WEAPONS/FIREARMS**

**House Bill 141 by Representative Wooton (Act 353)** provides that applications to possess or transfer certain firearms may be filed on approved electronic forms contingent upon the Department of Public Safety and Corrections receiving adequate funding to acquire, implement, and maintain a computer or database system to support electronic applications.



# Insurance

by: Cheryl Horne  
(225) 342-0604



**Senate Bill 732 by Senator Hebert (Act 453)** is legislation that is a result of months of consensus building by health insurance issuers, health care facilities, and health care providers. It is a continuation of what Senator Hebert started last session in the way of Act 354 which required a base health care facility to provide to each health insurance issuer with which it contracts, certain details on each group of specialists who provide services at that facility. The premise for the legislation is that by providing the consumer with advance notice of the possibility of receiving a bill in the mail after being treated by a physician, the consumer is less likely to be shocked and frustrated.

The required notice reads, in part, "health care services may be provided to you at a network health care facility by facility-based physicians who are not in your health plan. You may be responsible for payment of all or part of the fees for those out-of-network services in addition to applicable amounts due for co-payments, coinsurance, deductibles, and non-covered services."

**Act 453** provides that no later than July 1, 2011, a health insurance issuer is required to disclose the balance billing notice in the following methods:

- (1) To the potential policyholder prior to the time the health benefit plan is purchased.

- (2) To the policyholder and enrollees, at the time the insurance policy or other proof of coverage is issued. For a group benefit plan, disclosure is required at the time the policy or proof of coverage is issued and for individual benefit plans, to the policyholder at the time the policy or proof of coverage is issued.
- (3) To the policyholder and enrollees at least once a year.
- (4) On the health insurance issuer's website.

Also, no later than July 1, 2011, a health care facility is required to provide all of the following:

- (1) Written disclosure to each enrollee or insured at the first registration contact with the enrollee or insured at the health care facility regarding non-emergency services, which disclosure confirms whether the facility is a participating provider contracted with the enrollee's or insured's health insurance issuer on the date the services are to be rendered.
- (2) A list, upon request of the enrollee or insured, that contains the name and contact information for each individual or group of hospital-contracted physicians, anesthesiologists, pathologists, radiologists, hospitalists, intensivists, and neonatologists who provide services at that facility. It is also required that the enrollee or insured be

informed that the enrollee or insured may request information from their health insurance issuer as to whether those physicians are contracted with the health insurance issuer and under what circumstances the enrollee or insured may be responsible for payment of any amounts not paid by the health insurance issuer.

(3) If the facility operates a website that includes a listing of physicians who have been granted medical staff privileges to provide medical services at the facility, the facility's website must include a list that contains the name and contact information for each facility-based physician or facility-based physician group that has been granted medical staff privileges as well as an update of the list within 30 days of any change.

\_\_\_\_\_ **Act 453** also provides that if a facility-based physician bills a patient who has health insurance coverage issued by a health insurance issuer that does not have a contract with the facility-based physician, then the physician is required to send a bill that includes an itemized list of the services and supplies provided by him as well as the dates such services and supplies were provided. Disclosure is also required as to the amount owed by the enrollee or insured, a telephone number to call to discuss the statement and language conspicuously displayed on the front of the bill stating that it is a bill and that based on information from the health plan, the amount shown is owed by the enrollee or insured.

**Senate Bill 349 by Senator LeFleur (pending Senate Insurance Committee)** addresses the balance billing issue from a very different perspective. Current law requires a

health insurance issuer contracting with a network of providers to pay a contracted health care provider the contracted reimbursement rate of the network identified on the member identification card of the enrollee or insured and established by the contract between the network of providers and the contracted health care provider.

Current law also provides that to the extent that a health insurance issuer does not pay the health care provider an amount equal to the issuer liability, the contracted health care provider may collect the difference between the amount paid by the issuer and the issuer liability from the enrollee or insured. **Senate Bill 349** would have deleted this provision and allows the contracted health care provider to collect the difference between the amount paid by the issuer and the issuer liability from the enrollee or insured. Further, this legislation would have required a health insurance issuer to pay for the covered health care services, including, but not limited to, all reasonably anticipated ancillary services rendered in connection with treatment to its enrollee or insured at an in-network base health care facility. The real substance of this legislation that sparked considerable debate is the provision that limits the enrollee or insured's liability to the in-network copayment, deductible, coinsurance, or amounts due for noncovered health care services.

**Senate Bill 181 by Senator N. Gautreaux (Subject to Call Senate Final Passage)** stirred considerable debate as it requires insurers of commercial and homeowners' policies providing coverage for wind damage within a parish or particular area of a parish located in a particular wind zone

classification to spread its exposure to liability for wind damage within the same wind zone classification.

**Senate Bill 181** would have further provided that if a policy covering wind damage is terminated, regardless of the reason, then the insurer is to provide new coverage for wind damage to another property that is located in an area having the same classification but in which the insurer's exposure to liability for wind damage is less than the location where the termination of coverage occurred. The total value of new policies written or issued must reflect, as much as practicable, the total value of wind damage policies terminated so that the total value of the insurer's exposure to wind damage remains the same within the same wind zone classification.

**Senate Bill 795 by Senator Broome (Pending in House Insurance)** would have required all health and accident insurers to file for approval with the commissioner of insurance its network of participating health care providers. As well, all health insurance issuers are required to effectively provide or arrange for the provision of health care services through its network of participating health care services. Further, Senate Bill 795 requires the filing of a copy of the contract between the health insurance issuer and any provider of health care services with the commissioner and that the filing describe the method of providing health care services and must include the health care delivery capabilities of each health benefit plan including a listing of all providers by specialty and number of contracted hospitals.

Additionally, a statement must be

issued describing the geographic service area or areas to be served by the health insurance issuer and a notice must be filed regarding any material modification to the network. The commissioner is given the authority to approve or disapprove of the modification. A material modification is defined as the loss of a general or acute hospital from the network, any case where the health insurance issuer has an insufficient number or type of participating providers to provide a covered health care service or any other circumstances deemed to be an adverse material modification to an insured or enrollee obtaining a covered health care service. The commissioner must send notice of a violation and then he is permitted to send notice to the health insurance issuer requesting a corrective action plan be submitted within thirty days or issue a cease and desist order regarding the use of the form or network of participating providers.

**Senate Bill 795** also would have provided that the commissioner may not impose a cease and desist order if the health insurance issuer demonstrates to the commissioner's satisfaction that the health insurance issuer has remedied the reason for the notice from the commissioner or there will be no detriment to the insured or enrollee obtaining covered health care services.

The legislation further would have allowed the commissioner to suspend or revoke the certificate of authority of the health insurance issuer if the network impairs the ability of the health insurance issuer to adequately provide or arrange for covered health care services to its enrollees or insureds or if the health insurance issuer is operating significantly in contravention of the documents submitted to the commissioner.



## Judiciary

*by: Tom Wade  
(225) 342-9169*

During the 2010 Regular Session, there were a number of bills introduced that dealt with the judicial system in the areas of funding, organization, and jurisdiction. Some of the ones making their way through the legislative process are listed below.

**Senate Bill 118 by Senator Fannin (Act 161)** affects the civil jurisdiction of the city courts in Winnfield, Monroe and Baton Rouge. Current law provides that, unless specified otherwise, the civil jurisdiction of a city court is concurrent with the district court in cases where the amount in dispute, or the value of the property involved, does not exceed \$15,000. The proposed changes add the City Court of Winnfield and the City Court of Monroe to those city courts having civil jurisdiction where the amount in dispute or the value of property involved does not exceed \$30,000. It also adds the City Court of Baton Rouge to those city courts having civil jurisdiction where the amount in dispute or the value of property involved does not exceed \$35,000. The Act becomes effective August 15, 2010.

**Senate Bill 199 by Senator Martiny (Act 165)** relates to the current law provision that authorizes the parish of Jefferson to compensate the judge of Division "J" of the 24<sup>th</sup> Judicial District Court for the additional environmental docket. The Act repeals that authority. It becomes effective August 15, 2010.

**Senate Bill 208 by Senator Mount (Act 166)** relates to the authority of courts to destroy certain records. The law generally authorizes the clerk of a city court to destroy records concerning suits on open account, tort suits, suits on unsecured notes, suits on promissory notes, suits on chattel mortgages, and suits for eviction of tenants and occupants upon consent of the judge or majority of the judges when the records are deemed to have no further use or value. The law generally authorizes the destruction where 10 years have elapsed from the last date of action on the record.

Currently, the law specifically authorizes the clerk of the city court in Houma and the clerk of the city court in Ruston to destroy records concerning suits for eviction of tenants and occupants upon consent of the judge or majority of the judges when the records are deemed to have no further use or value. It authorizes the destruction where two years have elapsed from the last date of action on the record or records when the suit is not appealed or two years have elapsed after all appeals are exhausted.

The Act retains current law regarding the provisions for the city courts of Houma and Ruston and also includes that the provisions additionally apply to the city court in Lake Charles.

The current law further authorizes the clerk of the city courts of Houma and Ruston to destroy criminal records concerning misdemeanor convictions upon consent of the judge or majority of the judges when the records are deemed to have no further use or value. It authorizes the destruction where 10 years have elapsed from the date of the judgment of conviction when the conviction is not appealed or two years have elapsed after all appeals are exhausted. The provisions does not apply to a conviction for operating a vehicle while intoxicated.

The Act retains those provisions for the city courts of Houma and Ruston and also includes that the provisions additionally apply to the city court in Lake Charles. It also retains the provisions requiring the clerk of court to scan the criminal records onto an optical disc for storage prior to destruction. The Act becomes effective August 15, 2010.

**Senate Bill 209 by Senator Mount (Act 167)** deals with the city court in Lake Charles. The law sought to be amended by the bill authorizes any city court located in a city with a population of between 60,000 and 71,000 according to the most recent U.S. census to impose an additional \$5 fee as court costs in civil and criminal cases to be deposited in the general fund of the city and used for capital improvements for the building housing the city court.

The Act authorizes the city court of Lake Charles to impose an additional \$5 fee as court costs in civil and criminal cases to be deposited in the general fund of the city and used for capital improvements for the building housing the city court. The Act became effective when signed by the governor.

**Senate Bill 605 by Senator Martiny (Act 178)** provides for court reporters and civil filing fees for the 24<sup>th</sup> Judicial District Court. Before the Act became effective, the law provided that in all cases on appeal, the reporter shall be paid a fee not to exceed \$2.50 for each original page transcribed and, when a copy is requested by a litigant, shall furnish such copy and be paid a fee not to exceed one dollar for each page thereof, except that in criminal cases on appeal by indigent defendants, no more than a total of \$2.75 for each page transcribed, including all copies necessary for appeal, shall be charged to and paid from any fund established by law for the payment of expenses incurred in the defense of indigent persons in criminal proceedings. The Act retains these provisions and provides that nothing shall be construed to make the governing authority of Jefferson Parish responsible for the expenses or costs associated with the preparation of transcripts for an indigent defendant in a criminal proceeding, including but not limited to bills of exceptions, trials, motions, hearings on writs, or any other costs associated with an appeal in a criminal proceeding.

The earlier law further provided that in all in forma pauperis cases the governing authority of Jefferson Parish shall pay the court reporters of the 24<sup>th</sup> Judicial District for the transcribing of testimony, when an appeal is taken or upon order of the judge, such amounts as would otherwise be required to be paid by the party who is proceeding in forma pauperis. The Act specifies that those provisions shall be applied in all civil cases when a party is proceeding in forma pauperis. The Act provides that the courts of the 24<sup>th</sup> Judicial District shall establish an indigent transcript fund to provide for the payment of

court reporter fees for transcripts.

The Act provides that in every court of original, appellate, supervisory, or concurrent criminal jurisdiction in Jefferson Parish, including but not limited to the 24<sup>th</sup> Judicial District Court, First Parish Court, and Second Parish Court, there shall be assessed in all criminal cases, including traffic violations, except parking, an additional cost set by the judges en banc, not to exceed the amount authorized in law, against every defendant who is convicted after trial or after a plea of guilty or nolo contendere. This additional cost shall be transmitted to the court and deposited in a special account in the parish treasury to be managed and administered by the parish treasurer for and on behalf of the courts for the payment of court reporter fees for transcripts in indigent defense cases. It also provides that all monies received and deposited shall be used to pay court reporter fees for transcripts respective to compensation of court reporters for the preparation of transcripts for indigent defendants arising from criminal proceedings in the 24<sup>th</sup> Judicial District, First Parish Court and Second Parish Court, including but not limited to bills of exceptions, trials, motions, hearings on writs, and all other criminal proceedings.

The Act further provides that nothing shall preclude a court from ordering the costs for the preparation of transcripts for indigent defendants in criminal proceeding be paid from any other fund established by general or specific law for the payment of expenses incurred in the defense of indigent persons in criminal proceedings.

The Act became effective June 18, 2010. The repeal of prior law became

effective when the governor signed the bill.

**House Bill 1386 by Representative Fannin (Act 61)** appropriates funds for FY 2010-2011 for the ordinary operating expenses of the judicial branch of government with total funding of \$154,368,338 from the following sources: \$134,362,434 out of the State General Fund (Direct); \$10,670,000 through interagency transfers from the Dept. of Social Services; and, \$9,335,904 from statutory dedications out of the Judges' Supplemental Compensation Fund, Trial Court Case Management Fund, and the Patients' Compensation Fund.

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

- (1) Louisiana Supreme Court  
\$73,851,273
- (2) Courts of Appeal  
43,300,696
- (3) District Courts  
34,615,532
- (4) Criminal Court, Parish of Orleans  
5,633,759
- (5) Juvenile and Family Courts  
2,342,586
- (6) Other Courts (Required by Statute)  
2,801,870
- (7) Other Courts (Not Required by Statute)  
673,386

**TOTAL \$163,219,102**

The Act also provides that the appropriations out of the State General Fund (Direct) contained in this Act shall be reduced by a total amount of \$8,850,764 pursuant to a

plan adopted by the Judicial Budgetary Control Board or as approved by the La. Supreme Court. The Act becomes effective July 1, 2010.

## Juvenile Justice

by: Camille Sebastien Perry  
(225) 342-2087

### **Senate Bill 55 by Senator Morrell (pending in Senate Judiciary B committee)**

would have authorized the court on its own motion or on motion of the district attorney to conduct a hearing to consider whether to transfer a child for prosecution to the appropriate court exercising criminal jurisdiction if a delinquency petition has been filed which alleges that a child who is seventeen years of age or younger at the time of the commission of the alleged offense, but is not otherwise subject to the original jurisdiction of a court exercising criminal jurisdiction has committed a crime other than first degree murder, second degree murder, aggravated kidnapping, aggravated rape, aggravated battery when committed by the discharge of a firearm, armed robbery when committed with a firearm, and forcible rape if the rape is committed upon a child at least two years younger than the rapist.

**Senate Bill 57 by Senator Broome (Act 867)** establishes the Council on the Status of Grandparents Raising Grandchildren, within the Department of Social Services and provides for its membership. The members are to serve four-year terms and they shall not receive any compensation or reimbursement of expenses. The domicile of the council shall be in East Baton Rouge Parish, with the meetings to be held in the city of Baton Rouge, and the



council is required to meet at least quarterly with such meetings to be held on the call of the chairman or at the request of at least three members of the council. The bill requires all departments, boards, agencies, officers, and institutions of the state and all subdivisions thereof to cooperate with the council in carrying out its purposes. The council is required to make, or cause to be made, all such studies, reviews, or analyses which it finds necessary to effect its purpose and the council is authorized to receive and expend funds appropriated or otherwise made available by the legislature or from any other source, including donations or gifts of money or services from public or private organizations or from any other sources, to be utilized for the purposes of the council. In addition, the council shall be a resource to the state on issues affecting grandparents raising grandchildren in the state and it shall issue its first annual report by March 1, 2011, and by January first each following year, stating the findings, conclusions, and recommendations of the council. Such report shall be submitted to the governor, the president of the Senate, the speaker of the House of Representatives, and the appropriate legislative committees.

Additionally, the bill creates the Status of Grandparents Raising Grandchildren Fund



in the state treasury and provides that monies deposited into the fund shall be any monies appropriated annually by the legislature, including federal funds, any public or private donations, gifts, or grants from individuals, corporations, nonprofit organizations, or other business entities which may be made to the fund, and any other monies which may be obtained or provided by law. The monies in the fund are to be invested in the same manner as monies in the state general fund and interest earned on investment of monies in the fund are to be credited to the state general fund. Any unexpended and unencumbered monies in the fund at the end of the fiscal year remain in the fund. The bill further requires that, subject to an annual appropriation by the legislature, monies in the fund be used as directed by the council solely for the purposes of proposed law.

**Senate Bill 281 by Senator Broome (Act 171)** extends to grandparents with custody the right to confer the power of provisional custody by mandate for the care, custody, and control of a minor child. The bill further provides that provisional custody by mandate may not be conferred upon a parent or other person previously denied custody by court order.

**Senate Bill 494 by Senator Martiny (pending Senate final passage–subject to call)** would have provided that a fifteen or sixteen year old child who is tried and convicted of certain crimes in adult court and not eligible for parole at an earlier date, shall become eligible for parole consideration at the age of forty-five for offenses occurring on or after July 1, 2010, if the following circumstances are met:

- (1) The offender has not committed any disciplinary offense in the twelve consecutive months prior to the parole eligibility date.
- (2) The offender has completed the mandatory minimum of 100 hours of pre-release programming in accordance with law.
- (3) The offender has completed substance abuse treatment as applicable.
- (4) The offender has obtained a GED, unless the offender has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED due to a learning disability.
- (5) The offender has obtained a low-risk level designation determined by a validated risk assessment instrument approved by the secretary of the Department of Public Safety and Corrections.

**Senate Bill 644 by Senator Broome (Act 893)** repeals the prior law Interstate Compact on the Placement of Children and enacts a new Interstate Compact on the Placement of Children. The bill provides relative to jurisdiction over the child by the courts of the sending state and receiving state, and provides for placement evaluation, and for financial responsibility for children. In addition, the bill creates the Interstate Commission for the Placement of Children and requires each member state to establish a central state compact office, which shall be responsible for state compliance with the compact and the rules of the commission. The

bill provides for membership of the commission, for its duties and powers, for meetings of the commission and for qualified immunity for commission staff. The commission shall have the authority to promulgate rules and take all necessary actions to effect the goals of the compact, including dispute resolution among the member states, oversight of the administration and operation of the compact, and certain enforcement authority, including legal action to enforce compliance with the compact, bylaws and rules. The commission shall be financed by annual member state assessment to cover costs of operations, staff, and activities. Additionally, the compact shall become effective when the 35<sup>th</sup> state enacts the compact and requires the secretary of the Department of Social Services to notify the legislature when the 35<sup>th</sup> state has enacted the compact. The bill also provides procedures for withdrawal of a member state and for dissolution of the compact. The Department of Social Services shall have the authority to promulgate rules and regulations in accordance with the Administrative Procedure Act as necessary to carry out the provisions of the compact. The rules adopted by the Interstate Commission shall not supersede state law and shall not be binding unless also promulgated by this state in accordance with the Administrative Procedure Act.

**Senate Concurrent Resolution 121 (pending House final passage)** would have directed the Louisiana State Law Institute to study and make recommendations on the revision of the laws regarding the transfer of a juvenile from the juvenile justice system to the adult criminal justice system and matters related thereto, and to report its findings and recommendations to the legislature on or

before January 1, 2012.

**Senate Concurrent Resolution 131 (enrolled) and House Concurrent Resolution 245 by Representative Leger (enrolled)** both request the Louisiana State Law Institute to evaluate Louisiana's progress toward achieving juvenile justice reform as it relates to the "Missouri Model" and to report its findings and recommendations to the legislature no later than January 1, 2012, as to additional steps necessary to further pursue a system of juvenile justice similar to that of the "Missouri Model".

**House Bill 294 by Representative Leger (Act 571)** removes the lieutenant governor from the Juvenile Justice Reform Act Implementation Commission and provides that either the chief justice of the supreme court or an associate justice of the supreme court appointed by the chief justice of the state supreme court shall be a member of the commission. The bill also adds one representative appointed by the Louisiana District Attorneys Association to serve on the commission and requires the representative appointed by the speaker of the House of Representatives and the senator appointed by the president of the Senate to serve alternating one year terms as chairman beginning on August 15, 2010, and August 15, 2011, respectively. The bill was amended in the Senate Committee on Judiciary B to add one representative appointed by the state public defender to serve on the commission.

**House Bill 482 by Representative Rosalind Jones (pending in House Administration of Criminal Justice committee)** would have provided with respect to the disposition of juvenile offenders and

would have required the office of juvenile justice, at a disposition hearing, to provide a written report to the court containing a brief statement as to the child's needs for rehabilitation, the resources available in the community which could provide needed assistance to the child, and any recommendations for disposition, including, if applicable, special conditions of supervision. The bill would have also required the court, in its determination of the proper disposition for the child, to review and consider any report or information provided by the office of juvenile justice, and to provide written reasons if the court decides to deviate from the recommendations of the office of juvenile justice. Additionally, the bill would have provided for the periodic evaluation of the status of the child's disposition by the court, district attorney, and office of juvenile justice, beginning no later than six months after the minimum duration, or modified minimum duration, ordered by the court. Any changes to the child's disposition would be required to be reflected in an amended judgment which would contain the following information: the nature of the modified disposition; the agency, institution, or person to whom the child is assigned; the conditions of probation, if applicable; any other applicable terms and conditions regarding the modified disposition; the modified minimum and maximum duration of the disposition, and if committed to the custody of Department of Public Safety and Corrections, the minimum and maximum term of commitment; and the date the modified judgment of disposition or commitment was entered into the record.

**House Bill 520 by Representative Thibaut (Act 581)** authorizes the board of commissioners of the Tri-Parish Juvenile

Justice District to enter into a cooperative endeavor agreement with any other state, parish, or local agency to provide for the establishment and maintenance of evidence-based juvenile services and programs, including the district attorney's early intervention program. The bill further authorizes the commission to expend any and all funds collected and to pay any and all negotiated costs and expenses for the juvenile services and programs which are provided for within the district.

**House Bill 655 by Representative Baldone (pending in House Judiciary committee)** would have required the Terrebonne Parish Consolidated Government, in the construction and renovation of its physical juvenile system, to utilize and comply with all uniform standards and licensing procedures developed and recommended by the state entity created pursuant to R.S. 46:2757. As an alternative to the construction and renovation of one large penitentiary-style detention facility, the Terrebonne Parish Consolidated Government would have been required to engage in construction and renovation which focused more on a small, multi-facility system closer in proximity to the juvenile's home and community. The Terrebonne Parish Consolidated Government would have been required to implement this juvenile system with a focus on long-term rehabilitation and education of juveniles by providing programs conducive to their personal growth and learning. The bill also authorized the Terrebonne Parish Consolidated Government to enter into cooperative endeavor agreements or contracts with any department or agency of the state or federal government, any nonprofit organization, any public or private service

provider, any local school, and any community-based organization which the Terrebonne Parish Consolidated Government determines to be capable of providing the required services.

**House Bill 663 by Representative Leger (Act 593)** was filed on recommendation of the Louisiana State Law Institute and provides for the revision of Children's Code articles dealing with indigency and appointment of counsel and provides guidelines for the admissibility of a child's confession. The bill amends Children's Code Article 320 providing for the determination of indigency to provide that for purposes of the appointment of counsel, children are presumed to be indigent. The Law Institute's comments provide that "A presumption of indigence is a key component of expediting representation from diversion to appeals." The bill further clarifies that at every stage of proceedings, the child is entitled to representation at the state's expense and that the court shall appoint counsel or refer the child for representation by the district public defender. If a parent secures the services of retained counsel, the court-appointed counsel or public defender is required to continue to represent the child until retained counsel has enrolled as counsel of record.

Additionally, the bill prohibits a confession made by an accused child without a knowing and voluntary waiver from being admissible unless the state proves beyond a reasonable doubt that it was freely and voluntarily given and was not made under the influence of fear, duress, intimidation, menaces, threats, inducements, or promises. The court in making this determination is

required to consider all of the following: the age of the child, the education of the child, the knowledge of the child as to both the substance of the charge, if any has been filed, and the nature of his rights to consult with an attorney and to remain silent, whether the child is held incommunicado or allowed to consult with relatives, friends, or an attorney, whether the child was interrogated before or after formal charges had been filed, the methods used in the interrogation, the length of the interrogation, whether or not the child refused to voluntarily give statements on prior occasions, and whether the child has repudiated an extra-judicial statement at a later date.

**House Bill 702 by Representative Leger (Act 594)** was filed on recommendation of the Louisiana State Law Institute and provides for the notice to a child who may face registration as a sex offender and provides for the confidentiality of a child's statement obtained in a competency hearing. The bill requires the court, during a continued custody hearing, if the child is charged with certain serious crimes, to inform the child that if convicted he would be required to register as a sex offender for life pursuant to present law. The bill also revises present law to shift the illegal possession of a firearm offense from the category of family in need of services cases to delinquency cases. The bill further requires that any medical, mental health, sensory, or special competency examination may not occur until the clerk of court gives five-days notice to all parties, unless waived by the child. In its reengrossed version, the bill provided that the report shall not include any incriminating statement and any incriminating statement made by the child to an evaluator which may violate the child's

privilege against self-incrimination shall not be used against him in a later proceeding. However, the provisions prohibiting the report from including incriminating statements made by the child were removed from the bill by Senate committee amendments and the amendments were concurred in by the House.

Additionally, the bill requires the court at an appearance to answer a petition and at a motion to transfer, for certain serious crimes, to notify the child of the applicable sex offender registration requirements. A report of a sanity commission shall not include a child's incriminating statement and any such statement made to an evaluator shall not be used against the child in a later proceeding. The bill further provides that when the child has admitted the allegations of the petition or when adjudicated delinquent for certain offenses, the court shall provide him with written notice of the requirements for registration as a sex offender and the bill provides a form to be used by the court based on the form provided in R.S. 15:543.1 to provide for such notice.

**House Bill 826 by Representative Rosalind Jones (involuntarily deferred in House Administration of Criminal Justice committee)** would have removed the requirement that certain commitments in secure placement of a child fourteen years of age or older at the time of the commission of the offense to the custody of the Department of Public Safety and Corrections until the child attains the age of twenty-one years be served without benefit of parole, probation, suspension of imposition or execution of sentence, or modification of sentence.

**House Bill 1036 by Representative Pearson (pending in House Administration of Criminal Justice committee)** would have required juveniles living within a five-parish juvenile justice district to have priority of placement in the five-parish juvenile facility over juveniles who reside outside of the five-parish juvenile justice district, and these provisions would not have abridged any existing contractual obligations of the commission or the regional detention facility entered into with the Department of Public Safety and Corrections, other regional detention facilities, or a state, parish, or local agency. Additionally, any future contracts entered into by the interested parties would be required to consider and negotiate to provide for reimbursement of costs incurred by the courts situated in the five-parish juvenile justice district for the housing of local youth in other facilities outside the district when the five-parish juvenile justice district facility is housing other youth from outside the district in the local facility.

**House Bill 1063 by Representative Leger (pending in House Administration of Criminal Justice committee)** would have provided that a fifteen or sixteen year old who has been tried and convicted of certain crimes following a transfer to adult court by present law provisions would become eligible for parole consideration upon reaching his thirty-first birthday, if not otherwise eligible at an earlier date. Additionally, the bill would have applied only to offenses occurring on or after July 1, 2010.

**House Bill 1106 by Representative White (pending in Senate Judiciary B committee)** would have provided relative to the divestiture of juvenile court jurisdiction

and jurisdiction over mental capacity determinations. The bill would have provided that if an indictment is returned or a bill of information is filed, the district court may order that the child be transferred to the appropriate adult facility for detention prior to his trial as an adult. The bill would have further provided that if a competency or sanity examination is ordered, the criminal proceedings would be stayed except for the filing of a delinquency petition, the return of an indictment, or the filing of a bill of information, and no further steps to prosecute the child would occur until the child's mental capacity to proceed has been determined. When an indictment has been returned or a bill of information is filed, the district court exercising criminal jurisdiction would be the proper court to determine the child's mental capacity to proceed, and provides that in all other instances, the juvenile court would be the proper court to make this determination. Additionally, the bill would have provided that the determination of the juvenile's capacity to proceed to trial would be governed by the provisions of Articles 837 through 838 of the Children's Code, and would have provided that when a transferred juvenile has sought a special sanity hearing, the court would be required to inform the sheriff of the need to segregate the juvenile from the general population while the sanity determination is pending.

**House Bill 1193 by Representative Richmond (Act 842)** allows persons seventeen years of age to obtain a special identification card without a parental or guardian signature, provided the applicant has the necessary identifying information and documents.

**House Bill 1335 by Representative Hines (Act 314)** provides that when a family has been adjudicated to be in need of services, the court may order the caretaker to perform court-approved community service activities, and if feasible, the community service activities shall be conducted by the caretaker and child together. The bill additionally provides that after adjudication of a misdemeanor-grade delinquent act, the court may order the parents or legal guardian to perform community service and, if feasible, the court-approved community service activities shall be conducted by the caretaker and the child together.

**House Bill 1435 by Representative Greene (Act 754)** provides for the jurisdiction of the East Baton Rouge Parish Family Court. The bill provides that a court exercising juvenile jurisdiction shall have either exclusive original jurisdiction or concurrent jurisdiction in certain cases involving support of family except in East Baton Rouge Parish. The bill further authorizes the East Baton Rouge Family Court to be a court of record with exclusive jurisdiction in all actions for nonsupport. Additionally, the bill removes the exclusive jurisdiction of the East Baton Rouge Parish Juvenile Court in cases involving the establishment of paternity and the enforcement of support and repeals present law provisions providing for the concurrent jurisdiction of the juvenile and family courts in the parish of East Baton Rouge in all cases of desertion, nonsupport, or criminal neglect of minors by either parent, all cases of desertion, nonsupport, or criminal neglect of a spouse by the other spouse and all proceedings under the Uniform Reciprocal Enforcement of Support Law.

**House Bill 1477 by Representative Baldone (Act 863)** provides for the development of uniform standards for juvenile detention facilities and provides for the licensing of such facilities. The bill requests the Louisiana Juvenile Detention Association, on or before July 1, 2011, to develop and recommend uniform standards for local juvenile detention facilities that comport with nationally recognized and accepted best practice standards for juvenile detention facilities. The Louisiana Juvenile Detention Association, in developing these standards, is required to seek input and guidance from the Task Force on Juvenile Detention Standards and Licensing. The bill further requires the Department of Social Services, on or before January 1, 2012, to develop and promulgate, in accordance with the provisions of the Administrative Procedure Act, rules governing the licensing of juvenile detention facilities consistent with the standards recommended by the Louisiana Juvenile Detention Association with input and guidance from the Task Force on Juvenile Detention Standards and Licensing.

Additionally, the Task Force on Juvenile Detention Standards and Licensing shall include representation from the following organizations: a representative of each of the existing juvenile detention facilities in this state, the Louisiana Juvenile Detention Association, the Louisiana District Attorneys Association, the Louisiana Public Defenders Board, the Louisiana Sheriffs' Association, the Juvenile Justice Project of Louisiana, the Department of Public Safety and Corrections, office of juvenile justice, the Louisiana Council of Juvenile and Family Court Judges, the Department of Education, the Department of Social Services, the

Department of Health and Hospitals, the Louisiana Chapter of the American Academy of Pediatrics, the Louisiana Municipal Association, the Louisiana Police Jury Association, the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, and representatives from the juvenile drug court community. On or before January 1, 2013, all juvenile detention facilities, including facilities owned or operated by any governmental, profit, nonprofit, private, or public agency, are required to be licensed pursuant to rules to be promulgated by the Department of Social Services to govern the licensing of juvenile detention facilities.

## Labor/Employment

by: Mary O'Brien  
(225) 342-2115

Last year's pre-occupation with the federal stimulus dollars was barely a blip on the radar screen of the 2010 Regular Legislative Session. The focus this year, with a non-fiscal session, was a broad array of issues from the re-authorization of the Louisiana Workforce Commission (LWC), the re-working of the Incumbent Worker Training Program (IWTB), and alterations to the workers' compensation system to the difficult issues surrounding the oil spill catastrophe – primarily finding new employment for those out of work due to the spill and ensuring that Louisianians are "first in line" for the jobs with BP and its subcontractors along Louisiana's coast. During the session, the LWC reported to the legislature on its considerable efforts to serve Louisiana's unemployed while coordinating efforts in hiring with BP and its subcontractors.

The Louisiana Workforce Commission is funded with state dollars, federal dollars, and employer contributions, largely to the state's Unemployment Trust Fund. This year's budget calls for a nearly three hundred million dollar budget for the LWC, of which approximately one hundred seventy-five million dollars are from the federal government, earmarked for particular programs. Because the general fund is not the majority source of LWC's budget dollars; however, the ongoing budget crisis did not impact the LWC and its programs to the extent that other departments of state government were affected. However, belt-

tightening and making budget dollars stretch as far as possible are certainly concerns for the LWC.



Ongoing efforts through the Workers' Compensation Advisory Council (WCAC) created a much less acrimonious session than have been experienced in earlier administrations. Most workers' compensation issues and their suggested solutions had been vetted by the WCAC and the council was able to reach consensus on many issues before the legislative session even began, bringing to the legislature solutions which had been endorsed by a wide range of interested parties.

The issue of workers' compensation claims and calculating the pay for workers' compensation purposes for professional athletes was a topic that arose early in the session, with competing bills by the NFL players and NFL owners filed in both houses. After one rather rancorous committee meeting in the House Committee on Labor and Industrial Relations, the parties decided to address their issues in collective bargaining and individual player contracts rather than to air their disagreements in the arena of the state legislature.



## LOUISIANA WORKFORCE COMMISSION

First on the LWC's list of essential legislation this session was the re-authorization of the commission prior to a sunset in 2011. **Senate Bill 105 by Senator Riser (Act 119)** passed both houses and was signed by Governor Jindal on June 8, 2010. The LWC is authorized to operate until 2115 and will be scheduled for re-authorization by the legislature again in 2014.

## WORKERS' COMPENSATION

Various adjustments to the workers' compensation system in Louisiana were in order during this session. Of those bills dealing with workers' compensation, **Senate Bill 106 by Senator Riser (Act 3)** was one of the more interesting in that the contents of this bill were on track to become law last year when the bill became sidetracked by the addition of language to accept the unemployment funds from the federal stimulus package. Thus, more than a year after its initial introduction, the provisions allowing for workers' compensation benefits to be paid with a debit card while repealing the requirement that such payments be mailed, requirements for the prompt reporting of suspected false or misleading statements relating to workers' compensation premiums, and revised provisions relating to injured employees when a dispute arises as to medical treatment or condition were all enacted.

**President Chaisson's Senate Bill 255 (Act 4)**, relative to electronic medical billing, requires the LWC to promulgate rules requiring that health care providers and insurance carriers provide for submission and payment of workers' compensation-related claims to be handled electronically.

An internal matter within the LWC relating to the confidentiality of certain records was clarified in **Senate Bill 398 by Senator Riser (Act 6)**, allowing use of certain information within the commission and **House Bill 1088 by Representative Ponti (Act 53)** decreed that mediations between the parties in a workers' compensation matter are no longer required. It is believed that, by having fewer mediations and by focusing on those cases which might benefit from the mediation process, more cases could be settled at the mediation stage. Also approved was **Senate Bill 107 by Senator Riser (Act 120)** dealing with the method in which a sole proprietor may declare himself not covered by the workers' compensation policy in place to insure the sole proprietor's employees.

The Second Injury Fund is a state agency which is intended to encourage employers to hire employees with a pre-existing permanent partial disability. The fund is designed to reimburse an employer or his insurer for part of the compensation costs when such an employee is injured in the workplace. The fund came under much scrutiny by the Streamline Commission over the interim following the 2009 Regular Legislative Session. **Senate Bill 639 by Senator Murray (Act 799)**, was also filed and prevailed in the process. A partially restructured Second Injury Fund will remain in place to incentivize employers in the future to hire these individuals.

**Senate Bill 607 by Senator Long (Act 794)** provides relative to group self-insurance funds which have traditionally been regulated by the LWC; however, statutes remained that gave some control over these entities to the Department of Insurance (DOI).

This legislation clarifies the law and states that such group endeavors shall not be considered insurance, nor regulated by the DOI.

Last year the legislature ordered the promulgation of medical treatment guidelines for workers' compensation. Such guidelines were to be enacted by September 30, 2010. While the medical director, the various medical panels, and the commission have worked tirelessly over the last year to compile the guidelines and have them ready for promulgation, it became clear that an additional ninety days would provide sufficient time to have the entire system user-ready. **House Bill 1138 by Representative Ponti (Act 619)** was amended to extend the time for implementation to January 1, 2011.

In other matters, **House Bill 873 by Representative Patricia Smith (Act 288)** requires an increase in penalties for employers who fail to secure workers' compensation coverage and to deposit these fines in the Workers' Compensation Administrative Fund, and **House Bill 1129 by Representative Talbot (Act 304)** changes the law by allowing the disclosure of an employer's name, the name of the employer's insurer or group self-insurance fund and the effective dates of the coverage or membership.

#### **INCUMBENT WORKER TRAINING PROGRAM**

A key program for the LWC is the Incumbent Worker Training Program (IWTP). The IWTP is designed to benefit business and industry by assisting in the skill development of existing employees. The basic intent of the program is to fund training that results in advancement or job creation for individuals

employed in regional demand occupations, and its goal is to provide workers with the most beneficial training opportunities possible while growing Louisiana's economy. It was necessary this session to re-authorize the IWTP, which was the purpose of **Senate Bill 301 by Senator Walsworth (Act 776)**. The IWTP was extended until 2014 when it will again be reviewed for re-authorization by the legislature.

#### **APPRENTICES**

Apprenticeship provisions are the topic of **Senate Bill 537 by Senator Nevers (Act 791)**. The legislation provides new requirements for an apprenticeship agreement, provides that the requirement that the employee representatives on the apprenticeship council be representatives of labor unions is discretionary, provides as to the terms of the council members, and allows the executive director of the workforce commission to appoint the director of apprenticeship without the approval of the apprenticeship council.

#### **MISCELLANEOUS**

Other Labor and Employment law legislation included **House Bill 1199 by Representative Morris (Act 307)** which applies to employment services operating in Louisiana, including penalties and a cause of action and legal recourse for those with legal claims against such employment service companies. **Senate Bill 328 by Senator Murray (Act 6)** makes changes in the membership of the Occupational Forecasting Conference, changing one member from a representative of the "Black Economic Development Council" to a representative of the "Louisiana Minority Supplier Development Council". **Senate Bill 529 by**

**Senator Broome (Senate Labor Committee)**, seeking to prohibit the use of consumer credit scores or reports in the employment process except for certain specific jobs, was brought before the committee and Senator Broom presented a well-articulated argument on behalf of the bill. Concerns arose from several business owners on the committee. **Senate Resolution 120 by Senator Broome (Filed with the Secretary of State)** requests the LWC to prohibit the use of such credit scores and reports in employment decisions.

## Legislative Affairs

by: *Laura Gail Sullivan*  
(225) 342-1196

### SENATE RULES

**Senate Resolution 78 by Senator Morrell (enrolled)** requires that before a person is allowed to testify before a Senate committee, the person shall file with the committee chairman or secretary a sworn written statement in the form of a signed witness card affirming that the testimony he gives is true and correct. The resolution specifies that the witness shall be considered to be under oath while providing testimony before the committee.

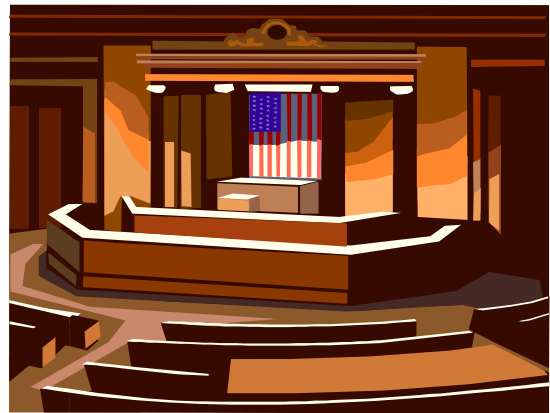
**Senate Resolution 11 by Senator Guillory (enrolled)** requires bills relating to retirement to be prefiled no later than five p.m. on the 45<sup>th</sup> calendar day prior to the convening of a regular session.

### LEGISLATIVE SESSIONS

**House Bill 391 by Representative Robideaux and Senator Butch Gautreaux (Assigned to Senate & Governmental Affairs Committee)** would have required any bill or joint resolution to effect any change in laws relating to public employees' retirement systems to be prefiled no later than five p.m. on the 45<sup>th</sup> calendar day prior to the convening of a regular session.

### LEGISLATIVE AFFAIRS

**House Bill 632 by Representative Larusso (Pending in Conference Committee)** for any report that an agency is required to make to the legislature, would



have required the agency to send only one copy of the report to the presiding officer of each house. The bill would have allowed an agency to send an electronic copy of a report to one or more members of the legislature. The bill would have continued the requirement that an agency submitting a required report shall send to the David R. Poynter Legislative Research Library an e-mail notification containing an electronic copy of the report. The bill proposed to add a requirement that each agency send an annual report by February 1<sup>st</sup> of each year to the Library listing all reports and publications issued by the agency in the prior year.

## Local Government

by: James Benton  
(225) 342-0597



### AIRCRAFT/AVIATION

**Senate Bill 772 by Senator Morrell (Conference committee failed to report)** would have created the New Orleans Lakefront Airport Authority as a political subdivision within the Department of Transportation and Development and provided that the authority exercise its authority through a board of commissioners. Would have provided that, on and after 1/1/2011, the management, control, and maintenance of the New Orleans Lakefront Airport is transferred to the board of commissioners of the New Orleans Lakefront Airport Authority. Would have provided that, except as required by federal law or regulation or state constitution, all revenues produced from the operation of any facility or improvement at the airport be collected by the authority and any monies remaining, after deducting expenses incurred by the authority are to be disbursed by the authority to the Orleans Levee District.

### ASSESSORS

**Senate Bill 43 by Senator Murray (Act 876)** provides for the transfer of all books, papers, records, money, account receivables, actions, and other property of every kind, movable and immovable, real and personal, possessed, controlled, or used, by the Board of Assessors of Orleans Parish to the Orleans Parish assessor. Further provides for the transfer of all legal proceedings and documents relating to activities, facilities, and functions of the Board of Assessors of Orleans Parish to the Orleans Parish assessor, and

requires no amendment necessary to any document to substitute the name of the original assessor or other office for the Orleans Parish assessor.

### FUNDS/FUNDING

**Senate Bill 747 by Senator Jackson (Act 1012)** provides for Road Home applicants whose claims were denied because of unresolved succession or inheritance issues, and provides for the awarding of a Road Home grant, together with a covenant restriction filed against the property to reserve the rights of the Road Home Corporation, or its successor in interest, for any claims arising in favor of the Road Home Corporation against the applicant subsequent to the awarding of the grant. Provides that the disbursement of such funds will be in accordance with the revised program rules for the Road Home program, as reflected in a duly amended Action Plan approved by the United States Dept. of Housing & Urban Development.

### LOCAL AGENCIES

**Senate Bill 254 by Senator N. Gautreaux (Act 436)** provides that a political subdivision may purchase or lease any motor vehicle if the vehicle is capable of and equipped for using alternative fuel. Includes hybrid vehicles to the purchase and lease options. Provides that the definition of a "hybrid vehicle" will mean a vehicle that employs a combustion engine system together with an electric propulsion system that results in lower emissions of oxides of nitrogen,

volatile organic compounds, carbon monoxide, or particulates or any combination thereof that meet or exceed federal Clean Air Act standards.

## MUNICIPALITIES

**Senate Bill 296 by Senator Martiny (Act 440)** authorizes a municipal corporation to appoint an attorney at law or agency to assist the tax collector in the collection of ad valorem taxes. Provides for the collection of a 10% fee when such assistance is used on the total amount of all taxes, interest, and penalties due. Provides that the taxpayer will pay the fee. Provides that the tax collector will collect the fee at the same time that the taxes, interest, and penalties are collected.

**Senate Bill 641 by Senator Morrell (Act 450)** provides that any contract awarded or executed, or purchase made in violation of the criminal statute defining public bribery, and where a conviction has been obtained, will be null and void and will not be enforced in the courts of this state. Provides that in instances where the contract or purchase agreement encompasses a service or commodity that is of a vital need to or for the public, a court may allow a limited transition period to enable the local government authority to secure an alternative source for the service or commodity.

## PUBLIC CONTRACTS

**Senate Bill 646 by Senator Hebert (Act 662)** authorizes certain parishes (48,500 -73,500 citizens) to establish a cooperative endeavor between a parish governing authority and its residents in an effort to improve drainage infrastructure in the parish.

## PUBLIC HEALTH

**Senate Bill 4 by Senator Murray (Act 421)** provides that parish or municipal governing authorities may adopt ordinances regulating the back washing and drainage of residential and commercial swimming pools into the street. Further provides that any ordinance which restricts the practice of backwashing or draining a swimming pool into the street will be subject to judicial review on the grounds of abuse of discretion, unreasonable exercise of police powers, excessive use of the power herein granted, or the denial of the right of due process. However, the right of judicial review of such ordinances will not be limited by the provisions of this proposed law.

## SPECIAL DISTRICTS

**Senate Bill 482 by Senator Lafleur (Act 546)** authorizes the governing authority of St. Landry Parish to establish a road district, which will be comprised of St. Landry Parish in its entirety. The authority to create the district is contingent on the voter approval of the electorate of St. Landry Parish. Provides that upon the creation of the district, districts created pursuant to prior law shall be absorbed into the district and shall be subject to the provisions of **Senate Bill 482**. Provides that the St. Landry Parish Road District shall be the successor to any district that is absorbed pursuant to present law. All unfinished business, documents, liens against property for unpaid taxes, money, movable, and immovable property, and books and records of the absorbed road districts shall be transferred to and become the responsibility and property of the St. Landry Parish Road District. Any legal proceeding to which the district is a party and which is filed, initiated, or pending before any court on the effective date of abolition and

all documents involved in or affected by said legal proceeding shall retain their effectiveness and shall be continued in the name of the parish. All obligations of the absorbed districts shall become the obligations of the district. Any revenues assumed by the district shall be used in or for the benefit of the area comprising the former district.

**Senate Bill 611 by Senator Dorsey (Act 795)** creates the River Park Development District in the city of Baton Rouge as a political subdivision of the state. Provides that the purpose of the district is to provide for cooperative economic and community development among the district, the city-parish, the state, and the owners of the property in the district, in order to assist in the redevelopment of the property within the district.

The following bills created and provided for various special districts during the **2010 Regular Session. Senate Bill 393 by Senator Claiborne (Act 442)** creates the Shenandoah Estates Crime Prevention and Improvement District in East Baton Rouge Parish. **Senate Bill 703 by Senator Peterson (Act 554)** creates and provides for the Broadmoor Neighborhood Improvement District in Orleans Parish. **Senate Bill 759 by Senator Thompson (Act 558)** creates the Madison Parish Economic and Industrial Development District.

## Military Affairs

by: McHenry Lee  
(225) 342-0734

Financial Assistance. Several pieces of legislation were filed during the 2010 Regular Session that attempted to provide financial assistance to members of the armed forces and their families. One of the major initiatives was an attempt to revise a law passed in 2007 that allows for lump sum payments for death and disability to servicemen and their families. **Senate Bill 245 by Senator Adley (Senate Finance Committee)** would have entitled those qualified members of the armed services to receive these payments prior to the 2007 law and subsequent to September 11, 2001. The bill died in committee because of a fiscal note of \$8 million. The legislature did pass **Senate Concurrence Resolution 43 by Senator Crowe (Filed with Secretary of State)** which memorializes Congress to establish the National Military Family Relief Fund. The idea behind such a fund would be to create a simple and cost-effective way for taxpayers to lend a helping hand to military families in need. Additionally, **House Bill 583 (Act 256)** amends the Louisiana Military Assistance Fund to allow for outreach activities for veterans.

Mental Health. Hundreds of thousands of men and women have served in combat zones in Iraq, Afghanistan, and other troubled parts of the world. Recent national data reveals higher than average mental health problems as these soldiers return home, including troubling suicide rates. This session, the legislature passes **Senate Concurrent Resolution 32 by Senator Crowe (Filed with**

**Secretary of State)** encouraging all state, local or private outreach efforts to counsel and refer veterans and their family members who might be under reintegration stress. The resolution also encourages mental health specialists to enhance their understanding of mental health and lend their services in supporting veterans and their families.

Child Custody. In an effort to clarify child custody issues that might arise during the deployment of a parent in the military, the legislature passed **House Bill 1156 (Act 739)**, also known as the "Military Parent and Child Custody Protection Act". This legislation prohibits courts from modifying the terms of an existing custody order until 90 days after the termination of the deployment of a parent, requires the other parent to provide the court and the deploying parent with written notice at least 30 days before a change of address, an expedited hearing of custody matters when military duties prevent the deploying parent from personally appearing at the hearing, as well as other complications that might arise as a result of having a parent serving overseas.

Honor License Plates. In an effort to honor those men and women who have devoted their lives to protecting their country, legislators this year **Senate Bill 440 by Senator Riser (Act 208)** creates individual military honor license plates for former prisoners of war, Congressional Medal of Honor recipients, those who served in Operation Desert Shield/Desert Storm, World



War II veterans, Marine Corps members, Laos War Veterans, veterans of the Cold War, Vietnam Veterans, Korean War Veterans, United States Merchant Marine, survivors of Pearl Harbor, "Purple Heart" recipients, Iraq Campaign Veterans and Afghanistan Campaign Veterans. House Bill 32 established an honor license plates for members of the United States Armed Forces. **House Bill 1204 (Act 104)** creates a "Support our Veterans" honor plate. Additionally, **House bill 1206 (Act 402)** decreases the disability threshold for exemption from driver's license fees for disabled veterans.

Criminal Procedure. **House Bill 1237 (Act 744)** allows judges to use military service as reason for allowing a continuance or suspension of a trial when a witness or defendant is a member of the armed forces.

Hunting and Fishing Licenses. **Senate Bill 473 by Senator Long (Act 336)** allows any nonresident disabled veteran to obtain a combination lifetime hunting and fishing license for \$300.

Concealed Weapons Permit. **Senate Bill 174 by Senators Smith and Shaw (Act 771)** allows veterans to demonstrate competence with a handgun by proof of his or her combat veteran status and completion of a three-hour instruction on the use of deadly force and a one-hour instruction on child access prevention.

## Natural Resources

by: J.W. Wiley  
(225) 342-2108

### HUNTING

**House Bill 172 by Representative Henry (Act 29)** prohibits hunting game birds or wild quadrupeds with a firearm fitted with a laser sight or any sighting device designed to project a beam of light to the target or otherwise electronically illuminate the target.



**House Bill 569 by Representative Carmody (Act 254)** allows the night time hunting of coyotes, feral hogs, armadillos, nutria, and beaver on private property.

**Senate Bill 629 by Senator McPherson (Pending House Natural Resources)** and **House Bill 878 by Representative St. Germain (Act 289)** authorizes the issuance of hunting and fishing licenses at resident rates to full-time college students who are not residents of Louisiana regardless of their home state's laws regarding hunting and fishing rates for non-residents.

**House Bill 884 by Representative St. Germain (Act 292)** authorizes the issuance of a restricted hunter education certificate to a developmentally disabled person who is unable to successfully complete a hunter safety course. Such permit allows a person to hunt if he is accompanied by and is under the direct supervision of a person who is 18 years of age or older and has a valid hunting license

or proof of successful completion of a hunter safety education course.

"The Louisiana Family Hunting Law", **Senate Bill 384 by Senator Claitor (Act 335)**, authorizes the Department of Wildlife and Fisheries to issue a valid hunting license to a person who has not completed the firearm

and hunter education course provided the license is issued with a restriction that requires that the person be accompanied by and under the direct supervision of a person who is 18 years of age or older and has a valid hunting license or proof of successful completion of a hunter safety education course approved by the department. The bill repeals the provisions for a hunter education deferral license which allow a temporary 30-day license for those people who have not satisfactorily completed a hunter education course.

**Senate Bill 473 by Senator Long (Act 336)** provides that the fee for a combination lifetime hunting and fishing license for a nonresident veteran with a permanent service-connected disability classification of 50% or more shall be \$300.00.

**Senate Bill 483 by Senator McPherson (Act 337)** creates the Quality Deer Management Program and provides that

the Department of Wildlife and Fisheries has authority over the program. The bill requires the program to be developed using a management philosophy that encourages good stewardship and unites landowners, hunters, and managers in a common goal of producing biologically and socially balanced deer herds within existing environmental, social, and legal constraints. The program should include protocols for the protection of young bucks, including an adequate harvest of female deer to maintain a healthy population in balance with existing habitat conditions and landowner desires.

## FISHING

**House Bill 597 by Representative St. Germain (Act 589)** allows the nighttime commercial take of shad and skipjack in Lake Verret, Lake Palourde, Lac Des Allemands, throughout Iberville Parish, and in those portions of the parishes of Iberia, St. Martin, and St. Mary located between the guide levees of the Atchafalaya Basin. The bill does not allow the commercial taking of shad or skipjack on any Saturday or Sunday.

**House Bill 656 by Representative Gisclair (Act 384)** authorizes the Lafourche Parish Game and Fish Commission to govern, regulate, and control Lake Long in Lafourche Parish.

**House Bill 695 by Representative Wooten (Act 269)** provides that oysters harvested from Louisiana waters may be sold for raw consumption within the state at all times during the year. The bill also provides that federal regulations which may prohibit the interstate transportation and sale of oysters which have not been post-harvest treated will not apply to oysters harvested, sold, and

consumed within Louisiana.

**House Bill 712 by Representative Wooten (Act 270)** provides that during the seed only portion of oysters season on the public seed grounds that the following restrictions apply: (1) No harvester actively harvesting in the public seed grounds shall have containers on his vessel that can be used to hold oysters for transport to market; (2) All oysters found on a vessel actively harvesting oysters shall be presumed to be harvested from the public seed grounds; (3) No harvester can sell or transport to market oysters intended for market sales on the same day as he harvests from the public seed grounds.

**House Bill 875 by Representative Harrison (Act 606)** creates the Louisiana Shrimp Task Force within the Department of Wildlife and Fisheries. The bill provides for the members, and powers and duties of the task force. The task force should function to increase production and marketability of shrimp, to study the decline in shrimp marketability, and to assist in the development of a shrimp inspection program and branding program.

**House Bill 890 by Representative Harrison (Act 294)** authorizes the secretary of the Department of Wildlife and Fisheries to establish a quality certification program for Louisiana wild fish and wild seafood products, including wild-caught shrimp, which are taken, harvested, or landed in Louisiana.

**Senate Bill 748 by Senator Thompson (Act 672) and House Bill 1466 by Representative Ellington (Act 631)** provides for the use of yo-yos, trigger devices, jugs, or

float fishing gear in certain water bodies of the state, including Lake Saint Joseph.

**Senate Bill 308 by Senator Marionneaux (Act 777)** authorizes the Department of Wildlife and Fisheries and the Louisiana Wildlife and Fisheries Commission to employ the timetables and provisions of the emergency rulemaking process in promulgating rules and regulations relative to hunting seasons, trapping seasons, alligator seasons, shrimp seasons, oyster seasons, finfish seasons and size limits, and all rules and regulations pursuant thereto. The bill requires any legislative oversight hearing held on a rule to be held no earlier than five days and not later than 30 days following the date of adoption of the rule.

## **WATER & BOATING**

**House Bill 877 by Representative St. Germain (Act 46)** authorizes the secretary of the Department of Wildlife and Fisheries in an emergency or disaster to close any waterway, other than navigable waters of the United States, to boating access or may restrict the type of use. The bill limits the duration of the closure period to not more than seven days after the next meeting of the Wildlife and Fisheries Commission.

**House Bill 880 by Representative White (Act 47)** provides that no person can violate a restriction of a safety zone or a security zone established pursuant to rules promulgated by the United States Coast Guard under the authority of the Ports and Waterways Safety Act or the Magnuson-Stevenson Act.

**House Bill 1486 by Representative Morris (Act 955)** authorizes a person or entity

to enter into a cooperative endeavor agreement to withdraw running surface water with an agency or subdivision of the state. The bill requires that a cooperative endeavor agreement to withdraw running surface water with an agency or subdivision of the state must be in writing, for fair market value, in the public interest, on an uniform form prescribed by the State Mineral and Energy Board, and approved by the attorney general and the secretary of the Department of Natural Resources.

**House Bill 1449 by Representative Fannin (Act 994)** allows a riparian owner to assign access rights for surface water adjacent to his riparian land for any agricultural or aquacultural purpose by the non-riparian owner provided such withdrawal of running surface water is environmentally and ecologically sound, would not adversely impact the sustainability of the water body, or have undue impacts on navigation, public drinking water supplies, stream flow energy, sediment load and distribution, and certain other circumstances.

**House Concurrent Resolution 1 by Representative Fannin (Sent to the Secretary of State)** requests the Ground Water Resources Commission, through its chair, to prepare a report on the state's ground water and surface water resources and to provide recommendations for the optimal management and protection of the state's water resources to be submitted to the House Committee on Natural Resources and Environment and the Senate Committee on Environmental Quality no later than March 1, 2012.

**ENERGY & MINERALS**

**House Bill 495 by Representative Harrison (Act 193)** provides that the owner of the land or water bottom is the owner of any monetary compensation derived from the land or water bottom through carbon sequestration. However, monetary compensation derived from sequestration attributable to Coastal Protection and Restoration Authority projects is the property of the state.

Bills were introduced to address alternative energy sources, including hydrokinetic energy. **Senate Bill 183 by Senator N. Gautreaux (Act 875)** and **House Bill 841 by Representative Arnold (Act 930)** authorizes the State Mineral and Energy Board to lease for the development and production of alternative energy sources, any lands belonging to the state, or the title to which is in the public, including road beds, water bottoms, vacant state lands, and lands adjudicated to the state at tax sale. No lease for hydrokinetic energy can be granted that is inconsistent with the terms of a permit, license, exemption, or other authorization issued by the Federal Energy Regulatory Commission. **Senate Bill 592 by Senator Michot (Subject to Call - Senate Final Passage)** would have allowed the State Mineral and Energy Board to grant servitudes for the development and production of hydrokinetic energy on any lands belonging to the state, or the title to which is in the public, including road beds, water bottoms, vacant state lands, and lands adjudicated to the state at tax sale.

**Senate Bill 184 by Senator N. Gautreaux (Act 773)** provides that of revenues received in each fiscal year by the

state through judgments or settlements, even if a civil action is not commenced, resulting from underpayment to the state of severance taxes, royalty payments, bonus payments, rentals, shut-in payments or other sums payable to the state as lessor under the terms of a valid mineral lease, an amount equal to the actual costs expended from the Mineral and Energy Operation Fund and any attorney fees incurred will be deposited into the Mineral and Energy Operation Fund.

**Senate Bill 739 by Senator Morrish (Subject to Call - Senate Final Passage)** would have established the Louisiana Carbon Capture and Enhanced Oil Recovery Act. The bill would have authorized the secretary of the Department of Natural Resources to certify, based on the evaluation of the technology assessment division of the department, any project as a qualified low carbon energy project if the project commences construction on or before Dec. 31, 2015, and meets all of requirements of law.

**PARKS**

**House Bill 480 by Representative Montoucet (Act 9)** and **Senate Bill 178 by Senator N. Gautreaux (Pending Senate Natural Resources)** changes the entity that nominates a member to the State Parks and Recreation Commission. The entity was the Louisiana State Garden Society, but the bills change the entity to the Louisiana Garden Club Federation, Inc.

**Senate Bill 559 by Senator Walsworth (Act 551)** changes the entity that nominates a member to the State Parks and Recreation Commission. The entity was the Louisiana Federation of Women's Clubs, but the bill changes the entity to the General

Federation of Women's Clubs of Louisiana, Inc.

**Senate Bill 534 by Senator Hebert (Act 790)** allows a person who lawfully possesses a firearm to possess or transport such firearm within the boundaries of a state park, state historic site, state preservation area, wildlife management area, or wildlife refuge.

#### LAND TRANSFER

Numerous land transfers bills were filed during the session. The land transfer bills authorized certain state agencies and entities to transfer state-owned property to local political subdivisions or to private individuals. The following are some of the land transfer bills: **House Bill 63 by Representative Geymann (Act 86)**, **House Bill 127 by Representative Kleckley (Act 27)**, **House Bill 587 by Representative G. Smith (Act 109)**, **House Bill 703 by Representative St. Germain (Act 1022)**, **House Bill 704 by Representative St. Germain (Act 44)**, **House Bill 862 by Representative Cortez (Act 285)**, **Senate Bill 68 by Senator McPherson (Act 115)**, **Senate Bill 127 by Senator Adley (Act 200)**, **Senate Bill 172 by Senator N. Gautreaux (Act 124)**, **Senate Bill 210 by Senator Mount (Act 127)**, **Senate Bill 338 by Senator Marionneaux (Act 779)**, and **Senate Bill 397 by Senator Riser (Act 133)**.

#### MISCELLANEOUS

**House Bill 1255 by Representative A. Badon (Act 157)** allows a person to surrender to the Department of Wildlife and Fisheries any live animal possessed illegally or which may be possessed only by permit or license from the department. The bill provides immunity from prosecution for

illegally possessing or possessing without a permit or license provided the surrender is initiated prior to any independent investigation or contact by any public employee operating in their official capacity.

**House Bill 1256 by Representative Cromer (Act 406)** adds Bayou Liberty in St. Tammany Parish to the natural and scenic rivers program. On the portion of the bayou north of I-12, the bill authorizes permitting for the removal of accumulated siltation and channel realignment activities for the purpose of restoring natural sinuosity of the bayou.

**House Bill 1354 by Representative Hill (Act 855)** provides relative to the sale, barter, trade, and possession of nonindigenous and poisonous snakes and constrictors. The bill provides that constrictors in excess of eight feet and venomous snakes may only be kept if a permit is granted by Department of Wildlife and Fisheries. The bill provides an exception for this requirement for animal sanctuaries, zoos, aquariums, wildlife research centers, scientific organizations, and medical research facilities listed in the federal Animal Welfare Act.

#### DEEPWATER HORIZON EXPLOSION AND OIL LEAK

Located some fifty miles off the Louisiana coast in the Gulf of Mexico, the Deepwater Horizon drilling unit was an offshore rig specifically designed to function in waters up to 8,000 feet deep, to a maximum drill depth of about 30,000 feet. The rig was working on a well for the oil company British Petroleum (BP). The well was about one mile below the surface of the Gulf waters.

On April 20, 2010, the rig experienced a massive and deadly explosion and fire, before sinking and leaking oil into the Gulf. Seventeen people were injured and the following eleven people were killed: Adam Weise of Yorktown, Texas; Aaron Dale Burkeen of Philadelphia, Mississippi; Donald Clark of Newellton, Louisiana; Roy Kemp of Jonesville, Louisiana; Jason Anderson of Bay City, Texas; Stephen Curtis of Georgetown, Louisiana; Gordon Jones of Baton Rouge, Louisiana; Blair Manuel of Gonzales, Louisiana; Dewey Revette of State Line, Mississippi; and Shane Roshto of Franklin County, Mississippi. **Senate Concurrent Resolution 114 by Senator Chaisson (Sent to the Secretary of State)** expresses condolences of the Legislature of Louisiana upon the death of 11 crew members of the Deepwater Horizon oil rig.

On August 4, 2010, the White House put out a report entitled "BP Deepwater Horizon Oil Budget: What Happened To The Oil?" The report estimates that 4.9 million barrels of oil have been released from the well. The report further states what has happened to the oil, as follows: (1) burning, skimming and direct recovery from the wellhead removed twenty-five percent of the released oil; (2) natural evaporation or dissolving removed twenty-five percent of the released oil; (3) natural dispersal or dispersal as a result of operations as microscopic droplets into Gulf waters removed less than twenty-four percent of the released oil; and (4) the remaining twenty-six percent is either on or just below the surface as light sheen and weathered tar balls, or has washed ashore or been collected from the shore, or is buried in sand and sediments.

As of August 5, 2010, BP is in the process of conducting a "static kill". "Static kill" is a process by which mud is pumped through the blowout preventer and into the well. The mud then pushes the oil and gas back into the reservoir. This process is working. The next step will be to inject cement behind the mud and seal off the well. Also, the two relief wells are still in the process of preparing for a "bottom kill".

The tragic loss of life and injuries was just the beginning. The oil leak has created a vast plume of oil, both surface and subsurface. Louisiana was hit first by oil making landfall in the coastal areas and marshlands. But by June, oil in the form of tar balls and oil "mousse" was being reported as reaching the shores of Mississippi, Alabama and Florida.

Cleanup efforts by BP have been criticized. Cleanup efforts in the Gulf waters have involved the use of certain dispersants, and their potential environmental and health impact is uncertain. The oil itself contains methane, and its impact upon the Gulf ecosystem is uncertain. Economic, ecological, and health effects continue to be of major concern.

As a result of the Deepwater disaster, President Obama on May 27, 2010, ordered a moratorium halting most current and new offshore oil drilling activities pending a comprehensive safety review. The economic effects of the moratorium upon individuals, communities, and businesses in Louisiana have been a major concern. A lawsuit was filed challenging the issuance of the moratorium. The federal district judge ruled in favor of the plaintiffs' motion for a preliminary injunction against the issuance of

a moratorium. This ruling is on appeal to the Fifth Circuit Court of Appeals. **House Concurrent Resolution 214 by Representative Dove (Sent to the Secretary of State)** requests Secretary of the Interior, Ken Salazar, to reconsider the directive that he issued which instituted six-month moratorium on oil and gas exploration in the Gulf of Mexico and to possibly alter that directive to minimize the negative economic impact of such directive on the already damaged economies of the state of Louisiana and the other oil and gas producing states along the Gulf of Mexico.

Other resolutions by the Legislature have been passed concerning the Deepwater Horizon incident, response, and its effects upon Louisiana, including the following resolutions: **House Concurrent Resolution 157 by Representative Connick (Sent to the Secretary of State)** requesting BP to remove certain provisions of contracts with vessel owners, and **Senate Concurrent Resolution 113 by Senator Crowe (Pending House Final Passage)** would have requested the president of the United States to utilize all the resources of the federal government to stop the oil leak in the Gulf of Mexico and to minimize its impacts on the state of Louisiana, its citizens, businesses, and wildlife and fisheries, and to expedite any necessary permit to waive or suspend any federal requirements necessary in order to protect Louisiana's coastal marshes, estuaries, citizens, businesses, and wildlife and fisheries.



# Property

by: *Danielle Doiron*  
(225) 342-1773

## COMMUNITY DEVELOPMENT

**House Bill 1173 by Representative Tucker (reconsideration-Senate final passage)** would have required legislative approval by the Joint Legislative Committee on the Budget and a recommendation by the Commissioner of Administration on certain contracts and action plans for recovery services funded by the Community Development Block Grants for the recovery from Hurricanes Katrina, Rita, Gustav, and Ike.

**House Bill 1175 by Representative Tucker (subject to call-Senate final passage)** would have required the Office of Community Development to allocate any unspent federal funds available for the recovery to the governing authority of each parish affected by Hurricanes Katrina or Rita and provides for provisions. Further would have required the Office of Community Development to seek necessary federal approvals to permit a parish governing authority to provide an alternative use of the allocated monies.

## COMMUNITY PROPERTY

**House Bill 830 by Representative Greene (Act 603)** provides a judgment of separation of property upon motion of either spouse, and further provides that the judgment shall be retroactive to the date the petition for divorce was filed if a judgment is rendered on

the ground the spouses were living separate and apart for at least 30 days from the date of, or prior to, the filing of the petition for divorce.

## EXPROPRIATION

**House Bill 31 by Representative Kleckley (Act 181)** authorizes the expropriation by a declaration of taking, "quick-take", by the city of Lake Charles in order to acquire property for street, drainage, water, utility, or sewerage projects.

**House Bill 276 by Representative Leger (Act 1052)** was a constitutional

amendment which would have provided that property expropriated for the public purpose of removing a threat to public health or safety caused by the existing use or disuse of the property shall not be subject to the requirement of offering the property back to the original owner who allowed the property to become a threat to public health or safety or to the requirement of public sale.

**House Bill 310 by Representative White (assigned to House Natural Resources)** constitutional amendment which prohibits the state and its political subdivisions from entering into cooperative endeavors with the U.S. or its agencies if such endeavor commits state or local funds for the



expropriation of lands for wetlands mitigation.

**House Bill 328 by Representative White (assigned to House Natural Resources)** was a constitutional amendment which would have prohibited the taking or damaging of private property for the purpose of offsetting damages to or loss of wetlands or other natural habitat caused by a private activity or project, or a federal, state, or local permitted activity or project.

**House Bill 728 by Representative Cromer (Act 198)** authorizes the expropriation by a declaration of taking, "quick-take", by the parish of St. Tammany in order to acquire property for road, drainage, water, utility, or sewerage.

**House Bill 1324 by Representative Richmond (Act 853)** repeals procedures for obtaining compensation in certain expropriation proceedings. Further added provisions requiring the payment of just compensation for the acquisition of certain property, servitude's, and other accessory rights of possession.

**House Concurrent Resolution 3 by Representative Foil (filed with Secretary of State)** directs the Louisiana State Law Institute to study and make recommendations for the revision of the laws pertaining to the expropriation of immovable property by private entities and to report its findings and recommendations on or before Jan. 1, 2012. This study aims to ensure the rights of private property owners subject to expropriation by public entities.

**Senate Bill 154 by Senator Morrell (assigned to Senate Judiciary A)** was a

constitutional amendment which would have removed limitations on what shall be a "public purpose," relative to expropriation. Further removes constitutional provision which would provide that economic development or any other use of the property by a private person or entity, which may result in an increase in tax revenue or any other incidental benefit to the public shall not be considered in determining whether the taking or damaging of property is a public purpose. Further would have provided that except as provided in the Constitution, the full extent of loss shall include, but not be limited to, the appraised value of the property and all costs of relocation, inconvenience, and any other damages actually incurred by the owner because of the expropriation.

## HOUSING

**House Bill 536 by Representative Hardy (withdrawn from files of Senate)** relative to the Opelousas Housing Authority, would have changed the appointment process of its governing board and requires the housing authority be governed by a five member board appointed by the governing authority of the city of Opelousas. The bill would have provided five-year terms and provisions of board members.

**House Bill 612 by Representative Foil (Act 1018)** provides for changes to the Uniform Standards Code for Manufactured Housing. Provides that new manufactured homes and new modular homes be covered by the New Home Warranty Act. Provides that the area beneath a manufactured home be crowned so that water does not flow under the home. Provides for definitions relative to manufactured and modular housing. Adds new modular homes to warranty requirements, and

changes warranty coverage on manufactured and modular homes from coverage by the manufacturer's warranty to coverage pursuant to the New Home Warranty Act. Further provides for used modular homes in the warranty coverage restriction on the sale of used homes.

**House Bill 955 by Representative Leger (Act 1030)** provides relative to the New Orleans Redevelopment Authority. Grants the authority power to levy or assess any ad valorem taxes, personal property taxes, sales and use taxes, or any other forms of taxes, including special assessments against any property. Grants the authority power to create one or more subdistricts to assist in the implementation of the redevelopment plan. Adds provisions for the boundaries, governance, and powers and duties of subdistricts, including the power to implement tax increment financing. Adds authorization for the authority to purchase property at a sale conducted pursuant to enforcement of judicial mortgages. Provides relative to bids on such property. Adds authorization for the state and any political subdivision with liens on property to, pursuant to intergovernmental agreements with the authority, cancel such liens contemporaneously with or subject to the transfer of the property to the authority. Grants authority power to tender a bid at a tax sale. Provides relative to bids on such property, including a provision that a bid by the authority shall take priority over all other bids for the same quantity of property. Provides exceptions. Adds provisions that grant the authority the right and cause of action to enforce encumbrances assigned by the city of New Orleans. Provides other powers and provisions.

**House Bill 1080 by Representative R. Jones (subject to call-House final passage)** would have authorized the city of Monroe to acquire and dispose of blighted property and to provide for the redevelopment of such property.

**House Bill 1104 by Representative Robideaux (subject to call-House final passage)** would have created the Lafayette Parish Redevelopment Authority to provide for the utilization of appropriate private and public resources to eliminate and prevent the development or spread of slum, blighted, and distressed areas. The bill would have defined the duties, liabilities, authority, and functions of such redevelopment authority, including the power to levy ad valorem taxes and sales and use taxes.

**House Bill 1409 by Representative G. Jackson (Act 1041)** provides relative to notices for demolition or removal of buildings. Limits the applicability of notice being de facto proof that a building or structure is more than 50% damaged, to the purposes of funding being sought by the building or structure owner. Limits applicability to the purposes of funding being sought by the building or structure owner.

**Senate Bill 716 by Senator Dorsey (subject to call-Senate final passage)** would have created the Thomas H. Delpit Area Special District and would have provided the district's boundaries. The bill would have provided the district be created to provide for cooperative economic development between the district, the city of Baton Rouge, and the owner or owners of businesses, residences, and other property within the district in order to provide for housing, renovation, restoration,

and development within the district. Grants the district authority relative to ad valorem, sales tax, and occupancy tax increment finance and bonding, and the ad valorem and sales tax levy authority granted to "local governmental subdivisions." Allows district to pledge any taxes collected under the authority to any economic development project in furtherance of the purposes of the district and sets forth financing provisions. Would have provided the district be administered and governed by a board of commissioners consisting of four people, including the mayor-president of East Baton Rouge or his designee, a member appointed by the city-parish metro council, a member appointed by the Senator representing the district, and a member appointed by the member of the House of Representatives representing the district. Would have required the district to cease to exist one year after the earlier of the date all indebtedness of the district is paid in full as to both principal and interest; however, the district must exist no less than three years.

**Senate Concurrent Resolution 126 by Senator L. Jackson (pending House final passage)** would have requested the Senate Committee on Local & Municipal Affairs and the House Committee on Municipal, Parochial, and Cultural Affairs to function as a joint committee and convene a study group to assess affordable housing needs in our state and to research best practices and model programs to identify potential recurring revenue streams for the Louisiana Housing Trust.

#### **IMMOVABLE PROPERTY**

**House Bill 24 by Representative Abramson (Act 221)** authorizes persons to

agree not to partition an electric generating plant or unit. Deletes the word "nuclear" in law so persons who hold in common an electric generating unit may agree not to partition for ninety-nine years.

**House Bill 811 by Representative T. Burns (subject to call-House final passage)** would have repealed the requirement of obtaining a conveyance certificate in Orleans Parish.

**House Bill 1133 by Representative Arnold (Act 938)** prohibits private transfer fee obligations. Provides that a "private transfer fee" means a fee or charge required by a private transfer fee obligation and payable upon the transfer of an interest in an immovable, or payable for the right to make or accept such transfer, regardless of whether the fee or charge is a fixed amount or is determined as a percentage of the value of the immovable, the purchase price, or other consideration given for the transfer. Provides that a private transfer fee obligation does not constitute a real right and is not effective against third persons. Provides that any person who records or enters into an agreement imposing a private transfer fee obligation in his favor after the effective date of this legislation shall be liable for any and all damages resulting from the imposition of the transfer fee obligation on a transfer of an interest in an immovable and all attorney fees, expenses, and costs incurred by a party to the transfer or mortgagee of the immovable to recover any transfer fee paid or in connection with an action to quiet title or to declare the private transfer fee unenforceable. Requires a seller of an immovable to furnish to any purchaser a written statement disclosing the existence of any private transfer fee

obligation. Provides for definitions and provisions relative to private transfer fee obligations.

#### **PRIVILEGES/LIENS**

**House Bill 805 by Representative T. Burns (Act 601)** provides relative to the notice of termination under the Private Works Act. Authorizes the new owner or his representative to sign the notice if the immovable has been conveyed. Provides inclusion of matters certified in good faith by the successor to the owner.

**House Bill 808 by Representative T. Burns (Act 279)** requires liens and privileges for local assessments and charges to be recorded in the mortgage records in order to be effective against third parties. Provides that liens and privileges against property granted in favor of parishes or municipalities for assessments for public improvements or for certain statutorily authorized charges imposed on property are not effective against third parties until filed in the mortgage records. Further provides if liens or privileges are placed on the ad valorem property tax bill, the sheriff shall remove them upon request of an interested party whose interest in the property was acquired prior to the recording of the lien in the mortgage records.

**House Bill 1465 by Representative G. Smith (subject to call-House final passage)** would have required the owner receive notice of certain liens under the Private Works Act prior to recording the lien. Would have required sellers of movables sold for commercial purposes on immovables for residential purposes to deliver a notice of nonpayment to the owner at least ten days before filing a statement of his claim and

privilege.

**House Concurrent Study Request 10 by Representative G. Smith (study request approved)** requests the House Committee on Civil Law and Procedure and the Senate Committee on Judiciary A to study notice of liens under the Private Works Act.

**Senate Bill 278 by Senator Erdey (Act 437)** provides with respect to the costs associated with the removal of dangerous structures incurred by a parish or municipality secured by a lien or privilege. Provides that the proper party to receive the attested bill is the director of administration or tax assessor of the parish in which the property is located.

#### **PUBLIC PROPERTY**

**House Bill 127 by Representative Kleckley (Act 27)** authorizes the transfer or lease of certain state property in Calcasieu Parish from the division of administration to the Recreation District No. One of Ward Three of Calcasieu Parish. Provides for the reservation of mineral rights to the state.

**House Bill 513 by Representative Downs (assigned to House Natural Resources)** would have authorized a property exchange between Louisiana Tech University and the North American Islamic Trust.

**House Bill 703 by Representative St. Germain (Act 1022)** authorizes the transfer or lease of certain state property in Iberville Parish from the division of administration to Savoie Industries, L.L.C.

**House Bill 704 by Representative St. Germain (Act 44)** authorizes the transfer or lease of certain state property in Iberville

Parish from the division of administration to the Cora Texas Manufacturing Company, L.L.C. Provides for the reservation of mineral rights to the state.

**House Bill 835 by Representative Dove (Act 281)** provides relative to redemption of property adjudicated to the state for nonpayment of taxes for tax years 1880 through 1973.

**House Bill 842 by Representative Dove (Act 282)** provides for procedures for sale of property adjudicated to the state for nonpayment of taxes for tax years 1880 through 1973.

**House Bill 1150 by Representative Abramson (Act 156)** prohibits the transfer or lease of the NOAH property by the state. Further prohibits the commissioner of administration from transferring, conveying or leasing certain property known as the "New Orleans Adolescent Hospital" in Orleans Parish for one year, unless approved by the LSU Board of Supervisors. Further requires the property be used as a facility for health care or health care education. Further requires that any conveyance or lease of the property contain a reversionary clause requiring the property to be operated as a facility for health care or health care education.

**House Bill 1266 by Representative Barras (Act 408)** authorizes the transfer or lease of certain state property in Iberia Parish from the division of administration to Dr. John Hebert. Provides for the reservation of mineral rights to the state.

**House Bill 1389 by Representative Ligi (Act 947)** authorizes the governing

authority of a political subdivision to sell adjudicated property at a public sale to the highest bidder without setting a minimum bid or requiring an appraisal.

**House Bill 1391 by Representative Geymann (assigned to House Natural Resources)** would have authorized the sale by McNeese State University of certain property located in Calcasieu Parish.

## REAL ESTATE

**House Bill 370 by Representative Arnold (Act 247)** provides for changes to definitions regarding agency relations in real estate transactions. Provides for changes in the definitions of "designated agency" and "designated agent" and provides for a definition of "substantive contact".

**House Bill 435 by Representative Pugh (Act 371)** authorizes additional uses for monies in the Real Estate Research and Education Fund. Allows the fund to be used to reduce the La. Real Estate Commission office building debt for Fiscal Years 2010-2011 and 2011-2012.

**House Bill 593 by Representative Pugh (subject to call-House final passage)** would have authorized a criminal background check on applicants for real estate broker or salesperson's licensure.

**House Bill 614 by Representative Ponti (Act 195)** prohibits a home inspector from also providing services as a real estate agent in the same transaction. Provides that no person acting as a licensed home inspector

shall engage in or be financially compensated for any home inspection in a transaction in which that person received a fee, commission, or other valuable consideration while acting as a licensed real estate professional in connection with the same transaction.

**House Bill 707 by Representative Hoffmann (failed House final passage)** would have established an application fee, renewal fee, and delinquent renewal fees for licensure as a real estate appraisal management company. Would have provided that it shall be unlawful for a person, corporation, partnership, sole proprietorship, subsidiary, unit, or any other business entity to directly or indirectly engage or attempt to engage in business as an appraisal management company, to directly or indirectly engage or attempt to perform appraisal management services, or to advertise or hold itself out as engaging in or conducting business as an appraisal management company without first obtaining a license issued by the La. Real Estate Appraisers Board. Authorizes the board to charge and collect fees for a real estate appraisal management company license and provides for amounts.

**Senate Bill 648 by Senator Hebert (Act 504)** allows real estate appraisers to consider energy efficiency aspects when assigning value to certain property.

#### **SEIZURES /SALES**

**House Bill 833 by Representative Kleckley (Act 528)** provides marshals with the same authority as sheriffs to demand security in the performance of their duties relative to proceedings for the seizure of property. Further provides marshals with the

same authority to demand security as provided in present law for sheriffs.

**Senate Bill 744 by Senator Marionneaux (Act 484)** exempts certain funds in existing qualified tuition programs from attachment, levy, garnishment or legal process. Adds to law that monies paid into or out of the assets and the income of any validly existing qualified tuition program such as an education savings account as defined in R.S. 17:3092, shall not be liable to attachment, levy, garnishment, or legal process in the state in favor of any creditor of or claimant against any program participant, owner or contributor, or program.

#### **UNCLAIMED PROPERTY**

**House Bill 8 by Representative Williams (Act 976)** provides procedures for the disposal of any noncontraband unclaimed property seized in connection with any criminal investigation under the jurisdiction of any district attorney, municipal police department, or state investigative agency if it remains unclaimed for more than one year after its seizure. Further provides for the distribution of any revenue which is derived from the disposal of the unclaimed noncontraband property.

## Public Safety

by: Christopher Adams  
(225) 342-2114



### BICYCLES

**Senate Concurrent Resolution 103 by Senator Erdey (filed with the secretary of state)** requests DOTD to study the feasibility of installing paved highway shoulders with bicycle paths along that portion of US Highway 190 between the town of Livingston and the city of Denham Springs in Livingston Parish and to submit a report to the Senate and House committees on transportation, highways, and public works not later than 60 days prior to the beginning of the 2011 Regular Session.

**House Bill 298 Representative Baldone (Act 813)** allows persons riding bicycles on a roadway, which includes an improved shoulder, the option of riding on the improved shoulder. The legislation prohibits the use of any bicycle on a state highway, parish road, or city street after December 31, 2010, unless the bicycle is equipped with at least one lamp emitting a red reflector flashing light on the rear. The provisions under the legislation will not apply to bicycles while engaged in sanctioned competition races, nor apply to child under the age of ten years old, who may operate a bicycle.

**House Bill 1137 Representative Williams (Act 618)** makes changes to laws pertaining to traffic regulations for bicyclists and traffic and provides for construction of bicycle facilities. This legislation requires driver's education courses to also cover sharing the road with pedestrians, bicyclists,

and transit  
vehicles and permits

Department of

Transportation and Development to expend at least 1% of total funds appropriated to the transportation trust fund in any given fiscal year on bicycle facilities and permits any municipality or parish which receives funds from the parish transportation fund to expend a limited amount of those funds for the establishment of bicycle facilities rather than paths.

### CRIMES

**Senate Bill 9 by Senator B. Gautreaux (Act 203)** makes it illegal for a driver under the age of 17 to use a cellular device for any purpose and makes texting while driving a primary offense.

**Senate Bill 193 by Senator Claitor (Act 126)** authorizes courts to order a defendant, who is alleged to have committed an offense against his family or household member or dating partner under certain conditions, to be equipped with a global positioning system device as a condition of release.

**Senate Bill 801 by Senator Riser (Act 807)** prohibits the use of tracking device to track the location or movement of a person without the person's consent and provides that any person who violates proposed law will be fined not less than \$100 nor more than \$500, imprisoned for not more than six months, or



both. This legislation will not apply to the following:

- (1) The owner of a motor vehicle, including the owner of a vehicle available for rent, who has consented to the use of the tracking device with respect to such vehicle.
- (2) The lessor or lessee of a motor vehicle and the person operating the motor vehicle who have consented to the use of a tracking device with respect to such vehicle.
- (3) Any law enforcement agency, including state, federal, and military law enforcement agencies, who is acting pursuant to a court order or lawfully using the tracking device in an ongoing criminal investigation provided that the law enforcement officer employing the tracking device creates a contemporaneous record describing in detail the circumstances under which the tracking device is being used.
- (4) A parent or legal guardian of a minor child whose location or movements are being tracked by the parent or legal guardian.
- (5) The Dept. of Public Safety and Corrections who is tracking offenders in its custody or under its supervision.
- (6) Any provider of a commercial mobile radio service which allows the provider to determine the location or movement of a device provided to a customer of such service.
- (7) Any commercial motor carrier operation.

**House Bill 1235 Representative A. Badon (subject to call-House final passage)**

would have prohibited the use of wireless telephone or electronic communication devices by operators of moving motor vehicles except when the device is a hands-free wireless telephone or the electronic communication device is used hands-free or for an emergency and makes such an offense a primary offense for which a driver may be stopped. This legislation would have provided that the penalty for a violation of this legislation will be not less than \$100 for the first violation, not more than \$150 for a second violation, not more than \$200 for a third violation, and not more than \$250 for a fourth or subsequent violation with all funds collected going to the Transportation Trust Fund.

#### **EMERGENCIES**

**Senate Bill 162 by Senator Adley (Act 163)** specifies that the price gouging law also applies to sales of fuel to ultimate consumers from any facility other than a fixed facility, including sales in which fuel is sold from any container irrespective of type, form, or volume.

#### **FIREARMS**

**Senate Bill 81 by Senator Martiny (pending in Conference Committee)** would have clarified restrictions on possession of concealed handgun in or near school property, functions, or activities. This bill would have retained the present law prohibition to prohibit the carrying or the permit from authorizing the carrying of a firearm into any school, school campus or school bus and would add an exception for statewide concealed handgun permittees in accordance with the permit. The legislation would have changed present law qualification from a crime punishable by imprisonment for a term of one year or more

to a felony offense punishable by imprisonment for a term of greater than one year.

**Senate Bill 174 by Senator J.R. Smith (Act 771)** provides that a combat veteran may demonstrate competence with a handgun by proof of his combat veteran status, proof that he has received an honorable discharge or a general discharge under honorable conditions, and completion of in the following:

- (1) A three-hour course of instruction on the use of deadly force and conflict resolution which shall include a review of certain laws and which may include a review of any other laws relating to the use of deadly force within the preceding 60 months.
- (2) One hour of instruction on child access prevention within the preceding 60 months.

**Senate Bill 534 by Senator Hebert (Act 790)** allows a person who lawfully possesses a firearm to possess or transport such firearm within the boundaries of a state park, state historic site, state preservation area, wildlife management area, or wildlife refuge.

**House Bill 60 by Representative Wooton (Act 346)** provides that a concealed handgun permit issued by another state is invalid in the state of Louisiana for the purpose of authorizing a Louisiana resident to carry a concealed handgun in the state of Louisiana.

**House Bill 68 by Representative H. Burns (considered by Senate Committee**

**Judiciary B)** would have authorized Department of Public Safety and Corrections to promulgate rules to provide for concealed handgun permits for fewer than four years and authorizes religious organizations to authorize carrying a concealed handgun in places of worship.

**House Bill 158 by Representative Wooton (Act 354)** provides for a waiting period for reapplying for a permit following revocation or denial. This legislation provides that in order to qualify for a concealed handgun permit, a citizen will not have had a permit denied within one year prior to the most recent application and will not have had a permit revoked within four years prior to the most recent application and provides that a conviction will also include those that have been expunged.

**House Bill 1260 by Representative Hazel (Act 942)** removes the authority of law enforcement to issue a permit allowing persons convicted of certain felonies to possess a firearm or carry a concealed weapon. This legislation prohibits upon completion of sentence, probation, parole, or suspension of sentence, the convicted felon's right to apply to the sheriff of the parish in which he resides, or in the case of Orleans Parish the superintendent of police, for a permit to possess firearms.

**House Bill 1272 by Representative H. Burns (Act 944)** authorizes the use of fixed-case marking projectiles for handgun competency training and authorizes entities which own or have authority over a church, synagogue, or mosque to authorize any person issued a valid concealed handgun permit to carry a concealed handgun in these places of

worship. The legislation requires any church, synagogue, or mosque authorizing the carrying of concealed handguns to require an additional 8-hour tactical training for those persons wishing to carry concealed handguns and requires notice to congregation regarding the decision to authorize the carrying of concealed handguns in the place of worship.

#### **LAW ENFORCEMENT**

**Senate Bill 635 by Senator Long (Act 320)** transfers the Weights and Standards Police Force from the Department of Transportation and Development to the Department of Public Safety and Corrections.

**House Bill 493 by Representative Connick (considered by Senate Committee on Transportation, Highways, and Public Works)** would have transferred the Crescent City Connection police from Department of Transportation & Development to Department of Public Safety & Corrections.

**House Bill 900 by Representative Gallot (assigned to Senate Retirement)** would have transferred the capitol police from the superintendent of state buildings to the deputy secretary of public safety services of Department of Public Safety and Corrections.

#### **TRAILERS**

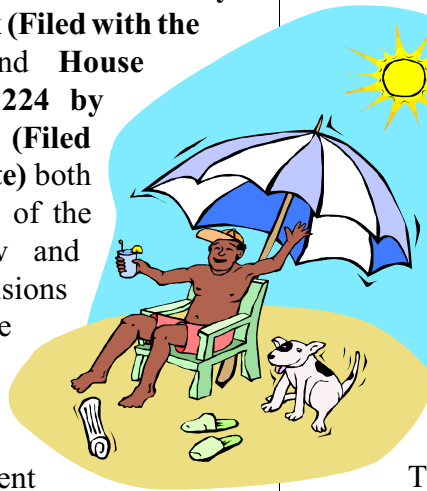
**House Bill 1479 by Representative Monica (considered by Senate Committee on Transportation, Highways, and Public Works)** would have required trailers with a loaded gross weight capacity of up to ten thousand pounds to be equipped with a safety device. This legislation would have required the safety device to be inspected by the office of state police prior to the approval by the office of state police.

# Retirement

by: Lauren Bailey  
(225) 342-0599

## SOCIAL SECURITY OFFSETS

**Senate Concurrent Resolution 6 by Senator Butch Gautreaux (Filed with the Secretary of State) and House Concurrent Resolution 224 by Representative Hoffman (Filed with the Secretary of State)** both memorialize the Congress of the United States to review and consider eliminating provisions of federal law which reduce Social Security benefits for those receiving pension benefits from federal, state, or local government retirement or pension systems, plans or funds. This resolution is specifically aimed at two different offsets which can reduce a Louisiana public employment retiree's or survivor's Social Security benefits, called the Government Pension Offset (GPO) and the Windfall Elimination Provision (WEP). These offsets were enacted by the federal government in the late 1970s and early 1980s.



employees and future employees to pay an increased employee contribution rate in order to fund their post-retirement benefit increases. This bill was formulated by using the past history of the experience accounts relative to increases for retirees and costs to the employer, and structured a new method for granting and funding the retiree increases. However, the four state retirement systems expressed concerns regarding Senate Bill 632 and requested it be studied.

The bill was deferred and **Senate Concurrent Study Request 4 (Approved)** was filed requesting the Senate and House committees on retirement to study the appropriate manner in which to provide for regular and dependable permanent benefit increases for retirees of the state retirement systems, designed to preserve purchasing power while uncoupling these benefit increases from retirement system investment returns.

## PERMANENT BENEFIT INCREASES (PBI)

**Senate Bill 632 by Senator Butch Gautreaux and Representative Joel Robideaux (Pending Senate Retirement)** applicable to the four state retirement systems for employees of the state and of the public educational system would have provided retirees with a two percent benefit increase each odd-numbered year beginning January 1, 2017, and would have required active

**Senate Bill 729 by Senator Shaw (Pending Senate Retirement)** relative to the Teachers' Retirement System of Louisiana would have provided for permanent benefit increases for retirees payable from the experience account by transferring nearly \$300 million into the experience account from an account dedicated to reducing system debt. This bill was considered by the Senate Committee on Retirement on May 17, 2010;

however, it failed to pass.

### **BENEFIT STRUCTURE REFORM**

**House Bills 930 and 931 by Representative Tucker (Pending House Retirement)** would have established a defined contribution plan for new employees of the state and the public educational system. HB 931 was a constitutional amendment which would have permitted the legislature to establish a defined contribution plan and HB 930 was the companion legislation which provided for the implementation and the structure of the new plan. The boards of trustees of the state retirement systems were strongly opposed to this measure. These two bills were scheduled to be heard in the House Committee on Retirement on May 13, 2010; however, the author voluntarily deferred these bills.

**House Bill 1337 by Representative Robideaux (Act 992)** was brought forth as an effort to preserve the defined benefit plans for the four state retirement systems. It makes adjustments to the various plan designs that are currently in place for employees of the state and the public educational system which have a myriad of different subplans and benefit structures. HB 1337 provides for two different plan designs: one for hazardous duty personnel and one for non-hazardous duty personnel. HB 1337 applies only to persons employed on or after January 1, 2011, and it is estimated to save sixty-five million dollars annually in the mature plan.

**House Bill 515 by Representative Pearson (Act 93)** provides for the organization, governance, administration, and membership of the Funding Review Panel. The Funding Review Panel was established in

2005 to study funding and benefit provisions, including retirement eligibility, benefit calculation, contributions, actuarial assumptions, and the granting of cost-of-living adjustments for the Firefighters' Retirement System (FRS), the Municipal Employees' Retirement System (MERS), and the Municipal Police Employees' Retirement System (MPERS). This bill revives the panel and provides that it is to report findings and recommendations for providing affordable benefits, rather than generous and affordable, to the House and Senate committees on retirement and to the legislative auditor on or before March 15, 2011.

**House Bill 748 by Representative Pearson (Act 1026)** relative to the Louisiana State Employees' Retirement System (LASERS), requires each participating employer to make individualized normal cost payments and amortization payments depending on the subplans within the system applicable to its employees. Currently, a single rate is paid by every LASERS employer, regardless of the benefit structure provided for that agency's employees. As a result, employers whose workers are in subplans with less generous benefit structures make contributions in excess of the cost of the benefits their employees are earning, and employers whose workers earn richer benefits make contributions that are less than the cost of their employees' benefit accruals. The Act is cost-neutral to the state while providing an equitable distribution of the cost of retirement benefits among employers based on the cost of the benefits earned by the agency's employees.

### **SUSTAINABILITY/COST**

#### **CONTAINMENT MEASURES**

**House Bill 1461 by Representative**

**Pearson (Act 318)** relative to the Louisiana School Employees' Retirement System (LSERS), makes changes to provisions relating to employee contributions, benefit calculation, and retirement eligibility. This bill reduces the benefit structure of the LSERS for employees hired on or after July 1, 2010. It increases the employee contribution rate from 7.5% to 8%. Furthermore, the bill changes eligibility requirements to age 60 with 10 years of service only from: 1) age 60 with 10 years; 2) age 55 with 25 years; 3) any age with 30 years; 4) any age with 20 years subject to an actuarial reduction.

Due to the investment losses in 2008 and 2009 and the resulting actuarial losses sustained by the state and statewide retirement systems, employer contribution rates will rise tremendously. In an effort to reduce the magnitude of these impending increases the following measures were introduced:

**House Bill 749 by Representative Pope (Act 273)** relative to the Clerks' of Court Retirement and Relief Fund, changes the definition of average final compensation for calculation of benefits of active members. This bill moves active members from a three-year final average compensation (FAC) period to a five-year FAC and establishes a 10% anti-spiking limit. This Act contains transition provisions protecting a member's accrued benefit as required by the Constitution of Louisiana.

**House Bill 1126 by Representative Pope (Act 101)** relative to the Clerks' of Court Retirement and Relief Fund, changes retirement benefits and retirement eligibility for members hired on or after January 1, 2011. Currently, members of the system are eligible

to retire with 12 years of credited service at age 55. This bill changes the eligibility requirements for new employees only. They will be eligible to retire with 12 years of credited service at age 60. Currently members receive a benefit equal to 3% of monthly average final compensation, multiplied by years of service credit for service rendered on and before June 30, 1999, plus 3-1/3% of monthly average final compensation, multiplied by years of service credit for service rendered on and after July 1, 1999. This bill changes the accrual rate for new employees producing a benefit equal to 3% of monthly average final compensation, multiplied by years of service credit.

**Senate Bill 100 by Senator Butch Gautreaux (Involuntarily Deferred in House Retirement Committee)** relative to the Parochial Employees' Retirement System, provided for a five-year final average compensation (FAC) period. This bill, similar to ACT 273 relative to the Clerks' of Court Retirement and Relief Fund, would have transitioned active members from a three-year FAC period to a five-year FAC and established a 10% anti-spiking limit. This bill was opposed by the Police Jury Association and the measure was deferred by the House Committee on Retirement on June 10, 2010.

**Senate Bill 85 by Senator Butch Gautreaux (Act 996)** relative to the Parochial Employees' Retirement System (PERS), provides for a range of employee contribution rates from 8% to 11% for PERS Plan A and a range of employee contribution rates from 3% to 5% for PERS Plan B. Plan B employee contribution rate was 5% until the 1990's. Under the provisions of this legislation, the PERS board of trustees shall determine the

employee contribution rate to be applied to Plan A and Plan B in consultation with the system's actuary. This bill will enable the board to reduce the impact of market and actuarial losses on employer contribution rates. Plan A employer rates were 12.25 % in 2009 and have increased to 15.75 % for 2010. Plan B employer rates were 6.25% in 2009 and have increased to 10% for 2010. The rates are set annually and are expected to increase further over the next few years as the losses from 2007 and 2008 are absorbed into the system's funding.

#### **EARLY RETIREMENT**

**House Bill 189 by Representative Richard (Vetoed)** would have allowed for the early retirement of members of the Louisiana State Employees' Retirement System (LASERS) with 10 years of service credit who had attained the age of 50 with an actuarially-reduced benefit. The positions vacated under this Act would have been abolished subject to certain exceptions.

**Senate Bill 58 by Senator Butch Gautreaux (Pending Conference)** would have allowed members of the Louisiana State Employees' Retirement System (LASERS) to purchase service credit for purposes of retirement eligibility. This was a recommendation of the Commission on Streamlining Government. The recommendation stated that the legislature should consider allowing members of LASERS to purchase service credit to be used for purposes of eligibility by paying the full actuarial cost. It further stated that the legislature may choose to restrict this to members who have attained the age at which members would be eligible to retire but who lack 5 years or less in service credit to become

eligible, and to require the member to retire within 30 days of such purchase. This bill would have implemented this recommendation and also allowed members who previously purchased service credit for benefit calculation purposes only to purchase an upgrade of that credit so that it could be used for eligibility purposes as well as benefit calculation purposes. Members who would have taken advantage of this bill would have been required to leave service by February 1, 2011.

#### **REHIRING OF RETIREES**

**House Bill 519 by Representative Cortez (Act 921)** provides relative to the Teachers' Retirement System of Louisiana, and provides relative to rehired retirees. This bill attempts to curb the perceived excessive use of the "two check law" that is currently in place within the plan design of the Teachers' retirement system. This bill will allow only certain system participants to retire, return to work in system-covered employment, and receive their full retirement benefit and their full salary after 1 year. This bill does not change the "two check law" for retired TRSL members who are considered "retired teachers", but prohibits anyone other than a "retired teacher" from receiving a retirement benefit while reemployed. A "retired teacher" as defined in the bill is: 1) a member who returns to work as a full-time or part-time classroom teacher teaching students in kindergarten through twelfth grade in a critical shortage area; 2) a member who returns to active service as a full-time certified speech therapist, speech pathologist, or audiologist where a shortage exists; and 3) a member who returned to work on or before June 30, 2010. Anyone other than a "retired teacher" will forgo his benefit for the duration of his

reemployment and will only receive a salary check.

#### **FORFEITURE/GARNISHMENT**

Several bills were filed seeking to require forfeiture of public retirement or pension benefits upon conviction of certain felonies. These bills include **Senate Bills 11 and 12 by Senator Appel** as well as **House Bills 69 and 73 by Representative Ligi**, and **House Bills 72 and 143 by Representative Labruzzo**. However, none of these bills made it out of its house of origin.

**Senate Bill 13 by Senator Butch Gautreaux (Act 634)** allows garnishment of Louisiana public retirement or pension system, plan, or fund benefits of an elected official or public employee to pay fines or restitution, or any costs of incarceration, probation, or parole, imposed for a felony associated with his office committed on or after July 1, 2010..

#### **INVESTMENTS**

**House Bill 1229 by Representative Tucker (Pending House Retirement)** would have created the State Retirement System Investment Committee and consolidated investment duties of the four state retirement systems into such commission. The bill was strongly opposed by the retirement systems, and the author voluntarily deferred hearing this bill when it was scheduled to be heard in the House Committee on Retirement on June 2, 2010.

**Senate Bill 594 by Senator Butch Gautreaux (Act 1004)** provides relative to the investments of the public retirement systems. This bill adds language relative to the prudent-man rule, providing a list of considerations to

be taken into account before all investment decisions are made including: pricing, liquidity, transparency, currency fluctuations, experience of professional managers, diversification, leverage and expected returns.

#### **Louisiana Broker-Dealers**

**House Bill 516 by Representative Arnold (Pending House Retirement)** would have made permanent the requirement that the state retirement systems direct 10% of certain types of investments to be through Louisiana broker-dealers. The retirement systems reported that this requirement presently has a cost to the systems. The author voluntarily deferred his bill.

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

**Senate Bill 602 by Senator Butch Gautreaux (Pending House Retirement)** was brought forth as a compromise effort based upon Recommendation # 195 of the Commission on Streamlining Government, which was to eliminate DROP by January 1, 2015. That time frame appeared to some to be aggressive, as there could be members close to retirement eligibility planning to enter DROP soon thereafter. Thus, this bill was drafted to phase the plan out beginning with anyone who did not have 10 years of service as of July 1, 2010. However, the bill was still opposed by various groups and the author voluntarily deferred his bill after a long debate during the House retirement committee meeting on May 27, 2010.





## Revenue & Taxation

by: *Riley Boudreaux*  
(225) 342-6155

### ***Tax Relief***

The "star" tax bill of the Session must be awarded to **Senate Bill 407 by Senator McPherson, (Act 319)** which removes the authority granted in 1989 for the \$15 record check fee that the office of motor vehicles began to charge for drivers licenses on March 8, 2010. Apparently believing that the law granting the authority was vague and outdated, and at least required the office to make greater efforts to notify the legislature before it began to charge the fee, the Act also requires a refund to all those who have paid.

To encourage the International Premium Cigar and Pipe Retailers to continue hosting their convention in New Orleans, **House Concurrent Resolution 216 by Representative Robideaux (filed with Secretary of State)** suspends the state excise tax on cigars and smoking tobacco which are given away by a dealer from Aug. 10, 2010, through Aug. 13, 2010.

As a continuation of the expired refundable Angel Investor Tax Credits, **Senate Bill 500 by Senator Marionneaux (pending conference)** would have enacted the Angel Investor Rebate Program, authorizing the Department of Economic Development to grant up to \$5 million of "rebates" per calendar year at the rate of 35% of an investor's investment in "Louisiana Entrepreneurial Businesses," not to exceed \$1

million per year per business and \$2 million total per business.

**House Bill 246 by Representative Pope, (Act 1049)** is a constitutional amendment which will add another \$75,000 (\$150,000 total exemption) to the homestead exemption of property owned by 100% disabled veterans or their surviving spouses.

As homeowners forced to vacate their damaged or demolished homes are still dealing with the effects of the recent hurricanes, the legislature thought it necessary to propose to the voters a constitutional amendment to extend the time in which the owner of a homestead must reoccupy the homestead in order to retain the homestead's homestead exemption or its special assessment level if the owner can show that he has a pending claim against an insurer, **Senate Bill 21 by Senator Murray, (Act 1050)**.

### ***Taxpayer and Tax Voter Protection***

Several pieces of legislation were enacted during the session which continue the legislature's on-going efforts to strengthen the taxpayer's hand when dealing with tax collectors. The emphasis was on assisting businesses with local sales tax issues - from the initiation of audits to litigation.

For instance, **House Bill 845 by Representative Nowlin, (Act 1029)** places more restrictions and requirements on private auditing agencies or firms hired by local tax collectors for sales and use tax audits. The private auditing agencies or firms cannot disclose audit leads which they have acquired on audit to other local collectors, without written permission from the audited taxpayer. They are prohibited from performing any assessment or collection functions, except as otherwise expressly permitted by law. Lead auditors of such agencies and firms are now subject to certain professional or experience requirements. Under the Act, each contract is subject to review and oversight by the legislative auditor.

If, after an audit, a business is assessed by a local tax collector then **Senate Bill 567 by Senator Morrish, (Act 1003)** allows the taxpayer to initiate an arbitration proceeding in which he picks an arbitrator for the arbitration panel from a registry set up by business and tax collectors, the collector picks one, and the two selected pick a third. The decision of the panel may be appealed within 30 days. The right to arbitration is also applicable to taxpayers whose request for a refund of local sales tax has been denied by a collector.

If there is local sales tax litigation, two Acts were enacted to protect businesses from over-aggressive tax collection actions. **House Bill 667 by Representative Nowlin, (Act 1019)** prohibits a tax collector from making a sales tax assessment for the purpose of interrupting 3-year prescription and prohibits the tax collector from making an "arbitrary assessment" - that is, making an assessment which is not in compliance with provisions of

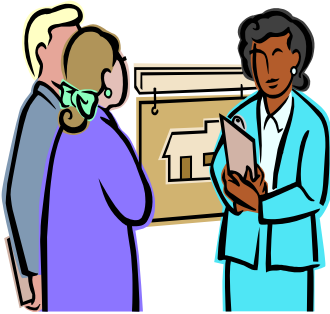
law regarding estimated tax assessments. If the taxpayer carries his burden of proving that the assessment was arbitrary, the collector must reimburse the taxpayer for reasonable costs of litigation, not to exceed 10% of the amount at issue, subject to the discretion of the court as to reasonableness, and the assessment can neither interrupt nor suspend prescription.

Currently, only a tax collector is allowed to recover attorney fees in a tax dispute, limited to 10% of the amount at issue. **House Bill 666 by Representative Nowlin, (Act 929)** evens the playing field, allowing a "prevailing party" in a local sales tax case to recover attorney fees and costs, limited to 10%, unless the position of the non-prevailing party is "substantially justified". The Act applies only to matters referred to a private attorney for collection when the local tax collector has not timely waived the right to attorney fees. "Prevailing party" is defined as the party which has substantially prevailed with respect to the amount in controversy or substantially prevailed with respect to the most significant issue or set of issues presented. A position is "substantially justified" if it has a reasonable basis in law and fact. The amount of reimbursement is subject to the discretion of the court as to reasonableness.

Voters trying to decide whether to approve a tax levy or renewal will be assisted by two new laws. When a public body issues a notice that it will hold a public hearing to consider the levy of additional or increased millages without voter approval **House Bill 771 by Representative T. Burns, (Act 1027)** requires the inclusion of the following information in the notice:

- (1) An estimate of the amount of tax revenues from the increased millage to be collected in the next tax year as compared to the amount of tax revenues collected in the current year.
- (2) For purposes of Internet publication only, the notice must contain a recitation of the current budget of the taxing authority.

A proposition submitted to the voters to authorize the issuance of bonds is required to state the estimated millage rate to be levied in the first year of issue and propositions to authorize an increase of a tax are required to state the rate increase in **House Bill 639 by Representative Hazel, (Act 591)**.



## Social Services

by: Ann S. Brown  
(225) 342-0333

**House Bill 615** by Representative Katz (Act 148) provides for the re-creation of DSS with a new termination date of July 1, 2015.

**Senate Bill 257** by Senator Mount (Act 877) reorganizes and renames DSS to the *Department of Children and Family Services*. Consolidates all of the current department offices into the office of children and family services which shall perform the following functions and services:

- (1) Public assistance programs to provide aid to dependent children and to adults, who due to age, disability, or infirmity, are unable to adequately meet their basic needs.
- (2) The administration of the food stamp program, child support programs, establishment of paternity programs, disaster relief grant programs for individuals and families, and such other programs as assigned by the secretary.
- (3) The public child welfare functions of the state, including but not limited to prevention services which promote, facilitate, and support activities to prevent child abuse and neglect; child protective services; voluntary family strengthening and support services;

making permanent plans for foster children and meeting their daily maintenance needs of food, shelter, clothing, necessary physical medical services, school supplies, and incidental personal needs; and adoption placement services for foster children freed for adoption.

- (4) Functions of the state relating to the licensing of child care facilities that do not receive federal funds under Title XIX of the Social Security Act and day care centers and agencies and issue and monitor domestic violence services contracts.

**House Bill 1198** by Representative Katz (Act 939) transfers each program operated by DSS's office of La. Rehabilitation Services to either the Department of Health or Hospital (DHH) or the La. Workforce Commission (LWC) as follows:

To LWC:

- (1) Vocational Rehabilitation Program
- (2) Blind Services and the Blind Vendors Trust Fund
- (3) Independent Living Part B Program
- (4) Independent Living for Older Blind Program

To DHH:

- (1) La. Commission for the Deaf
- (2) Traumatic Head and Spinal Cord Injury Trust Fund Program
- (3) State personal assistance services program
- (4) Community and Family Support Program

**Senate Bill 57 by Senator Broome (Act 867)** establishes the Council on the Status of Grandparents Raising Grandchildren within DSS which shall be a resource to the state on such issues.

**House Bill 215 by Representative Greene (Act 462)** eliminates the right of an authorized person to file a child in need of care petition. Authorizes only DSS to seek leave of court to file a child in need of care proceeding if there are reasonable grounds to do so.

## CHILDREN

**Senate Bill 322 by Senator Quinn (Act 173)** provides requirements to an acknowledgment of paternity such as requiring both the mother and father to sign the acknowledgment. Also provides that if a judgement of paternity is set aside, vacated, or dismissed, the court shall dismiss any obligation of child support.

**House Bill 1141 by Representative Landry (Act 737)** requires public elementary school governing authority to implement certain procedures relative to denying meals to students and provides relative to the documenting and reporting of such instances of denial.

**House Bill 504 by Representative Willmott (Act 471)** specifies the duties of designated safe haven relinquishment sites with regard to instructing facility employees on provisions of the state's safe haven law; specifies the means by which DSS shall make available safe haven training materials and notice to the public of the existence of designated emergency care facilities and the use of safe havens.

**Senate Bill 376 by Senator Morrell (Act 176) and House Bill 986 by Representative Abramson (Act 835)** provides for confidentiality of minors who are victims of sex offenses and provides that persons violating that right shall be punished for the offense of contempt of court.

**Senate Bill 406 by Senator McPherson (Act 781)** grants access to expunged records and requires a person to disclose an arrest or conviction which has been expunged to the office of the attorney general, La various district attorney's offices and any person requesting a record of all criminal arrests and convictions pursuant to law regarding the protection of children.

## Child support and medical support orders

**Senate Bill 130 by Senator Morrell (Act 872)** creates the Louisiana Child Support Collection Protection Act to provide for the collection of child support by private party agencies.

**Senate Bill 53 by Senator N. Gautreaux (Act 425)** authorizes DSS to intercept and seize casino winnings over \$1,200 for the payment of child support and overpayment owed to the department.

**House Bill 741 by Representative Johnson (Act 272)** allows Title IV-D child support agencies from other states to place a levy or lien directly on assets held by an obligor in a La financial institution without requiring a court order.

**House Bill 964 by Representatives Johnson (Act 299)** provides for the collection of medical support for minor children subject to child support orders.

**House Bill 871 by Representative Hazel (Act 605)** specifies parties who are authorized to issue summons for contempt for nonpayment of child support orders or medical support orders.

Housing facilities for youths

**Senate Bill 196 by Senator Mount and Representative Katz (Act 64)** requires that any institution, society, agency, corporation, facility, person or persons, or any other group engaged in placing youth in transitional placing programs be licensed as a child-placing facility.

**Senate Bill 96 by Senator Morrish (Act 493)** requires a judicial agency referral residential facility must be inspected and certified by DPS&C prior to providing housing or temporary residence to any individual.

**House Bill 1477 by Representative Baldone (Act 863)** creates the Committee on Juvenile Detention Standards and Licensing to develop uniform standards and licensing standards for such facilities.

**MISCELLANEOUS**

**House Bill 1262 by Representative Mills (Act 943)** authorizes the La State Board of Nursing to share information in its custody with regulatory or law enforcement agencies.

**House Bill 768 by Representative LaFonta (Act 599)** authorizes the Latino Commission to support the state's celebration of its bicentennial of statehood by holding or participating in programs and events through which it can increase public awareness of the significance of Latino American heritage, culture, and contributions throughout the state's history.

Drug Testing

**House Bill 611 by Representative LaBruzzo (House Appropriations Committee)** would have required that all adult recipients of the Family Independence Temporary Assistance Program (FITAP) be drug tested.

**House Bill 617 by Representative LaBruzzo (Senate Finance Committee)** would have required that 20% of adult recipients of the Family Independence Temporary Assistance Program (FITAP) be drug tested.

**House Bill 1352 by Representative LaBruzzo (House Appropriations Committee)** would have created a voluntary drug testing and psychiatric evaluation program for legislators and statewide elected officials.

## State Government

by: Dawn Watson  
(225) 342-6144



### OIL SPILL

The explosion of the Deepwater Horizon oil rig in the Gulf of Mexico on April 20, 2010, and its aftermath obviously was a dominate theme of the 2010 Regular Session. Among other instruments prompted in response, **Senate Bill 731 by Senator Chaisson (Pending Senate Conference)** would have authorized the attorney general to enter into certain contingency fee contracts with a private attorney or law firm for representation of the state or any of its agencies, boards, commissions, or departments in any legal proceedings relating to the oil spill for the recovery of state property or state funds or the payment of compensation owed to the state or any of its agencies, boards, or commissions. The bill would have provided for competitive selection of the private attorney or firm by a committee; provides that the selection committee shall be composed of the attorney general, governor, state treasurer, president of the Senate and speaker of the House of Representatives and prohibits any elected official or any member of his immediate family or any firm in which the elected official or his family member has a greater than 5% interest from being the selected by the committee. The bill would have provided perimeters for the contract, public hearing before Joint Legislative Committee on the Budget for approval of the contract and publication of payments of contingency fees on the attorney general's website.

The legislature passed **Senate Bill 531 by Senator Claitor (Act 136)** which creates the Oil Spill Relief Programs Integrity Act. The intent is to specifically authorize the attorney general and private citizens of Louisiana to be agents of the state with the ability, authority, and resources to pursue civil monetary penalties or other remedies to protect the fiscal and programmatic integrity of oil spill relief programs in Louisiana from persons who engage in fraud, misrepresentation, abuse, or other ill practices, and obtain funds, property, or other compensation to which they are not entitled. Specifically, the act targets any state or federal program or fund created for the purpose of assisting persons who incurred personal, business, or property damage or other losses due to the Deepwater Horizon Oil Spill.

### LOUISIANA RECOVERY AUTHORITY

To further hurricane recovery efforts, **Senate Concurrent Resolution 39 by Senator Thompson and Representative Ellington (Subject to Call - House Final Passage)** would have approved an action plan amendment to the Community Development Block Grant Disaster Recovery Funds in response to hurricanes Gustav and Ike which provided an \$80,000,000 Economic Development Infrastructure Program, a \$20,000,000 State Cost-Share Reserves Program, a \$5,000,000 Agriculture Loan and Grant Program, and a \$17,099,040 Interoperable Communications Infrastructure Program to be expended over the next two

years. The resolution specifically provided that projects under the Economic Development Infrastructure Program require approval of the Joint Legislative Committee on the Budget and a cooperative endeavor agreement that specifies how the funding will be used, what the applicant company will be committing to create in terms of new jobs, wages, health benefits and capital investment, and that a clawback provision of funding for underperformance.

Further, **House Bill 1173 by Representative Tucker (Reconsideration - Senate Final Passage)** would have contemplated the administration of hurricane recovery funds after the Louisiana Recovery Authority sunsets. It would have shifted the authority and responsibility for the development of proposals as well as the submission of such proposals for approval by the United States Housing and Urban Development or other appropriate authority to the division of administration's office of community development. The bill also would have required that any contract in excess of \$50,000 receive approval of the Joint Legislative Committee on the Budget.

### **FEDERAL HEALTH CARE**

In response to the federal healthcare reform Patient Protection and Affordable Care Act of 2010, **House Bill 1474 by Representative Talbot (Act 952)** guarantees a person's right to be free from governmental intrusion in choosing or declining to choose any mode of securing health insurance coverage without penalty or threat of penalty. The new federal law requires implementation of high risk pools in each state, mandates Medicaid expansion to cover all individuals up to 133% of the federal poverty level, and

health care exchanges that offer insurance to individuals that fall between 133% and 400% of the federal poverty level. The federal law also places mandates on insurance providers requiring plans to maintain dependent coverage for children until the age of 26 and restricts companies from putting lifetime dollar limits on coverage and canceling policies except for fraud. HB 1474 provides the attorney general with standing to pursue litigation in any federal or state court on behalf of one or more Louisiana residents whose constitutional rights may be subject to infringement by the implementation of the new federal law.

### **STATEWIDE ELECTED OFFICIALS**

With the election of former Lieutenant Governor Mitch Landrieu as mayor of New Orleans, there were several bills filed regarding the organization of statewide elected officials and a vacancy in such a position. None of the instruments passed out of committee.

**Senate Bill 370 by Senator Claitor (Senate and Governmental Affairs)** and **House Bill 62 by Representative Abramson (House and Governmental Affairs)** would have prohibited a person appointed to fill a vacancy in the office of lieutenant governor when the unexpired exceeds one year from being a candidate to fill the remainder of the term. **Senate Bill 33 by Senator Morrell (Senate and Governmental Affairs)** would have prohibited such person appointed from becoming a candidate regardless of the amount of time in the remainder of the term: **Senate Bill 369 by Senator Claitor (Senate and Governmental Affairs)** would have provided similar to SB 33, but regardless of the statewide office to which the person was



appointed.

**Senate Bill 95 by Senator Morrish (Senate and Governmental Affairs)** would have abolished the office of lieutenant governor and state treasurer and **Senate Bills 603 and 604 by Senator Morrish (Senate and Governmental Affairs)** would have transferred the powers and duties of the lieutenant governor and state treasurer to the secretary of state.

In addition **House Bill 743 by Representative Henry (House and Governmental Affairs)** would have abolished the office of lieutenant governor and transferred its authority to the secretary of state. **House Bill 812 by Representative Henry (House and Governmental Affairs)** would have also abolished the Department of Culture Recreation and Tourism and transferred the powers, duties and agencies under that department to other departments in the executive branch. These bills were narrowly defeated in committee.

Other bills would have increased the authority of the lieutenant governor. **House Bill 487 by Representative Harrison (House and Governmental Affairs)** would have made the lieutenant governor the commissioner of administration. **Senate Bill 627 by Senator LaFleur (Senate Education)** would have consolidated all state museums under the lieutenant governor and the Department of Culture, Recreation and Tourism by transferring the museums currently under the secretary of state to the Department of Culture, Recreation and Tourism.

In addition, **Senate Bill 390 by Senator LaFleur (Senate and Governmental Affairs)** would have made the secretary of state an office elected by the members of the Senate and the House of Representatives and **Senate Bill 409 by Senator LaFleur (Senate and Governmental Affairs)** would have provided how the election of such office would have happened.

#### TRANSPARENCY

There were several instruments introduced to provide further transparency in state government. Regarding the number of unclassified employees funded through the budget, **Senate Bill 764 by Senator McPherson (Senate Finance)** would have required that budget requests and the executive budget include information on unclassified employees and would have required approval of the Joint Legislative Committee on the Budget approval for the creation of new unclassified positions. **Senate Bill 426 by Senator Donahue (Senate and Governmental Affairs)** would have required all executive branch agencies, including higher education entities, to report all employees to the Department of State Civil Service and to the legislature.

Regarding state contracts, **House Bill 1267 by Representative Brossett (Act 310)** requires the commissioner of administration to disclose certain information concerning state contracts via the Internet. The disclosed information includes the contract amount, a brief description of the purpose of the contract, the beginning and ending dates of the contract, the name of the agency and the contractor and the city and state of the contractor. Similar bills regarding the posting

of state contracts on the Internet include **House Bill 1075 by Representative Fannin, et al (Senate and Governmental Affairs)** and **House Bill 1315 by Representative Talbot (House Appropriations)**.

Regarding veto requests, **House Bill 157 by Representative Greene (House and Governmental Affairs)** would have required any agency or agency official or any person acting on behalf of an agency to notify the author of a bill within two days of any request submitted by them to the office of the governor of a veto of the author's bill.

#### **COST CUTTING**

There were several instruments introduced to reduce costs of personnel in a variety of ways. **House Bill 1478 by Representative Schroder (Failed House Final Passage)** would have authorized the governor to order one or more legal holidays and one or more proclaimed holidays to be unpaid holidays for state employees.

**Senate Bill 293 by Senator Donahue (Act 1000)** requires the commissioner of administration to establish and implement an agency position attrition analysis process to be used by each executive branch agency to review historical position vacancies, relative to authorized positions for each budget unit, program and subprogram. Provides Fiscal Year 2007-08 as the base year for comparative purposes. Provides that beginning in FY 2010-11 and each year thereafter, each agency shall compare the number of authorized positions for each budget unit, program, and subprogram to the number of authorized positions for those budget units, programs, and subprograms in the base year. Requires the agency to note all changes across budget

units, programs, and subprograms, as well as any changes that occur relative to the distribution of positions within salary ranges. It requires that process to analyze the data include the following: (1) general staffing needs of each agency; (2) the state general fund cost associated with the filling of each vacant position; (3) any other information necessary to properly evaluate whether to retain or eliminate each vacant position; (4) any workload measures which affect changes in the number of positions over time; and, (5) any changes in law which affect staffing needs of an agency. Requires that each executive branch agency report the results of its analysis to the commissioner of administration no later than January 15<sup>th</sup> of each year. Requires that the commissioner of administration provide a written report to the Commission on Streamlining Government on the first day of the month following the month in which the executive budget is submitted to the Joint Legislative Committee on the Budget. The bill similarly requires the Board of Regents (BOR) to establish and implement an agency position attrition analysis process to be used by each higher education system to review the historical employee vacancies relative to authorized table of organization full and part-time positions, funded in whole or in part by the state general fund, within each agency. Establishes a goal to reduce by 5% annually for three years, by an equally proportionate reduction of such positions across all salary ranges of equal increments, the number of such positions in each higher education system, beginning with FY 2010-11.

**Senate Bill 289 by Senator Donahue (Act 879)** requires that the Department of State Civil Service to report annually to the Joint Legislative Committee on the Budget

turnover rates of state employees. Requires that such report at a minimum include: (1) the turnover and turnover rate for each agency and costs associated with that turnover; (2) the five job classifications with the highest turnover rates for the previous year; and (3) the five agencies and five job classifications for which the costs of turnover is highest for the previous year. The first report is to be submitted on or before December 15, 2010 and annually thereafter.

Another bill introduced to save costs is **House Bill 1317 by Representative Billiot (Act 851)** allows state agencies the option of utilizing the Department of Transportation and Development to construct, improve and repair roads surrounding their offices and other facilities when the agency pays for the work to be performed and such project does not interfere with an construction work performed for Highway Priority Program projects.

A bill which could dramatically change the way the state does its business is **Senate Bill 404 by Senator Donahue (Act 72)**. This bill proposes to improve customer service and reduce costs through a better coordinated and integrated delivery of state services. It requires the division of administration to develop a long term plan for the creation of regional governmental service centers as a "one-stop shop" for state services. Provides that the plan shall: (1) establish regional boundaries; (2) identify state services which shall be delivered through the centers; (3) require that each agency that administers such services organize itself structurally for the delivery of services along such uniform regional boundaries and incorporate the structure and delivery into its strategic plans; (4) establish the appropriate number of

governmental service centers to be located in each region, depending on regional population, infrastructure, and use demands; (5) determine the most cost effective and operationally effective means to develop the regional governmental service centers; (6) provide a long term plan and strategy to implement consolidated services to be delivered in the regional governmental service center; and, (7) provide a process for addressing surplus property and the reduction in personnel as services are consolidated into the centers. The bill requires the division of administration to conduct a public hearing to receive input from local residents in each proposed region. Requires that on or before March 15, 2011, the division shall submit a report detailing the status of the long term plan or its development to the Joint Legislative Committee on the Budget for approval. Requires that a copy of the report shall also be submitted to the Commission on Streamlining Government. Requires that annually, beginning on March 1, 2012, the division shall issue a report to the Joint Legislative Committee on the Budget detailing the status of the development and implementation of the long term plan until such time as the centers are fully operational. Provides that the update shall indicate progress in the establishment of the centers and the services provided as well as obstacles to further development and implementation of a consolidated state service delivery system. Provides that the updates shall also include overall quality of service measurements as provided by the agencies through the Louisiana Governmental Performance and Accountability System and any efficiencies and cost savings which may be realized. The bill also provides that after the approval of the long term plan by the Joint Legislative

Committee on the Budget, the commissioner of administration shall not approve a new lease or the renewal of any lease or approve a purchase for agency housing space that is in conflict with the comprehensive plan without the approval of the Joint Legislative Committee on the Budget. Provides that for state-owned property used for the delivery of state services that is not designated as a center, the commissioner may require that such property be sold once services are transferred to the center. Authorizes the commissioner of administration to adopt all necessary standards and guidelines to implement the provisions of the Act.

Finally, as the legislature has done for the past several years, **House Bill 1226 by Representative Smiley (Act 743)** seeks to abolish or transfer 18 boards, commissions, political subdivisions, authorities and like entities. Fourteen entities are totally abolished by this legislation, which include: (1) Financial Literacy and Education Commission; (2) Atchafalaya Basin Advisory Committee; (3) Commission on Law Enforcement Services for the Elderly; (4) Interpreter Certification Board; (5) Lincoln Parish Reservoir Authority; (6) School Health Advisory Board; (7) Women's Health Commission; (8) Silver Alert Steering Committee; (9) Louisiana Infrastructure Bank; (10) Louisiana Music Commission; (11) La. Advisory Committee on Midwifery; (12) South Central Regional Transportation Authority; (13) La. Geography Education Initiative Program Council; and (14) Residential Mortgage Lending Board. Two entities (Aquaculture Coordinating Council and Advisory Panel on the La Teacher's Homebuyer Program) are abolished with their duties and responsibilities transferred to

another agency. Statutes regarding six entities are repealed because the entity has expired by law or has fulfilled the purpose for which it was created. Those entities include: (1) Nursing Home Quality and Efficiency Board; (2) La. School Asbestos Abatement Commission; (3) Rural Health Care Authority; (4) State Bond and Building Commission; (5) Capital Construction and Improvement Commission; and (6) State Building Authority.

### **GOING "GREEN"**

There were several bills introduced this session in an effort to make state government function in a more environmentally conscious manner and conserve natural resources. **House Bill 15 by Representative Ligi (House and Governmental Affairs), House Bill 178 by Representative Gallot (House and Governmental Affairs), and House Bill 632 by Representative Lorusso (Pending House Conference)** each would have addressed reports required by law to be submitted to the legislature as well as other agency publications. HB 632 made it the furthest in the process. It would have provided that when the law or a resolution requires the submission of a report to the legislature, the submission of one printed copy of such required report to each presiding officer of the legislature is mandatory and additional copies to individual legislators may be sent electronically. Present law currently requires each agency to distribute a list of its reports and publications to each member of the legislature by mail each year. HB 632 would have required the list be sent via e-mail by Feb. 1<sup>st</sup> each year to the David R. Poynter Legislative Research Library; and would have required the list to include all agency reports and publications for

the previous calendar year. Would have also, required each agency to distribute an electronic copy of each report and publication on such list to the library by Feb. 1<sup>st</sup> each year. In the Senate, this bill was amended to require that the Louisiana Workforce Commission, Louisiana Economic Development, State Civil Service, office of group benefits, LSU, Southern University, ULL, LCTCS, LASERS, Teachers Retirement, and State Police Pension and Retirement System work together to develop a plan to support state employees who are terminated as a result of cost saving actions and assist such employees in their preparation to reenter the workforce in the private sector. The group is required to report their plan design to the legislature. Also, when state services are privatized, the division of administration is required to publicly disclose the savings to be achieved by the outsourcing of such service and the benefits that the proposed contractor will be providing its employees, including but not limited to health insurance and retirement.

Along the same lines of conserving natural resources, current law requires that the secretary of state's office annually distribute to various entities bound copies of all Acts and the daily journals of the legislature. **House Bill 722 by Representative Greene (Act 596)** significantly reduces the distribution list.

Finally, **House Bill 1322 by Representative Barrow, et al (Act 852)** requires state agencies to implement a solid waste reduction and recycling program. The bill provides that each department of the executive branch, the legislature, and the judicial branch of state government shall adopt a program to reduce solid waste, including but not limited to adopting paperless

office programs. Likewise each branch of state government shall adopt a recycling program with emphasis on single stream recycling so as to increase compliance.

#### **ADMINISTRATIVE PROCEDURE**

As part of the legislation response to the Jindal Administration's \$15 increase in driver license fees, **Senate Bill 248 by Senator McPherson (Act 775)** clarifies that the Administrative Procedures Act (APA) applies to the increase or decrease of fees, as well as the adoption of fees, unless otherwise specifically excepted, exempted, or limited by law. It specifically provides that all exceptions, exemptions, and limitations to the APA pertaining to the adoption, amendment, or repeal of any rule or the adoption, increase, or decrease of any fee be cited or provided for in the APA or the constitution and not elsewhere in the law and then incorporates by reference current exceptions that appear elsewhere. Further, the legislation recognizes that there are provisions of existing law which authorize an agency to adopt, increase, or decrease a fee without specifically providing that such action be taken in accordance with the APA and provides that any action taken pursuant to such prior authorization shall be in accordance with the APA, unless it is specifically otherwise excepted, exempted, or limited in the state constitution or in law and the citation such of law appears in the APA. The legislation specifically repeals current law exceptions to the APA for appeal by mail of a violation relative to the Crescent City Connection and the LA 1 Project and makes a new exception for a higher education management boards. Provides that the Act has no effect on the collection of fees implemented prior to the effective date of the Act, with the exception of the \$15 drivers

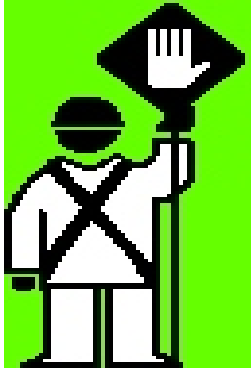
license fee.

### **DIVERSITY**

Recognizing that our citizenry is changing, **House Concurrent Resolution 110 by Representative LaFonta, et al (Sent to Secretary of State)** urges and requests the executive head and chief administrative officer of each state department to annually compile and report information regarding the delivery of services to Spanish-speaking person with limited English proficiency (LEP) to the Latino Commission. Provides that the report include the number and proportion of persons whose primary language is Spanish whom the agency encountered in the delivery of its services and the operation of its programs, and if the proportion of such person is over 5% of the total number of person served, what steps the agency has taken in administering those services to that population. Provides that the report cover a calendar year and be delivered annually to the commission by March 1<sup>st</sup> with the first report due March 1, 2011, covering calendar year 2010.

## Transportation & Development

by: Sharon Lyles  
(225) 342-6547



### AIRPORTS

**Senate Bill 651 by Senator Hebert (Act 800)** requires municipalities and parishes that adopt airport zoning regulations relative to height of structures, objects of natural growth and use of property in the

vicinity of the airports and landing fields to comply with Federal Aviation Administration requirements to ensure aviation safety and compatible land uses. Effective for the FY 11/12 Airport Construction and Development Priority Program, an airport authority in a political subdivision shall be ineligible to apply for funding from the program if the political subdivision's airport zoning regulations do not comply with Federal Aviation Administration requirements.

**Senate Bill 772 by Senator Morrell (Pending in Conference Committee)** proposed creation of the New Orleans Lakefront Airport Authority within DOTD to manage the Lakefront Airport, one of the non-flood assets of the Orleans Levee District.

**House Bill 1413 by Representative M. Jackson (Assigned to House Transportation, Highways, and Public Works Committee) and House Bill 1434 by Representative Greene (Involuntarily Deferred in House Transportation,**

**Highways and Public Works Committee)** both planned to tap recently increased funding in the **Airport Construction and Development Priority Program** proposed creation of the "Air Service Fund" with \$9 million dedicated annually to improve air service at commercial carrier airports and the "Construction Acceleration Fund" with \$3.2 million annually dedicated to sell bonds to advance projects at both commercial and general aviation airports. The Aviation Trust Fund is a sub-account of the Transportation Trust Fund annually. The four (4%) sales tax on aviation fuels is the revenue source of the Aviation Trust Fund.

### CELL PHONES

Recent studies have reported hands free cell phone use is no safer than hand-held cell phone use. Cell phone use while driving continues to be a major highway safety issue and contributor to highway accidents.

**Senate Bill 9 by Senator B. Gautreaux (Act 203)** makes texting while driving a primary offense for all ages.

**House Bill 863 by Representative Stiaes (Failed House Final Passage) and House Bill 1235 by Representative A. Badon (Subject to Call- House Final Passage)** would both prohibit use of hand-held cell phones while driving with exceptions for hands free devices.

## COASTAL PROTECTION AND RESTORATION

**House Concurrent Resolution 28 by Representative Dove (Filed with the Secretary of State)** adopts Louisiana's Annual Plan for Coastal Protection and Restoration Projects.

**House Concurrent Resolution 171 by Representative J. H. Smith (Filed with the Secretary of State)** requests the Department of Transportation and Development to study the impact of expanding the territorial jurisdiction of the Coastal Protection and Restoration Authority to include levee districts outside of the coastal zone.

## DESIGN BUILD

Despite the controversy over the award of a \$60 million dollar design-build contract on I-10 in Baton Rouge and the abrupt resignation of William D. Ankner, Ph.D. as Secretary of the Department of Transportation and Development, design build provisions for DOTD remains unchanged.

**Senate Bill 777 by Senator Claitor (Assigned to Senate Committee on Transportation, Highways, and Public Works)** proposed to prohibit design-build and related types of contracts from being entered into after June 30, 2010.

**House Bill 522 by Representative Girod Jackson (Act 819)** extends design

build authority for certain public entities for Hurricanes Katrina and Rita damages due to expire in July, 2010 for one year until July, 2011.

On June 16, the Joint Legislative Committee on the Budget approved a BA-7 requested by DOTD for a \$10 million change order for the I-12 design build project to replace instead of widen the O'Neal Lane Overpass. Then, Interim Secretary Sherri LeBas testified the money is included in **House Bill 2 by Representative Greene (Act 21)** which includes \$48 million dollars in **supplemental funding** for the I-12 design build project from O'Neal Lane to Walker (p. 25).

## DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

**HB 373 by Representative Hutter (Act 37)** recreates the department and its statutory entities until July 1, 2015.

After adjournment, Sherri LeBas has been appointed as Secretary of DOTD by Governor Jindal; Dr. Eric Kalivoda has been appointed as Deputy Secretary; Rhett DeSelle has been appointed as Assistant Secretary of Operations; Michael Schiro has been appointed as Assistant Secretary of Planning and Programming; and, Richard Savoie has been selected as Chief Engineer of the Office of Engineering. Ms. Jodi Conachen is the department's new Communications Director; and Brandon Brown is the department's new General Counsel.





## DRIVERS LICENSE

**Senate Bill 407 by Senator McPherson (Act 319)** repeals the \$15 fee increase for a drivers license record check and requires a refund to drivers who paid the fee beginning March 8, 2010 not later than September 1, 2010.

## HIGHWAY FUNDING

In March, 2010, Louisiana's roads and bridges were reported as the worst in the nation by Reader's Digest.com. The department reports a \$12.5 billion dollar backlog of highway projects. To address the backlog, it is reported that new revenues of \$750 million dollars annually are needed. In 2009, House Concurrent Resolution 153 by Representative Downs created a joint committee composed of the House Committee on Transportation, Highway, and Public Works, the House Committee on Ways and Means, the Senate Committee of Transportation, Highways, and Public Works, and the Senate Committee on Revenue and Fiscal Affairs to study and make recommendations on alternative funding sources for transportation construction projects. A combination of Louisiana's projected multi-billion dollar revenue drop in the next two years and the governor's opposition to tax increases adversely impacts recommendations to increase highway funding.

**House Concurrent Resolution 115 by Representative Downs (Filed with the Secretary of State)** provides recommendations for alternative funding sources for transportation infrastructure projects and the impact of viable funding

sources on transportation and Louisiana taxpayers. Recommendations listed include indexing existing motor fuel taxes, committing a fixed percentage of annual state capital outlay dollars to transportation, statutorily dedicating some percentage of any future state surplus dollars, enacting uniform truck and trailer registration taxes for all industries together with review of adequacy and competitiveness with other states, payment of the department's operating overhead and administrative costs from the state general fund instead of the Transportation Trust Fund, tolls, vehicle miles traveled, and formulas allocating a fixed percentage of transportation revenue to rural roads, federal ineligible highways, the Parish Transportation Fund, and Louisiana's ports, airports, and mass transit systems.

**House Bill 367 (Withdrawn) and House Bill 379 (Withdrawn) both by Representative Dixon** proposed a constitutional amendment and statutory imposition of an additional \$2 fee, adjusted annually pursuant to the Consumer Price Index, to the fee to issue or renew a driver's license and to dedicate the avails of the \$2 fee to the Transportation Trust Fund for construction and maintenance of roads and bridges in the state highway system.

**House Bill 369 by Representative Connick (Assigned to House Committee on Transportation, Highways, and Public Works)** proposed to authorize use of Transportation Trust Fund monies to fund ferries which are not connected to state highways.

**TIMED Program Bond Debt Service Payments**

The 4-cent gas tax collected for the TIMED Program will not be sufficient to cover future debt service payments of the 14 completed and current construction projects. Thus, \$34.2 million of the 16-cent gas tax revenues will be needed to pay TIMED Program debt service payments. Two TIMED Program projects remain unfunded-New Florida Avenue Bridge over the Industrial Canal and LA 3241-I-12 to Bush (Bogalusa).

**LEVEES**

**Senate Bill 692 by Senator Morrell (Subject to Call-House Final Passage)** proposed to authorize retention of revenue from citations issued by police officers of the Non-Flood Protection Asset Authority effective August 15, 2011.

**Senate Bill 693 by Senator Morrish (Act 1008)** creates the Chenier Plain Coastal Protection and Restoration Authority encompassing all lands in Calcasieu, Cameron, and Vermillion parishes.

**Senate Bill 804 by Senator Morrell (Act 1014)** transfers management and control of non-flood protection assets of the Orleans Levee District to the Non-Flood Protection Asset Management Authority created within the Department of Transportation and Development from August 15, 2010, through December 31, 2011, and prohibits use of Transportation Trust Fund dollars for these assets, one of which is the Lakefront Airport; and creates the Non-Flood Protection Asset Management Authority as a political subdivision of the state and transfers

management and control of the Orleans Levee District Non-Flood Protection Assets from DOTD to the Authority effective January 1, 2012, .

**House Bill 713 by Representative Champagne (Act 1024)** creates the Iberia Parish Levee, Hurricane Protection, and Conservation District.

**MOTOR VEHICLES  
IMPOUNDMENT**

**Senate Bill 617 by Senator McPherson (Act 82)** prohibits impoundment of vehicles operated by a Louisiana resident when the operator or vehicle, or both, present no imminent danger to the public applicable only to a first violation with limited exceptions.

**Senate Bill 768 by Senator McPherson (Act 104)** provides that a tow truck operator called by a law enforcement agency to remove an abandoned motor vehicle will not lose its place in the rotation call list.

**MINI-TRUCKS**

**Senate Bill 48 by Senator Hebert (Act 761) and House Bill 140 by Representative Little (Act 563)** both repeal present law relative to "low-rider" vehicles and authorize "mini-trucks" to use public highways with a posted speed limit of 55 mph or lower, except interstate and multi-lane highways, and require registration with the Office of Motor Vehicles as an off-road vehicle and liability insurance. The bills are identical.

**MILITARY HONOR LICENSE PLATES**

**House Bill 198 by Representative Thibaut (Act 32)** creates the "**United States Armed Forces**" plate for active duty military.

**House Bill 252 by Representative Lorusso (Act 978)** creates the "**Washington Artillery**" plate.

**House Bill 1204 by Representative Edwards (Act 104)** creates the "**Support Our Veterans**" plate and dedicates the money to the Louisiana Military Family Assistance Fund to be used according to R.S. 46:121 et. seq.

**PRESTIGE LICENSE PLATES**

Eleven (11) new prestige license plates were created and revisions made to five (5) existing prestige license plates this Session. Notably, a special prestige license plate honors the World Champion New Orleans Saints.

**Senate Bill 93 by Senator Murray (Act 331)** creates the "**Masonic Blue Lodge**" plate and forwards the royalty fee to the organization to use for academic or financial need-based scholarships for students attending any public or private college or university in Louisiana.

**Senate Bill 251 by Senator Dorsey (Act 20)** creates the "**Relay for Life**" plate and forwards the royalty fee for use by the American Cancer Society, Mid-South Division's mission delivery programs in Louisiana.

**Senate Bill 524 by Senator Murray (Act 657)** creates the "**Zulu Social Aid and**

**Pleasure Club**" plate and forwards the royalty fee to the organization to use for academic or financial need-based scholarships for students attending any public or private college or university in Louisiana.

**Act 657** also creates the "**Warren Easton Senior High School**" plate and forwards the royalty fee to the school for deposit into its scholarship fund for academic or financial need-based scholarships for students attending the school.

**Act 657** further creates the "**LSU School of Dentistry**" plate and forwards the royalty fee to the LSU School of Dentistry to use for academic or financial need-based scholarships for students attending the LSU School Dentistry.

**House Bill 96 by Representative Richard (Act 89)** creates the "**State Employee Retired**" plate and dedicates revenue to the Louisiana State Employees Retirement System and used solely to pay down a portion of the state's unfunded liability obligation.

**House Bill 1125 by Representative Williams (Act 840)** creates the "**Share the Road**" plate and a special state treasury fund, "Louisiana Bicycle and Pedestrian safety Fund", and authorizes use of money in the fund subject to annual appropriation by the Department of Transportation and Development solely for bicycle and pedestrian safety.

**House Bill 1165 by Representative Arnold (Act 841)** creates the "**World Champion New Orleans Saints**" plate and deposits the annual royal fee into the

Louisiana Stadium and Exposition District License Plate Fund to be used first to pay debt service on state debt issued to fund improvements to the Louisiana Superdome and second to pay any operating expenses of the Louisiana Stadium and Exposition District. **House Bill 55 by Representative Hardy (House Committee), Senate Bill 506 by Senator Crowe (Subject to Call-House Final Passage), and Senate Bill 714 by Senator Claitor** also proposed creation of a Saint's license plate.

**House Bill 1268 by Representative Brossett (Act 532)** creates the "WWOZ Guardians of the Groove" plate and forwards royalty fees to the Friends of WWOZ, Inc. for use solely to fund nonprofit efforts.

**House Bill 1285 by Representative McVea (Act 991)** creates the "Rare and Endangered Species" plate and dedicates the money to the Rare and Endangered Species Account within the Conservation Fund for use by the Department of Wildlife and Fisheries to conserve, restore, and enhance rare, threatened, and endangered species and their habitats.

**Act 991** also creates the "Equine Promotion" plate and forwards the royalty fee to the Louisiana Performance Horse Association to fund scholarships in Louisiana to individuals attending post-secondary institutions of higher learning who excel in breeding, showing, and competition of horses, for equine rescue, breeding incentives, competition purse money, provided that not more than ten percent of such funds for administrative, marketing, advertising, and other promotional activities.

## PHOTO ENFORCEMENT

**House Bill 160 by Representative Arnold (Involuntarily Deferred House Committee on Transportation, Highways, and Public Works)** proposed to prohibit local governments from using mounted traffic cameras to issue traffic citations.

**House Bill 859 by Representative Arnold (Assigned to House Transportation, Highways, and Public Works Committee)** proposed to prohibit certain traffic cameras on highways that receive public funding.

**House Resolution 140 by Representative Arnold (Filed with the Secretary of State)** directs parishes and municipalities to adopt and implement state standards for use of traffic enforcement systems.

**House Bill 1149 by Representative M. Jackson (Failed House Final Passage)** proposed to authorize the Department of Transportation and Development to install video cameras at railroad crossings.

## SPEED LIMITS

**SB 616 by Senator McPherson (Act 81)** authorizes the Department of Transportation and Development to establish speed limits in speed zones which exceed maximum statutory speed limits where an engineering study determines such speed is reasonable and safe and upon posting signs giving notice.

**SB 767 by Senator McPherson (Act 806)** provides that fines collected by local law enforcement for exceeding the posted speed

limit by less than ten miles per hours on the interstate system shall be deposited into the "Louisiana Highway Safety Fund" and used by the Department of Transportation and Development, subject to appropriation, to fund costs to purchase and install permanent radar speed displays on interstate highways .

## **RAIL**

High-speed rail appears to be a national initiative of Secretary LaHood, United States Department of Transportation.

**House Bill 1069 by Representative M. Jackson (Act 838)** adds the state of Texas to the Southern Rapid Rail Compact and includes **House Bill 1410 by Representative M. Jackson (Act 858)** revised to create a "Louisiana Intrastate Rail Authority" in state government proposed to advance development of high speed rail in Louisiana. This bill effectively repeals HB 1410 below.

**House Bill 1410 by Representative M. Jackson (Act 858)** enacts the "Louisiana Intrastate Rail Compact Act" to authorize parishes and municipalities to form compacts to pursue high speed rail and incorporates the provisions of **Senate Bill 271 by Senator Adley (Involuntarily Deferred House Committee on Transportation, Highways and Public Works)** which prohibits railroads from closing private railroad crossing if the crossing does not unreasonably burden or substantially interfere with rail transportation.

**Senate Bill 395 by Senator N. Gautreaux (Act 780)** creates a Vermillion and Iberia Railroad Development District in Vermillion and Iberia parishes.

## **STREAMLINING GOVERNMENT**

**Senate Bill 635 by Senator Long (Act 320)** transfers stationary scale enforcement in the Department of Transportation and Development to State Police consolidating stationary and mobile scale enforcement and **House Bill 1 by Representative Fannin (Act 11)** appropriates \$6.7 million dollars by interagency transfer from the Transportation Trust Fund to State Police. The Streamlining Government Commission recommendation requires State Police to achieve savings of 25% through consolidation in year two or by FY 11/12.

**House Bill 493 by Representative Connick (Involuntarily Deferred Senate Committee on Transportation, Highways, and Public Works)** proposed transfer of the Crescent City Connection Police Force to the Louisiana State Police.

**House Bill 764 by Representative Pope (Act 45)** deletes the requirement that contractors on highway construction projects in excess of one million dollars erect signs displaying the contractor's name and project completion date. The fiscal note projects savings in the amount of \$280,500 annually in Transportation Trust Funds.

## **TOLLS**

### **LA 1 -TOMMY J. DOUCET BRIDGE, LEEVILLE, LA**

**House Bill 182 by Representative Gisclair (Act 30)** provides free passage to ambulances.

**House Bill 636 by Representative Gisclair (Act 826)** provides free passage to certain public vehicles of Grand Isle and residents of Grand Isle who pay a reduced resident toll.

**Senate Bill 775 by Senator Chabert (withdrawn)** would have limited free passage to mass transit vehicles, removing free passage for all public vehicles.

### **CRESCENT CITY CONNECTION BRIDGE, NEW ORLEANS, LA**

Tolls on the Crescent City Connection Bridge expire in December, 2012.

**Senate Resolution 13 by Senator Heitmeier (Filed with the Secretary of State)** requests the Department of Transportation and Development to present its plan for the Crescent City Connection Bridge to the Senate Committee on transportation, highways, and public works by April 30, 2010. Sherri LeBas, Interim Secretary, presented a report outlining options, but no specific plan.

**House Resolution 27 by Representative Connick (Filed with the Secretary of State)** requests the Department of Transportation and Development to prepare a plan for the Crescent City Connection Division to be presented to the House Appropriations Committee and the House Committee on Transportation, Highways, and Public Works.

### **TRAFFIC**

**Senate Bill 263 by Senator Claitor (Subject to Call-House Final Passage)**

proposed to limit the prohibition of driving in the left lane on interstate and multi-lane highways to such highways in "non-urban" areas.

## Wildlife & Fisheries

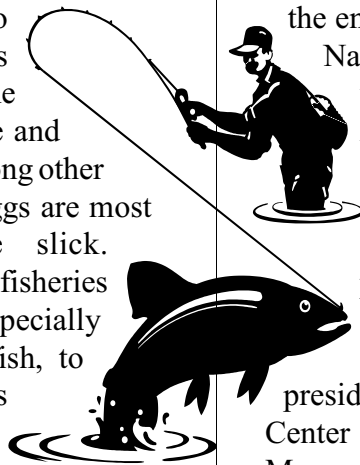
by: Michelle Johnson-Broussard  
(225) 342-6142

### WATER/WATERWAYS

April 20, 2010 news reports had officials from federal and state wildlife and fisheries departments discussing the effects of the Deepwater Horizon oil spill on marine life in the Gulf of Mexico. The entire state and respective industries are concerned about the integrity of the state's seafood supply. National Oceanic and Atmospheric Administration (NOAA) Fisheries Service officials indicated the overall risk to humans of oil in seafood is moderate. Fish that encounter oil will naturally clear the contaminant from its system with in days, however the danger to juvenile fish and shellfish is greater. Spring is spawning time for bluefin tuna, grouper, white and pink shrimp, and blue crabs, among other gulf creatures. Free floating eggs are most vulnerable to the massive slick. Examinations of wildlife and fisheries along the coast continue, especially shrimp and bottom-dwelling fish, to determine the depth of the oil's impact. Dead animals have been collected for review and examination including seabirds, sea turtles, and bottlenose dolphins. On April 27, 2010, Governor Bobby Jindal announced all state agencies should continue monitoring the oil spill. Out of an abundance of caution, the governor directed all agencies to examine their roles in response to the potential damage caused by the oil. The Department of Wildlife and Fisheries (DW&F) continues to work

closely with state and federal agencies and BP, owners of the Deepwater Horizon oil rig, to mitigate fish and wildlife resource impacts.

Acknowledging his six-month moratorium on deepwater drilling that could potentially add more economic pain to the Gulf Coast, President Barack Obama has requested his oil spill commission to accelerate findings on how to avoid repeats of the Deepwater Horizon disaster. President Obama named five members to a special commission to investigate the BP Deepwater Horizon disaster, including top officials with the environmental conservation groups, the Natural Resources Defense Council and the National Geographic Society. Appointed to the special commission is National Resources Defense Council President, Frances Beinecke, Terry Garcia, executive vice president for mission programs for the National Geographic Society, Donald Boesch, a New Orleans native and president of the University of Maryland Center for Environmental Science, Cherry Murray, dean of the Harvard School of Engineering and Applied Sciences, and Fran Ulmer, chancellor of the University of Alaska-Anchorage. The panel has a six-month mandate to determine what led to the blowout well on April 20, 2010 and to make recommendations for future drilling practices. While the commission performs its assigned task, deepwater drilling in the Gulf of Mexico is on hold. Members of the Louisiana



delegation have pressed the administration to implement an emergency inspection regime to reduce the time for the moratorium. All of the commission members have promised to be impartial, even though some members oppose drilling while others support the need of continued drilling.

Edward Overton, professor emeritus of the School of the Coast and Environment at LSU indicates that the Deepwater Horizon oil disaster will not ruin Louisiana's coast forever. Based on the recovery of the Alaskan coast after the Exxon Valdez spill, the recovery of the Gulf coast may happen in three or four years. Nancy Sutley, chairwoman for the White House Council on Environmental Quality, indicates the goal for coastal ecosystems affected by the BP oil leak is not to regain what is lost, but to ensure ecosystems return even stronger.

A package of bills designed to support the struggling shrimp industry moved quickly through the legislative process. The bills include those that created a shrimp task force as well as a certification program for wild-caught shrimp taken, harvested, or landed in Louisiana. Shrimpers indicate that low prices and inexpensive frozen shrimp from China, Indonesia and Thailand are to blame for plummeting prices over the last few years. **House Bill 875 by Representative Harrison (Act 606)** creates the Louisiana Shrimp Task Force. The task force is responsible for increasing shrimp production and marketability, studying the decline in marketability, and helping to develop a shrimp inspection program. **House Bill 890 by Representative Harrison (Act 294)** creates a certification program for wild-caught shrimp that is taken, harvested, or landed in

Louisiana. **House Bill 1346 by Representative Dove (Act 315)** will divert up to 10% of the deposits and interest income from the Artificial Reef Development Fund for the shrimp certification program. The money could also be used for subsidies for harvesters and processors. Supporters of **Act 606** and **Act 294** believe the programs will bring national recognition to Louisiana shrimp, lead to a superior product because buyers will know the shrimp was brought in and processed under certain specifications, and protect a two billion-dollar Louisiana industry.

## WILDLIFE/FISHERIES

Until the DW&F and the Department of Health and Hospitals closed the bases and estuaries north of Grand Isle, harvesting select oysters from reefs were common. Heavy oil has hit the beaches of Grand Isle and the barrier island protecting Caminada Bay, where most of the oysters consumed come from, is now affected. When the oil spill was still at sea, the state opened all freshwater diversion spillways, sending water from the Mississippi River out across the marshes on both the east and west banks of the river to try using the strength of the Mississippi's current to keep the spill offshore. The steady flow of freshwater may be even more devastating to the oyster reefs than the oil. Three areas in lower Lafourche Parish found salinity levels ranged from 5.8 to 1.1 parts per thousand. If oysters do not receive 3.4, and a boost to eight, they get weak and barely open and close. It is believed oyster fishers have become bitter about the quick decision to open the spillways and consider this could be the biggest kill of oysters in the history of the state and industry. If the entire beds were to die, the best-case scenario for rebuilding reefs



is three years, the amount of time it takes for a sprat to grow to market size. Reseeding can happen immediately for beds killed by fresh water, as long as the salinity level rises. Should the oysters become contaminated by oil, it is an open question as to how long it takes for oysters to filter out the oil residue or if the reefs die, how long before they are clean enough for lease holders to begin harvesting again. For families who historically have built Louisiana's oyster industry, the question is how long can they hold out without a paycheck.

Barataria Bay once seemed like the happiest place for the brown pelican. More than 1,500 of Louisiana's state birds are normally consumed with bringing their next generation into the wetlands. Biologists indicate the oil sludge approaching the Bay has created a chemical cocktail that injures and probably kills any bird that wades through it. With the oil spill disaster, the fear is that an entire generation of Louisiana pelicans could be decimated. Nesting sites are being reviewed especially since a four-decade effort to rebuild the state's brown pelican population was eradicated by the insecticide DDT. The BP oil spill poses an unprecedented lethal threat to new and next generation pelicans from egg to fledgling, and beyond, because waves of poison could be washing toward nesting sites for months. Biologists believe as long as oil flows into the bays, pelicans are at risk from contamination. Smaller creatures like menhaden, sardines, mullet, and shrimp that either ingest toxins or are coated with them, can pass these toxins to pelicans causing illness or death. The menhaden, sardines, mullet, and shrimp face the same fate if they consume any oil toxins. A database is being maintained by spill responders on the number

of birds and other wildlife injured and/or killed. Figures at the end of May indicated the number of birds killed was approximately 200 but accurate accounts are difficult to confirm, since many stricken animals were never recovered.

**House Bill 1255 by Representative Austin Badon (Act 157)** authorizes the surrender of any live animal possessed illegally or which may be possessed only by permit or license from the DW&F. It indemnifies the person from prosecution provided the surrender is initiated prior to any independent investigation or contact by any public employee operating in an official capacity. Louisianians who either have or want to have pet monkeys, large exotic cats or unlicensed pythons should know that state law prohibits ownership of such animals. When owners of such animals no longer want them, they end up in the wild and threaten native species in many ways. DW&F officials indicate this has become an issue after a python was seized from an Oakdale couple who were breeding the snakes and selling them on the Internet.

**House Bill 1354 by Representative Hill (Act 855)** will prevent the operation of exotic snake farms similar to the one raided in Allen Parish earlier this year. The bill requires licensure for any person selling, trading, or propagating certain nonindigenous or poisonous snakes or constrictors and for those buying or handling for resale or propagation of any live species of poisonous snakes. Snakes longer than 12 feet may only be kept with a permit issued by DW&F. The department, who helped craft the bill, indicates this legislation would provide more oversight of commercial snake operations. It

also requires snake businesses to be periodically checked for compliance. Exempt from the bill are animal sanctuaries, zoos, aquariums, wildlife research centers and similar facilities. The bill applies to license years beginning November 15, 2010.

Under current law, the Agricultural Commission would adopt rules and regulations setting forth the requirements for raising, slaughtering, and the sale of imported exotic deer and antelope, elk, and farm-raised white tail deer for commercial purposes. **Senate Bill 146 by Senator Thompson (Act 17)** allows the state's agriculture commissioner to set new rules regarding imported exotic deer, antelope and elk. It also requires that persons raising or selling exotic cervidae to apply for a license.

Even though the Senate rejected a bill to abolish the Wildlife and Fisheries Commission, another bill passed giving them additional oversight. **Senate Bill 308 by Senator Marionneaux (Act 777)** was opposed primarily by the Louisiana chapter of the Coastal Conservation Association. However, association representatives changed their opposition because the bill allows the commission to continue acting independently during times of crises. The bill gives the House and Senate Natural Resources Committees one month to weigh-in on non-emergency rules passed by the commission. This will include hunting and fishing seasons, bag limits, and other business routinely handled by the commission.

## HUNTERS/HUNTING

Louisiana hunting and fishing licenses and boat registration costs would have been boosted every two years, along with every

other fee charged by the DW&F, if lawmakers had approved **House Bill 879 by Representative Lambert (Failed House Final Passage)**. This bill would have allowed the department to raise any fee it charged and collected every two years up to the annual percentage change in the Consumer Price Index. The bill would have placed a cap on increases, saying that no fee could grow more than 50%.

**Senate Bill 483 by Senator McPherson (Act 337)** creates the Quality Deer Management Program with authority to administer the Program given to the DW&F. It requires the program to be developed using a management philosophy encouraging good stewardship and unites landowners, hunters, and managers in a common goal of producing biologically and socially balanced deer herds within existing environmental, social, and legal constraints. The program includes protocols for the protection of young bucks, including an adequate harvest of female deer to maintain a healthy population in balance with existing habitat conditions and landowner wishes. The program also promotes the production of quality deer, quality habitat, and quality deer hunting experiences.

**House Bill 884 by Representative St. German (Act 292)** authorizes the issuance of a restricted hunter education certificate to a developmentally disabled person who is unable to successfully complete a hunter safety course. Such permits allow a person to hunt if he is accompanied by and is under the direct supervision of a person who is 18 or older, and has a valid hunting license or proof of successful completion of a hunter safety education course. The new law requires documentation of the developmental disability

prior to the issuance of a restricted hunter education certificate.

**Senate Bill 384 by Senator Claitor (Act 335)** authorizes DW&F to issue a valid hunting license to a person who has not completed the firearm and hunter education course provided the license is issued with a restriction requiring that the person be accompanied by and under the direct supervision of a person who is 18 or older and has a valid hunting license or proof of successful completion of a hunter safety education course approved by DW&F. The bill repeals the provisions for a hunter education deferral license allowing a temporary, 30-day license for those people who have not satisfactorily completed a hunter education course. This Act will be known as the Louisiana Family Hunting Law.

## FISH/FISHING

Fishing areas were shut down in the Mississippi River to the Florida Panhandle soon after the rig exploded on April 20, 2010. An estimated seven percent, if not more, of federal waters have been affected. Nearly 46,000 square miles, or about 19% or more of federal waters, could be closed under the expanded ban. NOAA and state officials indicate all fish caught will be tested to determine whether they are safe to catch and consume. Some speculate it could be years before fish and birds recover from the oil spill disaster. The Louisiana Seafood and Promotions Board spent two years after the 2005 hurricanes promoting local seafood at trade shows, festivals, and cooking contests to overcome fears of tainted fish. Similar efforts will be needed to remedy the current oil spill situation. In an abundance of caution, fishing

areas are closed daily to ensure the safety of the seafood Americans bring to their plates. Many lawmakers have called upon the U.S. Commerce Department to declare a fishing disaster in the Gulf and to provide for federal aid to fishermen. In 2008, the Gulf produced 1.27 million pounds of fish worth an estimated \$659 million. Many believe that the Gulf spill could kill an entire fishing season if it affects species as fish reproduce.

**House Bill 1346 by Representative Dove (Act 315)** was heavily debated regarding the seafood certification program. The major question was how the certification program would be funded. When scrapping a rig that has been drilling in the Gulf of Mexico, the owner can pay the state half of the money saved by sinking the facility on an existing reef offshore rather than towing the equipment to land for disposal. Representative Dove's bill would divert 10% of the annual interest and contributions to the Reef Fund, approximately \$800,000, for use by a proposed program that would certify that seafood was caught in local waters. The program would include subsidies to seafood harvesters and processors to assist them with certification requirements. The money would fund a certification program created by **House Bill 890 by Representative Harrison (Act 294)**. Act 294 requires the secretary of the DW&F to develop regulations for a Louisiana Wildlife Certification program. The standards would include harvest requirements, post-harvest refrigeration requirements, handling practices and traceability to ensure the source. Any product falsely sold as Louisiana shrimp would be removed from the market.

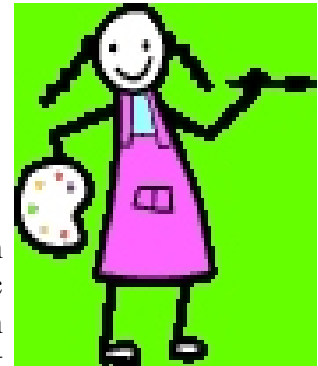
**BOATS/BOATING**

Current law requires that 50% of fees collected from charter boat fishing guide licenses to be used for the enforcement of laws governing finfish; 10% for the Louisiana Recreational Fishing Development Board; and 40% for administration. When **Senate Bill 498 by Senator Chabert (Act 654)** becomes law, 10% of fees collected will be used for promotion of the charter boat industry and fishery protection. It also allows such fees to be expended to the Louisiana Charter Boat Association.

Although it never made it out of the House Natural Resources Committee after being heard on April 7, 2010, **House Bill 649 by Representative Cromer (Assigned to House Natural Resource)** received much attention and discussion. Present law provides that the state reserves, through the DW&F, the right to regulate the operation of vessels and motorboats and to establish minimum equipment requirements except as otherwise provided in certain exceptions; all political subdivisions are expressly prohibited from regulating water craft in any respect, including but not limited to their operation, minimum equipment requirements, and registration with or without a fee or inspection. The proposed law would have retained present law and expanded the authority to regulate air boats to parishes with a population greater than 191,000 and less than 255,000.

## Women & Children

by: *Bobbie Hunter*  
(225) 342-9785



**Senate Bill 528 by Senator Broome (Act 888)** requires and obstetric ultrasound be performed prior to an abortion. Presently, a physician is required to determine if an unborn child is viable prior to performing an abortion on a woman he has reason to believe is carrying an unborn child of 20 weeks or more gestational age. If a physician intends to terminate a pregnancy of 20 or more weeks, such physician is first required perform an ultrasound examination of the unborn child in order to make a finding of the gestational age, weight, and lung maturity of the unborn child.

**Act 888** retains the existing law and further requires that except in case of a medical emergency, consent to an abortion at any stage of gestational development is voluntary and informed only if an obstetric ultrasound is performed. The obstetric ultrasound is to be performed by the physician who is to perform the abortion, the referring physician, or a qualified person working in conjunction with either physician.

At least two hours prior to the woman having any part of an abortion, performed or induced, and prior to the administration of any anesthesia or medication in preparation for the abortion on the woman, the physician who is to perform the abortion, the referring physician, or a qualified person working in conjunction with either physician shall comply with all of the following requirements:

1. Perform an obstetric ultrasound on the pregnant woman and offer to simultaneously display the screen depicting the active ultrasound images so that the pregnant woman may view them.
2. Offer to provide a simultaneous explanation of what the ultrasound is depicting, including the presence and location of the unborn child within the uterus and the number of unborn children depicted, the dimensions of the unborn child, and the presence of external members and internal organs, if present and viewable.
3. Offer to provide the pregnant woman with a sealed envelope clearly marked "ultrasound print" that contains an ultrasound photograph or print of her unborn child of a quality consistent with current standard medical practice that accurately portrays, to the extent feasible, the body of the unborn child including external members, if present and viewable. Requires the pregnant woman to be informed that law requires that she be provided with the envelope containing the ultrasound print, but that there is no requirement that she view the print image of her unborn child.

4. Orally read the following statement to the pregnant woman in the examination room prior to beginning the ultrasound examination:

"Louisiana law requires that you be informed of three options that you may request at any time during this ultrasound examination:

- (1) You have the option to view the ultrasound screen at any time during the examination.
- (2) You have the option to receive an oral explanation of the ultrasound images.
- (3) You have the option to receive an ultrasound photographic print.

Please inform me now or at any time during the ultrasound examination if you want to view the screen, receive an oral explanation or receive an ultrasound print."

5. Obtain a written certification from the woman, after the ultrasound and prior to the abortion, that the requirements of proposed law have been complied with.
6. Retain a copy of the written certification prescribed by proposed law. Requires the certification to be placed in the medical file of the woman and be kept by the abortion provider for a period of not less than seven years. If the woman is a minor, requires the certification to be placed in the medical file of the minor and kept for at least seven years or for five years after the minor reaches the age of majority, whichever is greater.

Requires the woman's medical files to be kept confidential.

**Act 888** defines "medical emergency" as the existence of any physical condition, not including any emotional, psychological, or mental condition, which a reasonably prudent physician, with knowledge of the case and treatment possibilities with respect to the medical conditions involved, would determine necessitates the immediate abortion of the pregnancy to avert the pregnant woman's death or to avert substantial and irreversible impairment of a major bodily function arising from continued pregnancy.

The abortion provider is required to certify in writing the specific medical conditions that constitute the emergency and requires such certification to be placed in the medical file of the woman and be kept by the abortion provider for a period of not less than seven years. If the woman is a minor, then the certification is required to be kept for at least seven years or for five years after the minor reaches the age of majority, whichever is greater.

The failure by any abortion provider to comply with the provisions of **Act 888** constitutes a basis for professional disciplinary action.

**Act 888** provides for confidentiality in court proceedings if the woman does not give her consent to such disclosure and authorizes the court to close any proceedings in the case and enter other protective orders to preserve the privacy of the woman upon whom the abortion has been performed or attempted.

Existing law prohibits an abortion from being performed or induced without the voluntary and informed consent of the woman upon whom the abortion is to be performed or induced.

**Act 888** further stipulates that consent to an abortion is voluntary and informed if and only if an ultrasound test and determination of viability are met and the requirement that at least two hours prior to the woman having any part of an abortion performed or induced, the physician, referring physician, or qualified person working in conjunction with either physician must perform an obstetric ultrasound for the purpose of preserving the woman's health and determining the viability of the unborn child.

Sanctions shall be prohibited to the physician or the woman should the woman choose not to view the photographic print provided to her in a sealed envelope.

The provider is required to include in the woman's printed materials a comprehensive list, compiled by the Department of Health and Hospitals (DHH), of facilities that offer obstetric ultrasounds free of charge, along with an oral explanation of the provision that if the woman voluntarily chooses to obtain free ultrasound services, that ultrasound would likely be in addition to the ultrasound required by law for purposes of determining viability and preserving the woman's health, unless the free ultrasound is performed by the physician performing the abortion, the referring physician, or a qualified person working in conjunction with either physician. Such materials are required to be published in English and provide materials informing women of public and private

agencies available to assist a woman through pregnancy, upon childbirth, and while her child is dependent, including but not limited to adoption agencies. DHH is required to maintain a separate printed listing of facilities that provide obstetric ultrasound services free of charge, available on their website or by a toll-free 24 hour telephone number.

**Senate Bill 249 by Senator Dorsey (Assigned to Labor & Industrial Relations)** would have enacted the "Louisiana Equal Pay for Women Act to provide that the public policy of this state is declared to be that paying unequal wages based on sex unjustly discriminates against the person receiving the lesser rate. **SB 249** would have made it unlawful for an employer who employs four or more employees to pay wages to an employee at a rate less than the rate at which the employer pays wages to another employee of the opposite sex for the same or substantially similar work.

It would have been be unlawful for a labor organization to pay wages to an employee at a rate less than the rate at which the employer pays wages to another employee of the opposite sex for the same or substantially similar work. There were exceptions for instances where pay is made under a seniority system, a merit system, a system that measures earnings by quantity or quality of production, or a differential based on a factor other than sex as long as such system is job-related or furthers a legitimate business purpose.

An employer would have been prevented from reducing an employee's pay in order to comply with proposed law. **SB 249** declared it unlawful for a person to discharge

or discriminate against an individual who has filed any charges, given any information, or testified in any inquiry relating to any right provided under proposed law. Any employee who believes that his employer has violated a provision of proposed law shall provide written notice to the employer of the violation.

**SB 249** would have required that an employer who receives written notice of a violation shall have 90 days to remedy the violation, and if such violation is remedied within 90 days, the employee may not bring an action against the employer. If the employer fails to remedy the violation, the employee may file an action in a district court of competent jurisdiction.

An employer in violation of the provisions of proposed law could have been liable for damages inclusive of unpaid wages, an amount of one-half of unpaid wages in liquidated damages, reasonable attorney fees, costs, employment, reinstatement, promotion, and any benefits lost.

Monetary relief for a violation is limited to a 36-month period prior to the filing of the action in a district court of competent jurisdiction. The employer and employee may settle for a lesser amount of damages. **SB 249** would have required employers to make and preserve records that document names, addresses, occupations of employees, and their wages. The records shall be preserved for not less than three years.

**House Concurrent Resolution 56 by Representative Katz (Filed with the Secretary of State)** requests the Department of Veterans Affairs to work in conjunction with the National Foundation for Women

Legislators and the Center for Women Veterans at the United States Department of Veterans Affairs to encourage all female veterans to advise agency officials of their specific needs and concerns so that policy solutions may be advanced to improve the quality of life of female veterans.

Although, traditionally a male-dominated military, women currently make up over 14% of the active duty members of the United States Armed Forces and 17% of reserve forces and the national guard and the population of female veterans has increased exponentially from just over one million in 1980 to a projected total of nearly two million by 2020, making female veterans 10% of the total veteran population.

There is now a growing need to improve health care services for female veterans by ensuring clinicians are properly trained to provide gender-specific care to women of all ages and by identifying innovative courses of treatment and solutions to obstacles that are unique to female veterans.

**House Bill 504 by Representative Willmott (Act 471)** addresses safe haven sites. Current law specifies the duties of designated emergency care facilities (safe haven relinquishment sites) with regard to instructing facility employees on provisions of the state's safe haven law and specifies the means by which the Department of Social Services (DSS) shall make available safe haven training materials and notice to the public of the existence of designated emergency care facilities and the use of safe havens.



**Act 471** retains current law and further provides for duties and responsibilities of designated emergency care facilities (safe haven relinquishment sites) and of DSS, relative to safe haven infant relinquishments and requires periodic instruction to employees on infant relinquishment procedures.

Additionally, DSS is required to make safe haven training materials available for download on its website, and to provide notice to the public of the existence of designated emergency care facilities and the use of safe havens through the DSS website and through the establishment of a toll-free telephone number.

**House Bill 901 by Representative Leger (Assigned to House Civil Law and Procedure)** would have provided for adoption by single persons. Current law provides for persons whose names may be recorded as parents of an adopted child and for categories of persons who may petition for adoption.

**HB 901** would have provided for persons whose names may be recorded as parents of an adopted child, for categories of persons who may petition for adoption and further provides for persons whose names may be recorded as parents of an adopted child and persons who may petition for adoption. **HB 901** would have allowed the names of two single adults jointly to be recorded as parents of an adopted child, and jointly petition for adoption.

**House Bill 825 by Representative Abramson (Act 825)** added the crime of human trafficking and sex offender registration. Current law provides for the crimes of human trafficking and trafficking of

children for sexual purposes.

Current law also provides for the following listing of crimes designated as crimes of violence: solicitation for murder; first degree murder; second degree murder; manslaughter; aggravated battery; second degree battery; aggravated assault; mingling harmful substances; aggravated rape; forcible rape; simple rape; sexual battery; aggravated sexual battery; intentional exposure to AIDS virus; aggravated kidnaping; second degree kidnaping; simple kidnaping; aggravated arson; aggravated criminal damage to property; aggravated burglary; armed robbery; first degree robbery; simple robbery; purse snatching; extortion; assault by drive-by shooting; aggravated crime against nature; car jacking; illegal use of weapons or dangerous instrumentalities; aggravated second degree battery; aggravated assault upon a peace officer with a firearm; aggravated assault with a firearm; armed robbery, use of firearm; aggravated robbery; disarming of a peace officer; stalking; second degree cruelty to juveniles; aggravated flight from an officer; terrorism; aggravated incest; and battery of a police officer. **HB 825** retains current law and adds trafficking of children for sexual purposes and human trafficking to this list.

Presently, there is an enumerated list of sex offenses for purposes of sex offender registration and notification requirements, and **HB 825** adds the crime of trafficking of children for sexual purposes to this list and adds the crime of trafficking of children for sexual purposes to this list, which will require lifetime sex offender registration.

**House Bill 1438 Representative Smith (pending House Administration of Criminal Justice Committee)** would have provided for penalties for sex offenders. Presently, sex offenders are prohibited from the following when the victim of the crime was under the age of 13:

1. Being physically present within 1,000 feet of the school property of any public or private elementary or secondary school or being physically present in any motor vehicle or other means of conveyance owned, leased, or contracted by such school to transport students to or from school or a school-related activity when persons under the age of 18 are present on the school property or in a school vehicle.
2. Establishing a residence within 1,000 feet of any public or private elementary or secondary school.
3. Being physically present or establishing a residence within 1,000 feet of a public park or recreational facility.

Present law prohibits sex offenders convicted of an aggravated sex offense from the following when the victim of the crime was under the age of 13:

1. Being physically present within 1,000 feet of a day care center, group home, residential home, child care facility, or family child day care home.
2. Establishing a residence within 1,000 feet of any day care center, group home, residential home, child care

facility, family child day care home, playground, public or private youth center, public swimming pool, or free standing video arcade facility.

**HB 1438** would have added religious building properties and libraries to the present law residential restrictions and prohibits sex offenders from establishing a residence in an area of high concentration of children. Criminal penalties shall include a fine of not more than \$1,000, imprisonment with or without hard labor for not more than one year, or both and defines "area of high concentration of children".

## Point by Point

*by: Brenda Hodge  
(225) 342-9737*

### **Overview -**

The work of the 2010 Regular Session focused on state budget issues and how best to deal with a growing budget shortfall in the FY 10 and FY 11 fiscal years and beyond. As part of the budget discussions, legislators also focused on policy issues connected to the need to carry out state responsibilities in a new way. That focus resulted in key reforms in K-12 education, higher education, budgeting tools and more.

Lawmakers introduced over 2200 bills for consideration at the Regular Session, 1459 in the House and 790 in the Senate. Of those measures, 1053, including six proposed constitutional amendments became acts. The measures address issues relating to public safety, highway safety, state retirement reforms, economic development, the state's on-going recovery from a series of devastating hurricanes, the current response to the BP Deepwater Horizon Oil Leak and more.

### **Budget Issues -**

State legislators began the session facing a budget shortfall for the coming budget year (FY11) of \$1.7 billion, even after making mid-year budget cuts for this budget year (FY10) totaling \$248 million and a governor-ordered hiring and spending freeze. Then we got the bad news, the need for an additional \$319 million in mid-year budget cuts as forecasted state revenue collections continued to decline. And then the really bad news arrived, the need for an additional \$261 million in mid-year cuts for a total of \$828 million in budget cuts during this fiscal year.

The governor proposed an executive budget totaling \$24.2 billion. However continuing reductions in state revenue forecasts for this fiscal year and next fiscal year necessitated the need to reduce the executive budget by an additional \$57.6 million.

The question was how to best address an ever-moving budget target without doing irreparable harm to basic state services and programs on which our citizens, including the most vulnerable, depend. The Senate and the House differed on the answer to that question.

The Senate proposed use of available dollars such as money from the Budget Stabilization Fund or Rainy Day Fund, which was created to help maintain vital state services and programs when state revenue declines, and revenues collected as a result of last year's tax amnesty program. The Senate also proposed to address the entire known budget deficit for FY 10, meeting our constitutional obligation to not operate with a deficit.

The House disagreed with the use of the funds as proposed by the Senate. They offered a budget plan that would not have addressed the known budget deficit for this fiscal year and called for budget cuts that would have possibly resulted in the closure of public hospitals and significantly impacted higher education institutions and more.

In the end, the House agreed to the Senate's approach to the budget issues, approving a series of bills to address budget needs for FY 10 and FY 11 including:

- **Supplemental Appropriations Bill** (HB 1358 - Fannin) - Addresses the revenue shortfall for this fiscal year and the need to provide additional funding for certain programs and services. To that end, dollars are used from the Budget Stabilization Fund and the State Emergency Response Fund. **SIGNED WITH VETOES - ACT 51**
- **Funds Bill** (HB 787 - Fannin) - Takes monies from various sources including excess funds in certain programs and allocates the dollars to funds for use in the state operating budget. **SIGNED - ACT 633**
- **Appropriations Bill** (HB 1 - Fannin) - **SIGNED WITH VETOES - ACT 11**
- **Ancillary Appropriations Bill** (HB 76 - Fannin) - In an effort to address concerns from the House about some of the changes the Senate made in the state budget plan, this measure restores some funds for the LSU AgCenter, arts programs, CRT, truancy programs, councils on aging, senior citizen centers, community health centers and the attorney general's office. Funds are also added in this bill for local needs. The additional funds total about \$30 million and are financed through the transfer of money from the Over-collections Fund, the State Emergency Fund and the Artificial Reef Fund. **SIGNED WITH VETOES - ACT 41**
- **State Budget By-The-Numbers -**
  - Totals \$25.5 billion - \$4.2 billion or 14% reduction from the prior year.
  - State general fund dollars total \$7.7 billion, a decrease of \$1.3 billion from the prior year.
  - Almost 60% of the state budget is "dedicated" either by state law or the State Constitution to a specific purpose. Most of the "discretionary" dollars are found in higher education and health care budgets.
  - About 45% of about \$11.5 billion of the total budget is federal funding including \$1.5 billion in federal stimulus dollars which will not be available in FY 2012.
  - 3000 state positions eliminated including 1300 filled positions.
- **Capital Outlay Budget** (HB 2- Greene) - Details a reasonable, sustainable state construction plan for FY 11 that is within the constitutional limit on the issuance of new bonds and the available state cash. As the bill was approved by the Senate, the budget included the following:
  - \$4.673 billion for on-going and proposed new projects.
  - The backlog of pending projects in Priority 5 has been reduced to \$784 million from a high two years ago of \$1.465 billion.
  - \$320 million in new bonds may be issued in FY 11
  - The bond-financed projects are split 75% (\$240 million) for state projects and 25% (\$80 million) for non-state projects. Local projects require a 25% match to receive the state funds.
  - Priority 1, which includes on-going projects, totals \$1.55 billion. Priority 2, which includes new projects expected to get underway in FY 11, totals \$152 million.

**SIGNED WITH VETOES - ACT 21**

- **Legislative Budget** (HB 1417 - Tucker) - Appropriates funds for the House, Senate, Legislative Fiscal Office, Legislative Auditor, Law Institute and the Legislative Budgetary Control Council.
  - Totals \$67.38 million for FY 11.
  - \$1.245 million reduction from FY 10.
  - Prohibits any increase in per diem and monthly district office allotments for legislative assistants.
  - Eliminates merit pay increases for legislative employees. **SIGNED - ACT 71**
- **Budget Reforms -**
  - **Executive Budget Reforms** (SB 656 - Hebert) - Requires the Executive Budget as well as the legislative and judicial budgets to include statements comparing authorized positions and budgeted amounts between the current year and the ensuing fiscal year with any reductions noted in parenthesis. The requirement also applies to local government entities. **SIGNED - ACT 966**
  - **Fees/Cost Recovery** - (SB 299 - Donahue) - Sets up a process for the Division of Administration and the Board of Regents to track fees and to determine how those fees are used to provide a service or perform an activity in the state operating budget. The process requires that recommendations be provided to the legislature on how the funding for a particular service financed through fees may be better apportioned between the state and the particular user group. **SIGNED -ACT 1001**

**Government Operations/Reforms -**

- **State Buildings and Land Use** (SB 412 - Donahue) - Creates the State Buildings and Lands Highest and Best Use Advisory Group to advise the Commissioner of Administration on all matters relating to state-owned property including development and management opportunities available through partnerships between the state and private or non-profit entities. A plan for improved management and development of state-owned property will be presented to the Joint Budget Committee each March.  
**SIGNED - ACT 73**
- **One-Stop Shop/State Service Delivery** (SB 404 - Donahue) - Requires the Division of Administration to develop a long-term plan to create regional governmental service centers as "one-stop shops" for state services. The division will conduct public hearings to get input from citizens in each region as the plan is developed. Once the long-term plan is finalized and approved by the Joint Budget Committee, the division cannot approve the lease or purchase of space in conflict with the plan. **SIGNED - ACT 72**
- **Boards & Commissions Reductions** (HB 1226 - Smiley) - Eliminates 17 state-created boards and commissions that are inactive, no longer needed or whose functions could best be performed by an existing state agency or program. **SIGNED - ACT 743**

**Public Employees/Retirement Issues -**

For over a year, much of the discussions regarding state budget issues and streamlining

government efforts have centered on public employees, the number of them and the costs associated with their salaries and benefits. The discussions led the Civil Service Commission to freeze merit pay for classified employees in the coming budget year. Salaries are also frozen for employees of executive department agencies and the legislature.

The Jindal administration is moving to privatize certain state programs and services. Privatization is underway or under consideration for the Office of Risk Management, the Office of State Buildings and Grounds, and certain services in the Department of Veterans Affairs, the Department of Corrections, the Office of Mental Health, the Office for Citizens with Disabilities, the Office of Addictive Disorders, the Department of Revenue and the LSU public hospital system.

- **State Employee Attrition/Reductions**

- (SB 293 - Donahue) - Requires the Commissioner of Administration and the Board of Regents to establish and implement an agency position attrition analysis process with the goal of reducing staff positions by 5% a year over the next three years. The reductions shall occur equally and proportionately across salary ranges of equal increments beginning in FY 11. The analysis should include general staffing needs, the state general funds associated with the positions, workload changes, etc. Reports are required to the Commission on Streamlining Government. **SIGNED - ACT 1000**
- (SB 289 - Donahue) - Requires State Civil Service to report the employee turnover rate to the Joint Budget Committee on an annual basis no later than Dec. 15<sup>th</sup> of each year. The report should include the costs associated with employee turnover; the five job classifications with the highest turnover rate; the five job classifications and agencies with the highest costs associated with employee turnover. **SIGNED - ACT 879**

- **State Employee Training Programs** (HB 629 - Danahay) - Places all state employee in-service training programs under the authority and responsibility of the Department of State Civil Service. **SIGNED - ACT 825**

- **Retirement Systems Reforms -**

- **Benefits & Eligibility Changes**

- (HB 1337 - Robideaux) - This measure establishes two uniform statewide retirement system benefit plans - one for hazardous duty employees such as State Police and one for non-hazardous duty employees such as educators, state agency employees, etc. and changes how benefits are calculated and when an employee is eligible to retire.
  - Effective for employees first eligible for membership in a state retirement system Jan. 1, 2011 and thereafter.
  - Eligible for full benefits at age 60 or after 20 years of service with a reduced benefit.
  - Retirement benefit is based on an employees average compensation during the last five years of his/her employment rather than the last three years.
  - Enhanced benefits for certain employee groups are eliminated.

- Retirement officials estimate the state will save \$2.7 million in retirement costs in the first year of implementation with anticipated annual savings of \$70-\$75 million when the reforms are fully implemented. **SIGNED - ACT 992**
- (HB 1461 - Pearson) - Increases the employee contribution rate and changes eligibility requirements and benefits determination for members of the Louisiana School Employees Retirement System. The contribution rate is increased from 7.5% to 8%. To be eligible for retirement the employee must be 60 years of age with 10 years of service. These changes apply to retirement system members hired on or after July 1, 2010. **SIGNED - ACT 318**
- **Teachers' Retirement System Retire/Rehire Reforms** (HB 519 - Cortez) - Limits the ability of a member to retire and then be rehired with the ability to collect their full retirement benefits after one year of being rehired to retired teachers, full-time certified speech therapists, speech pathologists and audiologists where a shortage of such professionals exist. **SIGNED - ACT 921**
- **Required Vote on Benefit Changes** (HB 229/CA - Pearson) - Proposes a change in the State Constitution to require a two-thirds vote of both the House and the Senate to approve a change in retirement benefits that has an actuarial cost. The vote requirement applies to benefit changes for members of state public retirement systems that are subject to legislative authority. The constitutional amendment will appear on the Nov. 2, 2010 statewide ballot. - **ACT 1048**
- **Convicted Felons Retirement Benefits** (SB 13 - B. Gautreaux) - Allows for the seizure or garnishment of a public employee's or elected official's retirement benefits if the employee is convicted or pleads guilty to a felony connected with his state service or elected office on or after July 1, 2010. The retirement benefits will be used for payment of any fine, required restitution, and costs of incarceration, probation or parole. The garnishment shall not infringe on the community property interests of a spouse or former spouse. **SIGNED - ACT 634**

### **Education Issues**

- **School Financing/MFP** (HCR 243 - Badon) - The 2010-2011 Minimum Foundation Program (MFP), the basic state aid for local schools, represents a standstill budget for the second year in a row. It includes a minimal increase of \$44 million to offset the costs of 6,000 new students in Louisiana's public school system. The total funding is \$3.3 billion.
  - No additional funds are allocated for certain mandated costs such as retirement contributions and health care benefits.
  - Language is included in the resolution to require BESE to examine how school systems are meeting their obligation to spend 70% of the MFP money in the classroom and to make recommendations on needed changes.
  - Includes students attending alternative schools at secure juvenile facilities in the MFP with corrections officials required to spend 100% of the per pupil allocation on the students. **FINAL**

- **Local and State School Board Governance and Operations**
  - **Micro-Management** (HB 942 - Carter) - This is an effort to prevent local school board members from getting inappropriately involved in personnel matters that are primarily the responsibility of the local superintendent.
    - Requires a two-thirds majority vote of a local school board to remove a local superintendent.
    - Bans local school board members from interfering in the hiring, firing, demotion or transfer of teachers and other school employees. **SIGNED - ACT 720**
  - **School Board Member Training** (HB 488 - Harrison) - Increases the required hours of training for school board members from four hours to six hours annually. Allows school board members to receive 16 hours of training in their first year to obtain the designation of "Distinguished School Board Member." **SIGNED - ACT 705**
  - **Superintendent Requirements** (HB 251 - Smith) - Requires the Board of Elementary and Secondary Education (BESE) to set minimum qualifications for the State Superintendent's post. This will go into effect for the next hire or contract renewal.
    - State Superintendents must possess a Master's Degree in Education, a valid Type A or Level 3 teaching certificate, five years of administrative experience and specified graduate-level course work.
    - Allows for BESE to overrule these requirements with a two-thirds vote. **SIGNED - ACT 323**
- **Teacher Evaluation and School Performance**
  - **Value-Added Teacher Evaluations** (HB 1033 - Hoffman) - Changes the method used to evaluate teacher performance from a method based 100% on subjective observations to 50% on subjective observations and 50% on student performance. Teachers will be evaluated every year, rather than every three years.
    - The evaluation method will be phased-in over a two year period, with official evaluations beginning in 2012.
    - The development of the program will be monitored by an Educator Evaluation Advisory Committee made up of classroom teachers, parents, representatives of educational organizations and representatives from BESE.
    - Also applies to Charter School teachers and administrators and state education employees who make more than \$100,000.
    - Student performance will be based on standardized testing scores, previous performance, attendance, discipline records, and family income. It will then be weighed against the performance of their peers.
    - Teachers deemed ineffective will be placed in an assistance program, and given a time line for improvement. After the assistance program has ended, the local board must determine whether or not the teacher has improved. If they have not improved, they must be fired. **SIGNED - ACT 54**
  - **Red Tape Reduction Act** (HB 1368 - J.H. Smith) - Allows local school districts the



option to seek waivers from various rules and regulations imposed on them by the state, excluding federal laws and rules and regulations regarding health, safety, testing and accountability in an effort to improve student performance and quality of instruction. The Louisiana Federation of Teachers (LFT), along with the EBR and Jefferson Parishes LFT, have filed suit to block implementation of the new law. LFT claims the measure is an unconstitutional delegation of legislative power.

- Local school boards can apply on behalf of one or more schools for a four-year waiver from a variety of laws and regulations including teacher tenure, class size, instructional time, personnel and funding. The waiver will have to specify what rules and regulations the school wants waived, what specific student benefit will be gained and how those gains will be measured.
- For a waiver to be submitted, a majority of the teachers at a school must agree, by secret ballot.
- The school board has the authority to suspend the waiver at any point.
- Schools will not be allowed to seek a waiver exempting them from the new value-added teacher evaluation system.
- Low-performing schools who opt to participate must implement one of a series of options:
  - Turnaround (put in new leadership, staff, governance, and improved instructional programs)
  - Restart (convert the school to a charter school)
  - Closure (Close the school and place its students in a high-performing school within the district)
  - Transformation (Hire a new principal and implement comprehensive instructional management reform and measures of effective teaching)
  - If they do not meet their goals, they will then be subject to supervision or take-over by the Recovery School District.
- Declares cities, parishes, local governments and public school boards do not have to comply with unfunded mandates. **SIGNED - ACT 749**
- **Letter Grade School Evaluation (HB 925 - Badon)** - Develops a letter-grade based system for use in the existing accountability school program in an effort to provide parents a better understanding of the accountability program. Before the letter-grade system is adopted, BESE must consult with parents, teachers and administrators.
  - An academically unacceptable school will receive the letter grade of "F."
  - The letter grade will be included in a report card compiled by the Department of Education for distribution to parents and in public releases. **SIGNED - ACT 718**
- **Testing and Grading Issues**
  - (SB 490 - Nevers) - Replaces exit exams with end of course tests for students pursuing a career diploma, a high school curriculum that emphasizes career and workforce training. Unlike the exit exams given to students planning to attend four-year colleges, end of course tests will reflect the material covered in the career

diploma classes. It will apply to students entering the ninth grade for the 2010-2011 school year. **SIGNED - ACT 445**

- (HB 433 - Hardy) - Requires BESE to develop and implement a uniform grading scale for public elementary, middle and high schools in the state. BESE must appoint a task force to make recommendations regarding the implementation of a uniform grading scale, with the new grading scale in place for the 2011-2012 school year. **SIGNED - ACT 701**
- **Academic Student Profiles** (HB 486 - Harrison) - Requires each high school guidance counselor to create an academic profile for each ninth grade student using LA ePortal which would include the student's academic and personal goals, college and career plans, extracurricular activities and other skills and interests. **SIGNED - ACT 704**
- **Electronic Textbooks** (SB 533 - LaFleur) - Requires BESE to make every effort to ensure that electronic versions of educational materials are available for every title it approves for placement on the state list of approved textbooks and instructional materials. **SIGNED - ACT 659**
- **Civic Education Requirements** (HB 1029 - Hoffman) - Increases the Civics high school graduation requirement from one-half credit of Civics and one-half credit of Free Enterprise to one full credit of Civics, which will include a section on Free Enterprise. The new requirement takes effect in the 2011 school year. **SIGNED - ACT 327**
- **Early High School Graduation** (SB 553 - LaFleur) - Directs BESE to develop a policy that allows students to accelerate their progress toward a high school degree, allowing them to graduate early. It suggests that flexible scheduling, distance learning and online courses, among other things, be included in the policy. The policy must be in place by the beginning of the 2010-2011 school year. **SIGNED - ACT 660**
- **Drop-Out Prevention/Adult Education -**
  - (SB 701 - Marionneaux) - Gives judges the option of ordering military service for students ruled to be truants who quit high school without permission. They could also order the students to re-enroll in school or begin a diploma equivalency program. **SIGNED - ACT 666**
  - (SB 753 - Peterson) - Requires BESE to intervene and provide assistance to high schools when the graduation rate at the school drops below 80%, higher than the current 70% trigger. Schools and school systems must also provide information on their web sites and in writing to parents regarding drop out rates and numbers of failing students. **SIGNED - ACT 557**
  - (HB 648 - S. Jones) - Prohibits students from dropping out of high school before they are 18 years old. **SIGNED - ACT 927**
  - (SB 297 - Donahue/HB 1055 - Richmond) - Transfers adult education responsibilities from the Department of Education to the Louisiana Community Technical College System in an effort to place greater emphasis on adult literacy and training adults without degrees for the workforce. The measure also requires high school drop outs choosing to enter an adult education program to enroll in a program that has a proven record of student progress and effectiveness. **SIGNED - ACT 132/SIGNED - ACT**

## 732

- **Excessive Absence and Tardiness** (SB 309 - LaFleur) - Fine tunes state law regarding student absences and tardiness to require that a student's parent or guardian must be notified on or before the student's third unexcused absence or tardy. This notification must also remind parents of their legal duty to get their children to school every day, on time and informs them of the penalties for not doing so. **SIGNED - ACT 644**
- **Discipline** (HB 405 - Dixon) - Directs BESE to prepare and adopt guidelines for the use of seclusion and physical and mechanical restraints as discipline of students with exceptionalities. **SIGNED - ACT 698**
- **Teacher/School Employee Safety** (HB 1239 - Dixon) - Requires BESE to adopt rules and regulations relative to the physical abuse of public school teachers and other school employees by students. Schools must keep accurate records of incidents of abuse; provide employees with the appropriate equipment to protect themselves; offer support services for abuse victims; and allow employees to transfer from the school where the abuse occurred. **SIGNED ACT 404**
- **Uniforms** (HB 1481 - Landry) - Requires local school boards to give parents written notification at least 60 days before any school uniform changes go into effect. The bill includes an exception for "emergency" circumstances that threaten life, injury or property damage. **SIGNED - ACT 757**
- **School Lunch** (HB 1141 - Landry) - Requires that before a student's meal is withheld for lack of payment, school officials must notify their parents when the meal will be withheld, why it is being withheld and how it can be prevented. The school must provide the student with a sandwich or nutritional snack to replace the normal meal. If a child's meal is withheld three times in one year, school officials must contact the Department of Social Services. **SIGNED - ACT 737**
- **Drug Free Zone** (HB 43 - Hardy) - Increases the size of the drug free zone of any school property, drug treatment facility, religious building property, public housing authority property, or child day care facility from 1,000 feet to 2,000 feet. **SIGNED - ACT 506**
- **Torri Palms-Morre Act** (HB 1396 - Burrell) - Requires every local school board to adopt a policy that requires every school employee who participates in any required in-service training program to receive first aid training. **SIGNED - ACT 752**
- **Charter Schools**
  - (SB 344 - Duplessis/HB 962 - Carter) - Lengthens and revises the process that guides local districts in the review of charter school proposals.
    - Requires local school boards to accept charter school proposals before February 28 of each year, an extension of 60 days.
    - Also requires school boards to publish in print media and on web sites the application guidelines, required forms, review process time lines and a contact for all charter school proposals. **SB 344 - SIGNED - ACT 334/ HB 962 - SIGNED - ACT 722**
  - (SB 492 - Nevers) - Requires Charter School Board members to comply with the financial disclosure requirements in the state ethics codes. **SIGNED - ACT 370**

- (HB 420 - Leger) - Gives Charter schools the same amount of per pupil funding as traditional public schools in their districts. **SIGNED - ACT 370**
- (HB 1487 - Leger) - Requires that charter school proposals include provisions for rules and regulations regarding discipline policies and have a plan for collecting data about school operations and performance. **SIGNED - ACT 756**
- **Recovery School District (RSD)**
  - (HB 923 - Leger) - Authorizes the Recovery School District to contract with outside legal entities on a contingency fee basis for their services relative to use of tax credits. An RFP process must be used to select the outside counsel. **SIGNED - ACT 717**
  - (HB 1093 - Fannin) - Requires legislative approval, through the Joint Legislative Committee on the Budget, of changes in RSD contracts for services, equipment and construction when the changes exceed \$100,000. **SIGNED - ACT 735**
- **Home School Issues**
  - (SB 798 - Walsworth) - Increases the value of a home study diploma by ensuring that it receives the same standing and worth as one issued by a non-public school. **SIGNED - ACT 677**
  - (HB 303 - Henry) - Allows home school students to try-out for and play organized sports at Louisiana High School Athletic Association member-schools, within the student's attendance zone. The principal of the public school or the governing board of the non-public school has the final say over whether or not the student will be allowed to participate in the sport. **SIGNED - ACT 691**
- **New School Choice Pilot Program** (HB 216 - Foil) - Establishes the School Choice Pilot Program for Certain Students with Exceptionalities and allows eligible students, in a handful of larger districts around the state, to receive a tuition certificate to attend an eligible non-public school that provides educational services specifically addressing the students' disabilities or exceptionalities.
  - Program will be established in parishes with more than 190,000 residents.
  - "Gifted" students are excluded from the program.
  - The tuition certificate will be limited to 50 percent of the per pupil amount in the MFP, but not exceeding the chosen school's tuition. **SIGNED - ACT 515**
- **Broadcast Requirements** (HB 403 - Pearson) - Requires BESE to broadcast its Baton Rouge meetings over the Internet and record and archive the proceedings for the public for at least a year after the meetings. This law will not apply if the board does not have access to broadcast equipment for a meeting. **SIGNED - ACT 697**
- **The Council for the Development of French in Louisiana** (CODOFIL) (SB 800 - LaFleur) - Creates the Council in state law within the Department of Culture, Recreation and Tourism and reduces the number of members in CODOFIL from 50 to 23. The bill is meant to reduce top-heavy bureaucracy in the council and focus efforts to promote the French language and French-Louisiana culture in our educational system and economy. **SIGNED - ACT 679**
- **Removing Old Statutes** (SB 444, 445, 446 and 447 - LaFleur) - Removes old statutes from law that have been previously deemed unconstitutional, some of which were developed during

the cold war and civil rights eras. **SIGNED - ACTS 500, 501, 501 & 544**

### **Higher Education Issues**

- **Tuition and Fee Increases**

- **GRAD Act** (HB 1171 - Tucker) - Louisiana is currently the only state to require a 2/3 legislative vote for tuition and fee increases. This measure would provide higher education institutions the flexibility to raise tuition and fees without a legislative vote in exchange for improved educational outcomes. Colleges and universities will be allowed to increase tuition up to 10 percent per year until they reach the average of similar schools in the South. In order to continue to have tuition autonomy, institutions must:

- Implement higher admission requirements
- Eliminate remedial courses
- Develop partnerships with two-year schools
- Align programs to meet regional workforce needs
- Improve graduation rates
- Eliminate underutilized programs
- Increase productivity from research universities in ways that spur economic development

Other matters the bill addresses include:

- The program is voluntary and those opting out can still request a tuition increase with a 2/3rds vote of the legislature.
- No school will be allowed to set a higher tuition rate than the average of peer institutions.
- Postsecondary institutions and the Board of Regents will enter into a six year performance agreement, which may be revoked at any time.
- Tuition authority will be phased in with an increased obligation to meet certain performance standards in successive years:
  - For the 2010-2011 year, institutions have the authority to increase tuition and mandatory fee amounts by up to ten percent.
  - For the 2011-2012 year, if the institutions have met short-term goals and demonstrated progress toward long-term goals, as determined by Regents, they then have the authority to increase tuition and fees by up to ten percent.
  - For the 2012-2013 year, if an institution has again met short term goals and proved progress toward long term goals, as determined by Regents, the institution may increase tuition by up to 10 percent annually until it reaches the average tuition and fee amounts of its peer institutions. The average annual tuition for 4-year schools in Louisiana is nearly \$1400 less than the Southern average. **SIGNED - ACT 741**

- **Higher Education Governance and Operations**

- (SB 538- Nevers) - Clarifies the constitutionally defined power of the Board of

Regents's duty to set broad policy. It allows Regents to carry out its duties after consultation with management boards, rather than in coordination with them. It leaves the individual systems in charge of the "day to day" operations of various campuses.

**SIGNED - ACT 447**

- (SB 488 - Nevers) - Requires that all rules adopted by Regents, except those adopted to regulate the internal management of the board's affairs, be adopted in accordance with the Administrative Procedure Act. The measure also requires them to submit a copy of any order, rule, regulation, agreement, plan, policy or recommendation to the Senate and House Committees on Education. The Board must include written reasons and explanations for their management decisions as well as a summary of the public hearings conducted on the matters.
  - In Conference Committee, lawmakers created in state law the position of Commissioner of Higher Education with the commissioner appointed by two-thirds of the Board of Regents and subject to Senate confirmation. The commissioner's salary will be determined by Regents, subject to the approval of the Joint Budget Committee. **SIGNED - ACT 648**
- (SB 746 - Jackson) - Requires any funding formula devised and adopted by Regents for postsecondary education institutions be annually reported to the Senate Committee on Education, the Senate Committee on Finance, the House Committee on Education and the House Committee on Appropriations no later than March 15 of each year. **SIGNED - ACT 899**
- (HCR 152 - Tucker) Requires each public postsecondary education management board and Regents to publicize, on their respective web sites, certain performance and cost data relative to higher education in Louisiana. **FINAL**
- **TOPS**
  - (HB 1491 - Downs) - Requires that a student must complete 19 hours, up from 17 hours, of a specific curriculum to receive TOPS. This measure will go into effect for the 2013 - 2014 school year. **SIGNED - ACT 758**
  - (SB 486 - Nevers) - Allows students, beginning in 2010, to use the attainment of a silver level score on the ACT WorkKeys system assessment, which measures real world skills, to meet the TOPS-Tech requirements. **SIGNED - ACT 647**
  - (HB 1000 - Waddell) - Allows students to use TOPS to pursue specified skill or occupational training at certain schools that have a certificate of registration issued by the La. State Board of Cosmetology and proprietary schools licensed by Regents that are accredited by a regional accrediting organization. **SIGNED - ACT 724**
  - (SB 183 - N. Gautreaux) - Aims to assure that National Guard soldiers who meet the qualifications for TOPS will not have any uncovered college costs. The measure doubles the TOPS Stipend amount for Guard soldiers who earn the Opportunity, Performance, Honors or TOPS-Tech awards. The stipend helps cover the actual cost of books and instructional materials for Guard soldiers. **SIGNED - ACT 875**
- **Go Grant Program** (SB 505 - Jackson) - Establishes in state law the Louisiana GO Grant program, established by Regents, and declares the program has enhanced access to

postsecondary educational opportunities for Louisiana students with demonstrated financial needs. Requires Regents to establish the criteria for eligibility, the award amount, and other requirements. **SIGNED - ACT 655**

- **LCTC Centers of Excellence**

- (SB 712 - Nevers) - Allows the Board of Supervisors of Community and Technical Colleges, with approval from and in coordination with Regents, to establish a Centers of Excellence Program, which will provide customized educational and training programs to meet areas of need as identified by Louisiana business and industry. The Board of Supervisors is authorized to establish a tuition and fee structure for a Center of Excellence. **SIGNED - ACT 555**

- (SB 752 - Long) - Creates the Louisiana Centers of Excellence Financing Corporation, a public, nonprofit corporation which would finance the design, acquisition, purchase, construction, renovation, improvement, equipping or expansion of public facilities to be leased to the Louisiana Community and Technical Colleges System and used as "centers of excellence" by the students, faculty and staff of the system. This measure is an effort to encourage public-private partnerships to expand educational opportunities and workforce training across the state. No more than 50% of the total project cost may be funded by bonds and at least 50% of the funding must be from private sources. **SIGNED - ACT 556**

- **Broadcast Requirements** (HB 402 - Pearson) - Requires Regents to broadcast live over the Internet all board and committee meetings held in Baton Rouge. The measure also requires them to archive the broadcasts and make them accessible to the public for a year. Exempts them from broadcasting meetings if the equipment to produce the broadcast is not available. **SIGNED - ACT 696**

- **Ethical Issues** (HB 836 - Wooton) - Requires every postsecondary institution in Louisiana to disclose the amount, terms, restrictions, and requirements of gifts worth more than \$250,000 received from foreign governments, foreign legal entities and foreign persons. The disclosure must be made in a written report to Regents no later than 30 days after the final day of the fiscal year. **SIGNED - ACT 715**

### **Health & Hospitals -**

- **Health Care Financing** - The FY 11 state budget reduces state money for Medicaid by \$45 million which when combined with federal matching dollars cuts funding for Medicaid services by \$168 million. The brunt of the cut will be borne by private hospitals which will see Medicaid payments reduced by 4.6%. Medicaid payments to hospitals have been reduced by over \$200 million over the last year and a half.

- **Community Hospitals -**

- (SB 235 - Heitmeier) - Establishes a process to use existing state and local dollars to leverage higher Medicaid payments to the state in an effort to generate higher reimbursement rates for community hospitals. The financing mechanism is subject to federal approval and impacts only those hospitals that certify public expenditures to the state of Louisiana. The plan could result in

- an additional \$8 million available. **SIGNED - ACT 434**
- (SB 711 - Cheek) - Creates the Community Hospital Stabilization Fund to provide a vehicle that can be used to stabilize payments to community hospitals from the state. When available, monies will be deposited in the fund on an annual basis for use solely by non-state, non-rural community hospitals.. If additional health care dollars become available from an extension of the federal stimulus program that increases federal dollars in the Medicaid program, those dollars could be deposited in the fund. If certified public expenditures generated by the hospitals exceed the amount of such funds already appropriated in the FY 11 budget, those dollars will be deposited in the stabilization fund. **SIGNED - ACT 803**
- **Rural Hospitals** (SB 401 - Thompson) - Directs DHH to maximize Medicaid reimbursements to rural hospitals and creates a state-funded program to support access to services at rural hospitals that would not be otherwise available. **SIGNED - ACT 883**
- **First Responder Financial Stabilization and Enhancement Act** - (SB 523 - Cheek) - Creates a statewide ambulance service district to enhance reimbursement and financial stability of ambulance providers through additional federal participation and funding and establishes a commission to govern the district and its operations. **SIGNED - ACT 887**
- **Mental Health** (SB 803 - Donahue) - Authorizes certain coroners to establish a Coroner's Strategic Initiative for a Health Information and Intervention Program in an effort to ensure patients are receiving necessary treatments, medications and follow-up care once released from treatment facilities. Coroners are allowed to create community resource centers to provide 24-hour support and assistance. **SIGNED - ACT 907**
- **Abortion Issues -**
  - **Ultrasounds** - (SB 528 - Broome) - Requires women seeking an abortion to have an ultrasound prior to the abortion. Women have the option to view the ultrasound, hear a description of what is depicted on the ultrasound and get a copy of the image. **SIGNED - ACT 888**
  - **Abortion Clinics Regulation** - (HB 1370 - Mills) - Increases the ability of DHH to close abortion clinics, revoke licenses and refuse to renew a clinic's license. DHH will have the right to immediately close an abortion clinic that poses an "immediate or imminent threat" to the health and safety of its patients. Clinics also face loss of their licenses if found in violation of any state laws. Previously the clinics could remain open while appealing any finding of a state violation. **SIGNED - ACT 490**
  - **Abortion Coverage** (HB 1247 - Hoffman) -Prevents health care plans set up through the new federal health care network from paying for elective abortions, unless the mother's life is in danger or a miscarriage occurs. **SIGNED - ACT 941**
  - **Medical Malpractice** (HB 1453 - Johnson) - Excludes health care providers from coverage under the state and private Medical Malpractice Acts when performing elective, uncomplicated abortions. **SIGNED - ACT 950**



**Children & Family -**

- **Seizure of Gambling Winnings for Parents Owing Child Support** (SB 53 - N. Gautreaux)  
- Allows the state to seize the casino winnings of a gambler who owes court-ordered child support and transfer the dollars to the families owed the support. Gambling winnings of \$1,200 or more are subject to seizure. The state will provide the casinos with a list of known deadbeat parents and the casinos will be allowed to keep \$35 of the winnings as a processing fee. The State Gaming Control Board must approve procedures for or implement the law by Jan. 1, 2011. State officials say there are about 144,000 parents who owe back child support in Louisiana totaling \$1 billion. It is estimated that this measure could generate at least \$3.5 million for about 1,500 families. **SIGNED - ACT 425**
- **Private Child Support Collection Agencies** (SB 130 - Morrell) - Places regulations on private child support collection agencies, requiring they register with the Secretary of State and be bonded. Firms cannot charge the parent more than 20% of the recovered late child support and cannot charge a percentage of the recovered funds. **SIGNED - ACT 872**
- **Child Support** (HB 222 - Burns) - Provides that when an employer withholds wages in accordance with a child support obligation, the amount withheld shall be forwarded within seven days in accordance with the income assignment order. **SIGNED - ACT 358**
- **Office of Children and Family Services** (SB 257 - Mount) - Renames and reorganizes the Department of Social Services. DSS will become the Department of Children and Family Services to better focus department efforts on key services. This department will consist of the Office of Community Services, the Office of Family Support and the Office of Management and Finance. **SIGNED - ACT 877**
- **Rehabilitation Services** (HB 1198 - Katz) - As part of the department reorganization, this measure transfers rehabilitation services from DSS to the Louisiana Workforce Commission and the Department of Health and Hospitals. **SIGNED - ACT 939**
- **Grandparents Rights and Responsibilities**
  - **Council on the Status of Grandparents Raising Grandchildren** (SB 57 - Broome) - Establishes the Council on the Status of Grandparents Raising Grandchildren within the Department of Social Services. This measure is in response to the growing number of grandparents rearing children without financial assistance . The council will promote ideas and programs to assist these grandparents. **SIGNED - ACT 867**
  - **Extension of Child Custody** (SB 281 - Broome) - Extends to grandparents with custody the right to confer the power of provisional custody by mandate for the care, custody and control of a minor child. **SIGNED ACT 171**
  - **Interstate Compact for the Placement of Children** (SB 644 - Broome) - Ensures the same quality protections and services for children requiring parental, relative, foster or adoptive placement across state lines as would be provided if they were placed in Louisiana. The bill provides for the adoption of a revised Interstate Compact for the Placement of Children, which will ensure timely and appropriate placement of children. **SIGNED - ACT 893**
- **Community Service for Parents** (HB 1335 - Hines) - Authorizes courts to require the parent or guardian of a child found guilty of a minor crime to perform community service work.

Courts are already authorized to order the child to perform community service. **SIGNED - ACT 314**

- **Safe Haven Training** (HB 504 - Willmont) - Requires emergency care facilities to educate their employees about Louisiana's Safe Haven law, which allows a mother to surrender a child up to a certain age to an emergency facility without penalty. **SIGNED - ACT 471**
- **Licensing Exemptions for Religious Affiliated Daycare Centers**
  - (SB 192 - Mount) - Exempts recognized religious day care centers from state license requirements if the day care center:
    - Is qualified as a tax exempt organization.
    - Does not remain open for more than twenty-four hours in a continuous seven day week.
    - And no children remain in the center for more than twenty-four hours in one continuous stay. **SIGNED - ACT 429**
  - (HB 287 - Cortez) - Prohibits the Department of Social Services from interfering in the parent-child relationship regarding religious training of a child in a religious operated organization. Also establishes a moratorium on the enforcement of rules and regulations regarding certain religious operated child residential facilities if the following criteria is met:
    - Are tax exempt nonprofit organizations.
    - Were not licensed as either a Class A or Class B facility on June, 1 2010.
    - Provides child care for not less than twenty-four hours and not more than forty hours in a continuous seven day week. **SIGNED - ACT 569**

### **Public Safety & Corrections**

- **Drivers Licenses**
  - Fee Increase and Public Hearings - Earlier this year, the state increased driver's license fees by fifteen dollars, raising the fee of a regular driver's licence from \$21.50 to \$36.50. State officials argued that state law approved by lawmakers over a decade ago authorized the fee hike. Legislators contended that the fee increase should not have been implemented without additional legislative approval and public input and approved the following measures.
    - **Repeals the Drivers License Fee Increase** (SB 407 - McPherson) - Repeals the \$15.00 increase for chauffeur's and regular driver's licenses and orders the state to refund the increased fee to those who paid the additional \$15.00 by September 1, 2010. **SIGNED - ACT 319**
    - **Public Hearings for Future Increases** (SB 248 - McPherson) - Clarifies current state law to make sure any new or revised fees are reviewed through public hearings required under the Administrative Procedure Act. **SIGNED - ACT 775**
  - **Disabled Veterans License Exemption** (HB 1206 - Edwards) - Exempts disabled veterans from paying driver's license fees. **SIGNED - ACT 345**
- **Sex Offenses and Child Abuse**

- **The "Justin Bloxom Act"** (SB 780 - Cheek) - Requires repeat sex offenders serve a minimum jail term of not less than 2/3 of the longest possible sentence for the conviction and a maximum of no more than three times the longest possible sentence issued for a first conviction. Repeat sex offenders who's victims are under the age of 13 at the time of the offense shall be imprisoned for life without probation, parole or suspension of sentence. Repeat sex offenders are also prohibited from working as drivers of cabs, ice cream trucks, limos or buses and as operators of carnival or amusement rides. The law applies to offenders ordered by the court to register as a sex offender on or after August 15, 2010. **SIGNED - ACT 973**
- **Sex Offender Registration** (HB 1314 - Hardy) - Mandates that sex offenders display their home addresses on their houses, in a noticeable location, which can be clearly seen during daylight hours. **SIGNED - ACT 413**
- **Domestic Abuse**
  - **Global Monitoring** (SB 193 - Claitor) - Individuals who pose a threat or danger to a family member, spouse or dating partner must wear a global positioning device as a condition of release. **SIGNED - ACT 126**
  - **Release of Domestic Abuse Suspects** (HB 554 - Danahay) - Requires domestic abuse suspects to post bail to be released. **SIGNED - ACT 584**
  - **Dating Violence Classes** (HB 46 - Hutter) Requires public schools to provide students in grades seven through twelve enrolled in health education age- appropriate classroom instruction pertaining to dating violence. **SIGNED - ACT 321**
- **Internet/Technology Crimes**
  - **Peer-to-Peer Sharing of Pornography** (HB 290 - Talbot) - Provides stronger sentencing options for the production and distribution of pornography involving juveniles. **SIGNED - ACT 516**
  - **Subpoena Authority** (HB 193 - Lopinto) - Creates administrative subpoena authority for law enforcement officials to more effectively obtain certain electronic information in the course of investigating child exploitation cases. **SIGNED - ACT 514**
  - **Electronic Communication Used to Solicit Minors** (HB 291 - Wooten) - Increase penalties for those who initiate sexual crimes against a minor through a computer, which leads to engaging in sexual conduct. When the age difference between the offender and the victim is five years or greater, the offender faces fines of up to \$10,000 and seven to ten years in jail. **SIGNED - ACT 517**
  - **Cyberbullying** (HB 1259 - Burrell) - Outlaws the use of text messaging, the internet and other forms of electronic communications to harass or bully a person under the age of 18. The Office of Juvenile Justice will review complaints filed by parents or guardians with evidence that a child is the subject of cyberbullying by another minor and hold hearings before administrative law judges. First offenders face civil fines of not more than \$100. Minors convicted of cyberbullying four or more times face criminal charges. **SIGNED - ACT 989**
  - **Seizure of Cyberstalking Equipment** (SB 56 - Martiny) - Authorizes seizure of personal property used in cyberstalking, juvenile molestation and various other

offenses. Cameras, computers and vehicles could be sold at public sale or auction after a defendant has been found guilty and the proceeds will be distributed to law enforcement agencies. **SIGNED - ACT 763**

- **"Sexting" Crimes** - (HB 1357 - Baldone) - Includes the crime of "sexting" as a delinquent act. Persons under the age of 17 are prohibited from using a computer or cell phone to transmit an indecent image of himself to another. Possession of such an image by those under 17 is also prohibited. First offenders face fines of up to \$250 and up to 10 days in jail. **SIGNED - ACT 993**
- **Use of Technology in Terrorists Attacks** (SB 151 - Adley) - Enhances the penalties for criminal and terrorists acts when the Internet or a virtual street-level map is used to commit a crime or terrorist act. **SIGNED - ACT 62**
- **New Crimes/Increased Penalties**
  - **Synthetic Marijuana Ban**
    - (SB 37 - Thompson) - Adds "Synthetic Marijuana" to the list of Schedule I drugs. Offenders will be charged with the same penalties associated with marijuana. **SIGNED - ACT 866**
    - (HB 173 - Templet) - Adds the active ingredients found in "Synthetic Marijuana" to the list of banned drugs. Synthetic cannabinoids that are sold in convenience stores and head shops under brand names like "K2," "Spice" and "Mojo" are outlawed. Penalties mirror the laws that govern marijuana. **SIGNED - ACT 565**
  - **2<sup>nd</sup> Offense Marijuana Possession** (SB 576 - Claitor) - Toughens the law for second offense marijuana possession by adding a minimum fine of \$250, requiring at least 48 hours of the sentence imposed be served without benefit of parole, probation, or suspension of sentence unless the offender participates in a court approved substance abuse program. **SIGNED - ACT 661**
  - **Racketeering Activity** (SB 502 - Mount) - Extends the definition of "racketeering activity" to include: possession of large quantities of marijuana, simple kidnaping, simple arson, aggravated burglary, simple burglary of an inhabited dwelling, unauthorized entry of an inhabited dwelling, and simple, first, & second degree robbery. **SIGNED - ACT 787**
  - **Drug Testing** (HB 271 - Mills) - Establishes as a crime the selling of urine or other products that help a drug user alter a drug screening test. **SIGNED - ACT 361**
  - **Drug Free Zones** (HB 43 - Hardy) - Increases the drug free zones around schools, playgrounds, day-care centers and public housing developments from 1,000 to 2,000 feet. **SIGNED - ACT 506**
  - **Crimes Against Nature** (SB 381 - Morrell) - Creates the crime against nature by solicitation which is the solicitation by a human being of another with the intent to engage in unnatural carnal copulation for compensation. **SIGNED - ACT 882**
  - **Fraudulent Degrees and Certifications** (SB 94 - Murray) - The selling, manufacturing or distribution of fraudulent post-secondary degrees, diplomas or other documents that pretend to certify a course of study has been completed is now a crime.

Penalties include a maximum fine of \$500, a maximum jail sentence of six months or both. **SIGNED - ACT 206**

- **Elderly Abuse** (HB 762 - Roy) - Offenders who are intentionally cruel and deliberately inflict pain or injury on the infirmed shall serve at least one year in jail. **SIGNED - ACT 831**
- **Firearms**
  - **Concealed Handguns in Places of Worship** (HB 1272 - Burns) - Entities which own or have authority over a church, synagogue or mosque may hire armed security guards who are certified law enforcement officers or allow any person with a valid concealed handgun permit to carry a concealed handgun in these places of worship. Congregants who choose to carry concealed handguns are required to take eight additional hours of tactical training. The priest, pastor, minister or church authority must inform the congregation when he/she authorizes the carrying of concealed handguns. The bill also extends the length of time a concealed handgun permit is valid from four to five years. **SIGNED - ACT 944**
  - **Firearms on Public Lands** (SB 534 - Hebert) - Allows a person who lawfully possesses a firearm to possess or transport that firearm within the boundaries of state parks, state historic sites and state preservation areas. **SIGNED - ACT 790**
  - **Combat Veterans Concealed Handgun Permit** (SB 174 - Smith) - Excludes combat veterans from certain concealed weapon training requirements such as range shooting, gun safety handling instruction, ammunition knowledge and shooting positions. **SIGNED - ACT 711**
  - **Handgun Permits**
    - (HB 158 - Wooton) - No one who has been denied a concealed handgun permit within one year prior to the most recent application or has had a permit revoked within four years prior to the most recent application may qualify for a concealed handgun permit. **SIGNED - ACT 354**
    - (HB 60 - Wooton) - Requires Louisiana residents who want to carry concealed weapons to get their permits from the state and not from out-of-state authorities. Non-Louisiana permits are valid until August 15, 2011. **SIGNED - ACT 346**
- **Corrections Issues**
  - **Changes to Parole Boards** (HB 195 - Mills) - Changes the number of votes needed to grant parole from three to two for offenders convicted of certain offenses under specified conditions. Only offenders who have not been convicted of crimes involving violence or sex offenses; have not committed any disciplinary offenses in the year prior to the parole eligibility date; have completed 100 hours of pre-release programming; have completed substance abuse program (if applicable); have obtained a GED, and are classified as "low-risk" by the Department of Public Safety will be considered. Corrections officials hope to save up to \$10 million a year by moving more non-violent inmates out of prison and into the parole system. **SIGNED - ACT 566**

- **Standards and Licensing Requirements for Juvenile Detention Centers** (HB 1477 - Baldone) - Creates the Committee on Juvenile Detention Standards and Licensing to develop and recommend uniform standards for local juvenile detention facilities that correspond with the nationally recognized and accepted best practice standards for juvenile detention facilities by July 1, 2011. These standards will be promulgated by the state by Jan. 1, 2012. **SIGNED - ACT 863**
- **Contraband** (HB 23 - Baldone) - Bans prisoners from having telecommunication equipment such as SIM cards, other memory chips, batteries and chargers, all which could aid prisoners in escaping or planning an escape. **SIGNED - ACT 505**
- **Prisoners of Other States** (HB 36 - Baldone) - Prohibits maximum custody prisoners convicted in other states from being housed in local jails. **SIGNED - ACT 222**
- **Criminal Procedures**
  - **Criminal Defendants Waiver of Rights** (HB 940/CA - Montoucet) - Proposes a change in the State Constitution to require defendants waiving their right to a jury trial to do so no later than 45 days prior to the trial date. The decision to waive a jury trial is irrevocable. Voters will consider the amendment at the Nov. 2, 2010 statewide election. - **ACT 1053**
  - **Waiver of Rights** (SB 774 - Claitor) - Allows those facing the death penalty to waive their right to appeal and proceed with their sentence. Defendants can waive their appeal once the appeal attorney is named. Waivers must be made both orally and in writing. **SIGNED - ACT 674**
  - **Witnesses to Executions** (HB 22 - Baldone) - Allow out of state residents to witness executions. **SIGNED - ACT 343**
  - **Execution Procedures/Administrative Procedure Act** (SB 554 - Guillory) - Excludes the rules governing the way death sentences are carried out from the Louisiana Administrative Procedure Act, which requires a comment period and legislative review. It also removes rules governing the daily operations of a prison from the required review procedures. **SIGNED - ACT 889**
  - **Release of Violent Crime Defendants** (HB 570 - Schroder) - Prohibits the court from releasing a defendant on his own recognizance or on the signature of another person if the person was arrested for a crime of violence. **SIGNED - ACT 479**
  - **Interviewing Procedures for Juveniles** (SB 378 - Morrell) - Prohibits an underage victim of a crime from being interviewed by attorneys for the defendant when the child or the child's parents have refused. **SIGNED - ACT 177**
- **Animal Cruelty**
  - **Cockfighting** (SB 38 - Martiny) - Expands the current ban on cockfighting to include patrons who attend a cockfight, bet or pay admission to view or bet on a cockfight. **SIGNED - ACT 114**
  - **Euthanasia** (SB 73 - Heitmeier) - Prohibits euthanasia by carbon monoxide gas on cats and dogs beginning on January 1, 2013. In addition, this bill prohibits intracardiac injection on cats and dogs unless they are unconscious or have been given an anesthetic. **SIGNED - ACT 764**

- **Seized Animal Care** (HB 428 - Leger) - Makes owners pay at least \$100 a day for the care of animals that were seized as a result of cruel treatment. The cost applies to the minimum 30 day period when the owner is seeking to regain possession of the animals. **SIGNED - ACT 916**
- **Other Issues**
  - **Louisiana Arson Registry** (SB 614 - Thompson) - Creates the Louisiana Arson Registry, the first of its kind in the nation. Any person over the age of seventeen who is guilty of arson must register with the State Fire Marshall. First time offenders must notify authorities of changes of address and residence for five years; for second and subsequent offenders the notification requirement is for life. **SIGNED - ACT 796**
  - **Tracking Devices** (SB 801 - Riser) - Prohibits the use of tracking devices to track the location or movement of a person without a person's consent. Penalties includes fines of up to \$500, six months in jail or both. Some exemptions include owners of rental vehicles, law enforcement agencies, parents or legal guardians of minor children and the Department of Public Safety and Corrections. **SIGNED - ACT 807**
  - **Police Discretion/Outstanding Warrants** (HB 107 - Lopinto) - Allows a peace officer who stops a person who has an outstanding warrant for failing to comply with a summons to appear in a court for a misdemeanor offense to issue a summons in lieu of making an arrest. The officer discretion does not apply when the warrant involves the operation of a vehicle while intoxicated, the illegal use or possession of a firearm, the failure to pay child support or violent offenses. **SIGNED - ACT 910**

#### Highway Safety Issues

- **Impaired Driving**
  - **Increased Penalties/Crimes**
    - (SB 686 - Mount) - Strengthens the penalties for third and fourth offense DWI convictions, with a mandatory one year jail sentence for third offense and a mandatory three year jail term for fourth offense. Some or all of the sentence may be suspended if the offender completes a DWI court program. The district attorney also may seize, impound and sell a vehicle driven by a person charged with third or fourth office DWI at the time the offense occurs. The measure directs the money collected from the sale to pay court, towing and storage costs. 60 percent of the remaining money would be allocated to the arresting agency, 20 percent to the prosecuting district attorney and 20 percent to the insurance council. **SIGNED - ACT 801**
    - (HB 1231 - Perry) - Establishes the crime of third-degree feticide. A motorist found guilty of killing an unborn child with a vehicle or watercraft while under the influence of drugs or alcohol will receive the same treatment as an offender found guilty of vehicular homicide or negligent homicide, a suspension of their drivers license for two years. **SIGNED - ACT 403**

- **Ignition Interlock Devices**
  - (HB 1240 - Perry) - Requires drivers under court order to have ignition interlock devices to get special drivers' licenses clearly designating that the he or she must have the device. This law goes into effect on January 1, 2011. **SIGNED - ACT 405**
  - (HB 1236 - Leger) - Calls for the automatic suspension of a driver's license when the Office of Motor Vehicles discovers a driver has prematurely discontinued or disconnected an ignition interlock device. It allows the license to be reinstated once the device is connected again. **SIGNED - ACT 844**
  - (HB 1274 - Monica) - Requires motorists convicted of a second offense driving while intoxicated charge to lose driving privileges for at least 45 days before having an ignition interlock device installed. **SIGNED - ACT 409**
- **Impaired School Bus Drivers:**
  - (HB 1170 - Landry) - Bans school bus drivers who are arrested for drunk driving or refuse to take chemical tests when stopped from driving a bus for up to ten years. The penalty can be reduced if the driver participates in alcohol counseling or seeks medical treatment. A second conviction could result in the permanent loss of bus-driving privileges. **SIGNED - ACT 401**
  - (HB 1276 - Hardy) - Requires school bus drivers who are arrested for drunk driving or driving under the influence of drugs to inform school officials within 24 hours of citation or 24 hours before his or her shift begins, whichever is shorter.
    - If the driver is on probation and fails to comply, the driver would be terminated.
    - A driver not on probation who fails to comply could be removed from the job after a hearing.
    - Goes into effect January 1, 2011, but school districts must have rules and regulations in place to implement the change by October 1, 2010. **SIGNED - ACT 533**
- **Texting While Driving/Minor Cell Phone Use** (SB 9 - B. Gautreaux) - Enables law enforcement officers to pull someone over for texting even if they aren't speeding or breaking some other traffic law, making the violation a primary offense. Also makes it illegal for someone under the age of 17 to use a cellular device for any purpose.
  - Both violations covered in the bill would go on a driver's record and allow insurance company to boost the driver's rate. **SIGNED - ACT 203**
- **License Issues**
  - **Age Restrictions** (HB 1339 - Downs) - Increases the amount of driving training required to receive an unrestricted driver's license.
    - Those 16 or older with an intermediate license and first time applicants 17 years or older would have to undergo 50 hours of driver training, 15 hours of which must be nighttime driving, with a parent, guardian or adult older than 21, in



addition to a driver's education course. The parent, guardian or adult must sign a statement confirming that the applicant has completed training.

- Young drivers are prohibited from carrying more than one person who is not an immediate family member and under the age of 21 as a passenger between the hours of 6 p.m. and 5 a.m. **SIGNED - ACT 1039**
- **Suspension Notification** (SB 474 - Crowe) - Prohibits the state from suspending the license of a driver convicted of failing to use proper child restraints without first notifying the driver of the pending suspension. The Office of Motor Vehicles must advise violators that they have 30 days to provide an affidavit that a proper safety device has been installed or the license will be suspended. **SIGNED - ACT 963**
- **Federal ID Cards** (HB 870 - Geymann) - Prohibits the state now, and in the future, from taking steps to implement a federal ID card using state driver's licenses. **SIGNED - ACT 151**
- **Driver Education** (HB 97 - Cortez)- Allows ninth graders who are 90 days away or less from their 15<sup>th</sup> birthday to take the classroom portion of an instructional course provided by a private driving school. **SIGNED - ACT 227**
- **Bicycle Safety**
  - (HB 298 - Baldone) - Allows bicyclists to ride on the paved shoulders of roads and requires a rear flashing red light on bikes. **SIGNED - ACT 813**
  - (HB 1137 - Williams) - Requires that driver's education courses include information about sharing the road with bicyclists and encourages the development of bicycle lanes when roads are widened or constructed. **SIGNED - ACT 618**
- **Mini-Truck Safety** (SB 48 - Hebert) - Allows mini-trucks to use some streets and highways, as long as the vehicle meets speed restrictions and EPA emission rules and is equipped with working brakes, headlights, taillights, turn signals, seat belts, etc. The vehicles do not have to have a state safety inspection sticker and cannot be operated on an interstate highway. **SIGNED - ACT 761**
- **Antique Vehicles** (HB 118 - Burns) - Exempts cars 25 years or older and considered "antique vehicles" from the state's motor vehicle inspection requirement. **SIGNED - ACT 229**
- **Motor Vehicle Safety Inspection Fee:** (HB 1470 - M. Jackson) - Raises the motor vehicle inspection fee from \$18 to \$26 for Baton Rouge-area motorists, except those residing in Ascension and Livingston parishes, in order to aid the Capital Area Transit System, as well as other mass transit in East Baton Rouge, West Baton Rouge and Iberville parishes. It requires the approval of local governments by November 2, 2010 and a majority of voters. **SIGNED - ACT 995**
- **Insurance Issues** (SB 617 - McPherson) - Prohibits police officers from towing a vehicle stopped for a first-offense traffic violation or lack of proof of insurance unless the driver or vehicle presents "an imminent danger to the public." **SIGNED - ACT 82**
- **Speed Limits** (SB 616 - McPherson) - Gives the Department of Transportation and Development the authority to increase the speed limit on two-lane roads above 55 mph if engineers say it is safe to do so. Also requires that appropriate signs be posted. **SIGNED - ACT 81**

### Transportation

- **La. Intrastate Rail Compact** (HB 1410 - Jackson) - Creates the Louisiana Intrastate Rail Compact in the Department Of Transportation and Development. This compact, which grew out of an interest in establishing rail service between New Orleans and Baton Rouge, allows cities or parishes to enter into agreements, plan services, impose fees for maintenance and rider fares, and issue bonds to launch intrastate railway or rapid transit systems. **SIGNED - ACT 858**
- **DOTD Maintenance of Roads for State Entities** (HB 1317 - Billiot) - Authorizes DOTD to construct, maintain and improve roads for state offices and agencies. All work will be done with the oversight of DOTD and will be funded from money allocated by the agency for the work. No agency-related project may interfere with any Highway Priority Program project. **SIGNED - ACT 851**
- **Elimination of Highway Construction Signs** (HB 764 - Pope) - Repeals a state law that requires the Department of Transportation and Development to post signs along major highway construction projects explaining the work being done, the cost and when it is expected to be finished. DOTD expects to save \$280,500 this year. The elimination of the sign requirement was a recommendation from the Louisiana Streamlining Government Commission. **SIGNED - ACT 45**
- **Toll Road Exemptions** (HB 636 - Gisclair) - Exempts the following vehicles from payment of tolls on the bridge leading into and out of Grand Isle:
  - Grand Isle Emergency Vehicle Service (ambulance).
  - Grand Isle Independent Levee District.
  - Town of Grand Isle official vehicles and a medical transportation van.
  - Grand Isle Port Commission official, logo-bearing vehicles.
  - Permanent residents of Grand Isle with the proper identification and purchase of an exempt toll tag. **SIGNED - ACT 826**
- **Levees/Recreational Uses** (HB 494 - Billiot) - Clarifies current law to limit the liability of levee districts and other governmental entities that allow citizens to use levees for recreational uses such as biking, jogging or walking. **SIGNED - ACT 920**

### Insurance Issues

- **National Health Care Reform Issues**
  - (HB 1474 - Talbot) - Louisiana residents shall not be required to buy health insurance, a provision of the federal health care overhaul, and will not be subject to federal penalties imposed for not doing so. The prohibition will not take effect if the courts uphold the national health care reform act. **SIGNED - ACT 952**
  - (HB 244 - Kleckley) - Requires insurance companies to cover children on their parent's and grandparents' health-care policies through age 26, regardless of the child's school or marital status. The measure also forbids companies from increasing premiums just for extending coverage to those people who had been previously included on the policies of their parents and grandparents. The new requirement is effective September 23, but does not apply to state employee's health insurance plans. **SIGNED - ACT 912**

- **Policy Cancellations** (SB 246 - McPherson) - Prohibits insurance companies from assessing a penalty on policy holders who cancel their insurance before its expiration date. This is an effort to ensure that policyholders aren't penalized because they have found a company that can give them a better rate. It applies to all insurance companies, except surplus line companies, which are those exposed to greater insurance risks than others. It also requires that within 30 days of a policyholder's cancellation, the company must issue the customer a pro-rated share of the unused premium policy. **SIGNED - ACT 169**
- **Determining Fault** (HB 698 - Harrison) - Prohibits automobile insurance companies from using arbitration or mediation to determine fault after an accident unless they first notify their policy holders. **SIGNED - ACT 828**
- **Minimum Collision Coverage** (SB 663 - Hebert) - Increases the coverage amount of uninsured motorist insurance from \$10,000 to the minimum amount of property damage liability insurance required by the Motor Vehicle Safety Responsibility Law. **SIGNED - ACT 210**
- **Louisiana Citizens Property Insurance Corp. Issues -**
  - (HB 706 - Abramson) - Requires the Louisiana Citizens Property Insurance Corp. to give a policy holder information on private insurers who may be writing coverage. The proposed measure also requires those applying for insurance to disclose which private carrier denied them coverage and forced them to seek a Citizens policy. Additionally, an insurance agent who no longer carries wind or storm coverage must provide the consumer a list of agents in the parish who do provide coverage as a way to keep them from going to Citizens. **SIGNED - ACT 1023**
  - (HB 952 - Kleckley) - Eliminates the provision in existing law that requires an insurance company that wants to assume some policies from the Louisiana Citizens Property Insurance Corp. to take out at least 500 policies at a time and removes the provision requiring 25 percent of the policies to be taken from businesses in the coastal parishes and 75 percent from homeowner's policies around the state. This measure is designed to encourage private insurance companies to take policies from the state-run insurer of last resort. **SIGNED - ACT 397**
  - (HB 44 - Kleckley) - Requires that when a commercial or homeowner policy is written or renewed, information must be made available on how to recoup the money paid for the Citizens assessment from the Department of Revenue. It also requires the insurance company to include a statement in "12-point or boldface type" that the assessment is refundable. This is an effort to make citizens more aware of how they can regain refunds for the assessments paid to help finance bonds of the state-run insurer. **SIGNED - ACT 345**
- **Chinese Drywall** (SB 595 - Quinn) - Bans insurers from dropping or not renewing homeowner policies based solely on the presence of drywall imported from the People's Republic of China before Dec. 31, 2009. This measure also requires insurers to reinstate a homeowner's policy under the same terms and conditions within 30 days of the day this law goes into effect. If an insurer violates the terms of this law, which has a sunset date of July 1, 2013, they could face a fine of up to \$15,000. **SIGNED - ACT 1005**

**Business & Consumer Issues -**

- **Trucking & Construction Contracts Indemnity Provisions** (SB 625 - Martiny) Prohibits certain indemnity provisions in some trucking and construction contracts that exempt industries and plants from liability even if the trucker or contractor was not involved in the accident or injury. The prohibition is not retroactive. **SIGNED - ACT 492**
- **Workers' Compensation Judgments** (SB 42/CA - Murray) - Proposes a change in the State Constitution to require re-argument before a 5-judge panel before there is any modification or reversal of a Office of Workers' Compensation judgment when there is one judge on the original 3- judge panel that dissents. The measure will appear on the Nov. 2, 2010 statewide ballot. - **ACT 1051**
- **Louisiana Electric Investment Recovery Securitization Act** (HB 1207 - Arnold) - Allows utilities to sell bonds secured by state-ordered rate increases to finance capital improvement projects with the approval of the Public Service Commission. The measure is similar to one approved after Hurricanes Katrina and Rita which lowered the costs associated with rebuilding after the storms. **SIGNED - ACT 988**
- **Contracts & Fees -**
  - **Automatic Contract Renewal Notice** (SB 802 - McPherson) - Requires contracts with consumers to clearly and conspicuously disclose any automatic renewal provision and explain how to cancel the contract. The new requirement applies to contracts entered into after January 1, 2011 and does not apply to rent-to-own contracts, leasing contracts, insurance contracts or contracts with financial institutions. **SIGNED - ACT 906**
  - **New Vehicle Sales Recall Notices** (HB 1489 - Johnson) - Requires vehicle dealers to notify the buyer of a new vehicle in writing of any national safety recall. If the dealer has repaired the safety defect, documents verifying the repair must be provided the buyer. **SIGNED - ACT 1046**
  - **Consumer Loan Fees** (HB 547 - Arnold) - Removes the current cap on origination and documentation fees charged by federally insured financial institutions and allows the banks to charge any amount agreed to by the consumer. **SIGNED - ACT 96**
- **Tax Refund Anticipation Loan Act** (SB 805 - Dorsey) - Sets up standards for the operation of tax refund loan businesses to require the businesses to clearly explain that the tax refund is a loan for which the borrower is responsible even if the tax refund anticipated does not materialize. Any fees must be clearly explained. The standards do not apply to federally insured financial institutions. **SIGNED - ACT 975**
- **Real Estate Agent Prohibition** (HB 614 - Ponti) - Prohibits a licensed real estate agent from also acting as a licensed home inspector in connection with the same real estate transaction. **SIGNED - ACT 195**

**Tax & Economic Development Issues -**

- **Homestead Exemption -**
  - **Disabled Veterans** (HB 246/CA - Pope) - Proposes a change in the State Constitution to double the current homestead exemption for veterans who are 100% disabled as the result of their military service or their surviving spouses. The first \$150,000 value of the

veteran's home will be exempt from property taxes if voters approve the constitutional change in the Nov. 2, 2010 statewide election. The increased homestead exemption will be effective Jan. 1, 2011 and will apply to those areas of the state where voters agree in an local option election. Taxing bodies are prohibited from raising taxes on other taxpayers to offset the lost revenue from the disabled veterans. Approximately 3000 veterans in Louisiana will be eligible for the property tax break. - **ACT 1049**

- **Disaster-Impacted Homeowners** (SB 21/CA & SB 20 - Murray) - Extends the time allowed for homeowners to reoccupy a residence damaged or destroyed during a disaster and still maintain their homestead exemption or special assessment level by two years and allows assessors to grant three additional one-year extensions. The existing exemption in the State Constitution expires this year for homeowners impacted by Katrina and Rita. Voters will consider this proposed change in the State Constitution at the Nov. 2, 2010 statewide election. **ACT 1050/ACT 865**
- **Property Taxes/Blighted Property -**
  - (HB 1389 - Ligi) - Gives local governments more flexibility to dispose of property seized because of past-due taxes or blighted conditions. Cities or parishes will be able to offer the property for sale a second time with no minimum bid or appraisal required if no buyer is found at the first public auction. The property will be sold to the highest bidder. **SIGNED - ACT 947**
  - (HB 276/CA - Leger) - Proposes a change in the State Constitution to allow government to sell property expropriated because of blight and the threat to public safety or health without first offering the property back to the original owner. The proposed constitutional change will appear on the Nov. 2, 2010 statewide ballot. **ACT 1052**
- **Tax Proposals Information -**
  - (HB 771 - T. Burns) - Requires taxing authorities to include additional information about proposed additional or increased millages that may be adopted without voter approval when notice is given to the public regarding public hearings on the matter. Taxing authorities will have to include in the public notice an estimate of the additional tax revenues to be collected from the proposed tax change. **SIGNED - ACT 1027**
  - (HB 639 - Hazel) - Requires bond propositions to include an estimate of the millage rate to be levied in support of the bonds in the first year and requires tax propositions to state the rate of any proposed tax increase. Public notices of such elections must also include the information. **SIGNED - ACT 591**
- **Tax Incentives/Economic Development -**
  - **Louisiana Mega-Project Energy Assistance Rebate Program** - (SB 624 - Marionneaux) - Grants a severance tax rebate for natural gas consumed or used directly in the operation of a mega-project facility or consumed directly in the production of energy sold to the mega-project for its operation. The rebate must be approved by the Governor and the Joint Budget Committee and is dependent on the Secretary of Economic Development determining that energy costs will be a major factor in a company's decision to locate, expand or remain in the state and that the energy rebate will not harm competing businesses. **SIGNED - ACT 1006**

- **Rapid Response & Mega-Project Funds Transparency/Accountability**
  - (HB 559 - Waddell) - Requires legal agreements for Rapid Response projects to include specific information regarding number of jobs created and/or retained; time frame for job targets to be achieved; minimum payroll requirements; total capital investment; how targets will be validated; and procedures for the state to get back its investment for non-performance. The measure is effective Jan. 1, 2011 and will not apply to projects initiated in response to emergencies or relative to the military services. **SIGNED - ACT 383**
  - (HB 553 - Waddell) - Requires DED to create a uniform accountability report for Rapid Response and Mega-Project Development Funds projects and to develop a formula for measuring the return on investment for each project. **SIGNED - ACT 420**
  - (HB 406 - Waddell) - Requires reports that are currently submitted to the Joint Budget Committee twice a year regarding Rapid Response and Mega-Project projects include performance targets, outcomes, jobs created and retained, payroll, etc. **SIGNED - ACT 368**

#### **Natural Resources and Alternative Energy**

- **Water Wells** (SB 363 - Adley) - Prohibits permitted oil and gas drilling activities from interfering with a privately owned water well. It requires the owner or operator of the oil and gas permit to negotiate with the private owner of the well in an effort to relocate the well. The owner of the permitted oil and gas well is required to pay for the relocation and plugging of the water well. **SIGNED - ACT 646**
- **Alternative Fuel Vehicles**
  - (SB 103 - N. Gautreaux) - Creates the Alternative Fuel Vehicle Revolving Loan Fund Program within the Department of Natural Resources to provide financial assistance to local governments for converting their current fleet of vehicles to qualified clean fuel vehicles powered by an alternative fuel. **SIGNED - ACT 118**
  - (SB 254 - N. Gautreaux) - Expands current law allowing local governments to lease or purchase alternative fueled vehicles to include hybrid vehicles. **SIGNED - ACT 436**
  - (SCR 8 - Smith) - Urges Congress to support expansion and use of natural gas and alternative energies and urge agencies to operate vehicles using compressed natural gas. **FINAL**
- **Solar Energy** (HB 751 - Foil) - Prohibits the unreasonable restriction of the right of a property owner to install solar collectors. It would not apply to homeowners who reside in areas that are historic districts, reservations or landmarks or those areas that are under zoning or building restrictions. **SIGNED - ACT 274**
- **Alternative Energy Leases** (SB 184 - N. Gautreaux) - Allows the state to rent out land for the production of alternative energy, including wind, solar, geothermal and hydrokinetic energy. This measure is an effort to make it easier for companies to lease river bottoms to place turbines that could create hydrokinetic energy. **SIGNED - ACT 773**
- **Energy Efficiency/Real Estate Appraisals** (SB 648 - Hebert) - Allows for consideration of energy efficiency in certain real estate appraisals. **SIGNED - ACT 504**

**Agriculture/Wildlife and Fisheries Issues -**

- **Surface Water Rights** - Two recent attorney general opinions declared that the state owns running surface water which may be used for free by adjacent landowners. Others using the state-owned water must pay fair market value for the water use. The opinions prompted the following measures.
  - (HB 1449 - Fannin) - Allows landowners with access to surface water sources to allow use of that water for agricultural and aquacultural purposes by others. Prohibits the state from charging a fee for the use of the water unless there is a specific contract with the state regarding use of the water. The law sunsets Jan. 12, 2035. **SIGNED - ACT 994**
  - (HB 1486 - Morris) - Establishes rules and regulations for the state or a subdivision of the state to enter into cooperative endeavor agreements with individuals and companies for use of surface water at fair market value. The measure does not affect the rights of landowners with property adjacent to water sources. The law sunsets December 31, 2012. **SIGNED - ACT 955**
  - (HCR 1 - Fannin) - Requests the Ground Water Resources Commission to make recommendations for the optimal management and protection of the state's water resources. The recommendations must be submitted to the legislature no later than March 1, 2012. **FINAL**
- **Florists Licensing** (HB 1407 - Foil) - Eliminates the floral arrangement demonstration part of the licensing exam. A written test will still be required. **SIGNED - ACT 1040**
- **Strawberry Labeling** (HB 430 - Pugh) - Requires a label or stamp on strawberry packaging identifying the farm of origin. **SIGNED - ACT 40**
- **Exotic and Illegal Animals & Reptiles -**
  - **Surrender of Unlicensed/Illegal Animals** (HB 1255 - Badon) - Allows individuals who have illegal animals and reptiles to surrender them to the state without penalty. The state will also have the authority to seize any animal possessed, transported or sold illegally. This measure is an effort to stem the release of the exotic, illegal pets into the wild, threatening our native species. **SIGNED - ACT 157**
  - **Snake Farms** (HB 1354 - Hill) - Requires a license to sell, trade, propagate or buy certain poisonous snakes and constrictors. A permit will also be required to keep venomous snakes and snakes longer than 8 feet. **SIGNED - ACT 855**
- **Non-resident Veteran Lifetime Hunting License Fee Reduction** (SB 473 - Long) - Reduces the fee for a combination lifetime hunting and fishing license for a nonresident veteran with a permanent service-connected disability from \$3,000 to \$300. **SIGNED - ACT 336**
- **Shrimping** - Prior to the BP oil spill disaster, the shrimping and finfish retail business accounted for \$1.8 billion in the state's economy.
  - **Louisiana Shrimp Task Force** (HB 875 - Harrison) - Creates a task within the Department of Wildlife and Fisheries to assist with increased production and marketability and to develop a shrimp inspection program. **SIGNED - ACT 606**
  - **Wild-Caught Shrimp Certification Program** (HB 890 - Harrison) - Creates a certification program for wild fish including wild-caught shrimp harvested in Louisiana.

Fishermen and seafood dealers could apply to the state for the certification permits.  
**SIGNED - ACT 294**

- **Shrimp Certification Program Funding** (HB 1346 - Dove) - Sets aside up to 10% of the annual deposits and interest in the Artificial Reef Development Fund or about \$800,000 to assist shrimpers and seafood dealers to meet the requirements of the new Shrimp Certification Program. **SIGNED - ACT 315**
- **Charter Boat Fishing Promotion** (SB 498 - Chabert) - Sets aside 10% of the fees collected from charter boat fishing guide licenses for promotion of the charter boat industry and fishery protection. **SIGNED - ACT 654**
- **Expanded Commercial Speckled Trout Season/Oyster Leases** (HB 545 - Baldone) - Allows for the commercial harvest of speckled trout to continue until the annual quota set by the Wildlife and Fisheries Commission. Prohibits the commercial taking of speckled trout west of the Mermentau River. Also suspends payments for oyster lease rentals until 60 days after the end of the 2011 Regular Session because of the BP oil spill. **SIGNED - ACT 979**
- **Wildlife and Fisheries Commission Oversight** (SB 308 - Marionneaux) - Provides legislative oversight of non-emergency rules and regulations adopted by the Wildlife and Fisheries Commission. The House and Senate Natural Resources Committees will have 30 days to review the rules and regulations relating to such matters and hunting and fishing seasons, bag limits etc. Also any fee set by the commission must be approved through the Administrative Procedure Act and public hearing process. **SIGNED - ACT 777**

#### **Coastal Restoration & Hurricane Protection -**

- **2010-11 State Integrated Coastal Protection Plan** (HCR 28 - Dove) - Provides legislative approval of the state's agenda for coastal work for 2011, 2012 and 2013 developed by the Coastal Protection and Restoration Authority (CPRA) with input from citizens in a series of public hearings. The plan targets \$600 million for coastal projects with over two-thirds of those dollars earmarked for actual construction rather than studies, plans or designs. **FINAL**
- **Limit on Administrative Costs** (SB 599 - B. Gautreaux) - Restricts the amount of federal funds received from Outer Continental Shelf oil and gas activity for coastal protection and restoration that can be spent on administrative costs and fees. A minimum of \$200,000 but no more than 7% of the revenues can be earmarked for administrative matters. The limit on administrative costs does not apply to "8(g)" funds, securitized funds or funds received as a result of BP oil spill. **SIGNED - ACT 964**
- **Coastal Science Public- Private Consortium** (HB 688 - Foil) - Directs the Governor's Office of Coastal Protection to expand on its current partnership with science and technology experts at our colleges and universities to include private firms and research institutes. **SIGNED - ACT 197**
- **State Coastal Zone Expansion** (SB 65 - Amedee) - Includes all or any part of Ascension and Iberville Parishes in the in-land coastal zone as recommended by CPRA study. Previously 19 parishes were included in the coastal zone. Coastal zone parishes are eligible for state and federal restoration and protection dollars. **SIGNED - ACT 956**



- **Non-Federal Levee Construction** (SB 708 - Chabert) - Extends the current law that allows levee districts and parish governments to continue to perform construction work in-house on non-federal levees if the cost of the project is \$1 million or less until Dec. 31, 2014. **SIGNED - ACT 1011**
- **Chenier Plain Coastal Restoration and Protection Authority** (SB 693 - Morrish) - Establishes a new coastal restoration and protection authority encompassing Calcasieu, Cameron and Vermilion parishes. No property tax shall be levied unless voters in all impacted parishes approve the tax. This is an effort to give Southwest Louisiana a stronger voice in the development of the state's coastal restoration and protection plans. **SIGNED - ACT 1008**
- **Iberia Parish Levee, Hurricane and Conservation District** (HB 713 - Champagne) - Establishes a new district encompassing all of the lands in Iberia Parish except those lands located within the Atchafalaya Levee Basin District. **SIGNED - ACT 1024**

### Ethics Issues

- **Board of Ethics (BOE) Issues**
  - (SB 310 - Kostelka) - Increases the term of service of members of the Ethics Adjudicatory Board (EAB) and the administrative judges from two to three years. Also allows for any decision of the EAB to be appealed in the same manner as a decision made by BOE within 30 days after mailing the notice of the ruling. **SIGNED - ACT 1002**
  - (HB 99 - R. Jones) - Requires the governor, House of Representatives and Senate to select members for the Louisiana Board of Ethics (BOE) who would collectively be demographically representative of the state's population. The measure increases the number of nominations submitted by participating private college presidents to no fewer than five and requires that they give due consideration to the demographics of the state when selecting nominees. This is an effort to better diversify the racial, gender and geographical make up of the 11 member Louisiana Board of Ethics. **SIGNED - ACT 561**
- **Public Records and Open Meetings**
  - **Coroner's Records** (HB 1301 - Pearson) - Exempts some parish coroner's office documents from public records law. It enhances current law by including personal medical histories and other medical records collected for autopsy reports in the list of protected documents. Documents not protected by this measure include the coroner's final report, the death certificate or the official autopsy report. **SIGNED - ACT 849**
  - **Public Meetings** (HB 1307 - R. Jones) - Requires public bodies that hold open meetings, such as parish councils, police juries and city councils, to allow the public to speak before a vote. The measure also allows these bodies to set a specific time that public comment can be heard. **SIGNED - ACT 850**
- **White Collar Crimes and Public Contracts**
  - (HB 138 - Connick) - Allows judges to order restitution from people convicted of certain white collar crimes against state and local governments. Government entities are allowed to go after illicit profits or other economic gains obtained through those crimes. **SIGNED - ACT 185**

- (HB 1292 - Hines) - Permanently prohibits contractors who have been convicted of serious white collar crimes from working on any public project. Identified serious white collar crimes are public bribery, corrupt influencing, extortion and money laundering. The measure also bars contractors from working on public projects for five years if they have committed identity theft, theft, forgery and bank fraud relating to the bidding and contract awarding process. It specifies that these prohibitions will be placed on a company if any person with 10 percent ownership interest has been convicted of the mentioned crimes. **SIGNED - ACT 945**
- (SB 720-Morrell) - This measure is designed to end the practice of allowing a company or individual who admits wrongdoing the ability to keep a contract that is improperly awarded. Any contract between a state or local public body that results in a final conviction on charges of fraud, bribery, corruption or other criminal acts will be null and void and unenforceable. The measure requires the individual responsible for the nullity of the contract to be held responsible for the cost of rebidding the contract.. **SIGNED - ACT 970**
- (SB 641 - Morrell) - Declares any contract or purchase executed because of public bribery be null and void and not enforced in the courts of this state. Local government officials must apply for an order or injunction to restrain the fraudulent behavior. If the local officials do not act within 90 days of a conviction, the district attorney is allowed to step in. **SIGNED - ACT 450**
- (HB 1490 - Connick) - Requires public entities to reject the lowest bid from a business in which any individual with an ownership interest of two percent or more has been convicted of or pled guilty to a state or federal felony crime committed in the execution of a contract or bid. **SIGNED - ACT 864**
- (SB 71 - Appel) - Requires contractors awarded state and local contracts without bidding and those who are awarded such contracts through a bid process that exceed \$10,000 to disclose the names of anyone who stands to gain monetarily from the contract. **SIGNED - ACT 868**
- **Ethics Law**
  - (HCR 84 - Edwards) - Requests the Attorney General's office to review the various laws concerning how government employees interact with their elected officials. They are further requested to make recommendations next year on whether or not changes should be made to those laws. **FINAL**

### **Election Issues**

- **Open Primary Election System** (HB 292 - Greene) - Returns Louisiana to an "Open Primary" election system, which it abandoned in 2008 in favor of a closed system.
  - An Open Primary would decrease the number of Congressional elections from 3 to 2, reducing election costs by \$6.5 million every two years.
  - The first election to be effected by the change is the 2012 Congressional Election. **SIGNED - ACT 570**

- **Out-of-Country Voting** (HB 1200 - Richard) - Allows some U.S. citizens living outside the country to vote by providing for the electronic transmission of requests, ballots, certificates and signed statements. **SIGNED - ACT 624**
- **Recall Petitions** (HB 1162 - Richard) - Requires that an elected official who is the target of a recall petition be notified by the chairman of the recall three days before the petition is submitted to the registrar. It further requires the registrar to keep the elected official notified of the petition's progress through the process. **SIGNED - ACT 621**

### **Disaster Response**

- **Hurricane Recovery**
  - **Road Home Grant** (SB 747 - Jackson) - Requires that Road Home applicants whose claims were denied because of unresolved succession or inheritance reasons, be awarded a Road Home grant. However a temporary restriction will be filed against the property so that the state has a remedy for unsuccessful claims, before a grant will be awarded. **SIGNED - ACT 1012**
  - **Deepwater Horizon Oil Spill**

In response to the Deepwater Horizon oil leak that began on April 22, 2010, Louisiana Legislators quickly took action and passed resolutions requesting immediate action be taken by federal, state and local governments to minimize the spread of oil onto our marshes and coast lands, to allocate resources to stop the oil leak and to request aid for our local parishes affected by the oil leak. The Louisiana Legislative Resource Center was activated and is responding to the oil leak crisis by assisting constituents with the impacts of the oil leak and with other oil leak related issues.
  - **Oil Spill Integrity Act** (SB 531 - Claitor) - Creates the Oil Spill Integrity Act. This act serves as a process to prevent and pursue recovery for fraudulent claims and misrepresentations in connection to the oil spill relief program. It empowers the La. Attorney General to prosecute and seek civil penalties for abuse of the oil spill relief efforts. **SIGNED - ACT 658**
  - **Other Issues -**
    - (SCR 74 - Chaisson) - Commends the first responders of Louisiana for their swift actions taken to combat the Deepwater Horizon oil spill. **FINAL**
    - (SR 145 - Adley) - Recognized and declared Sunday, June 20, 2010, as a Statewide Day of Prayer, during which people of all faiths in the state and around the nation were encouraged to seek divine intervention to end the oil spill crisis. **FINAL**
    - (SR 171 - Crowe) - Requests the attorney general to file suit against BP to compensate the parish governments of the coastal parishes for the loss of property tax revenue due to the Deepwater Horizon explosion and oil leak which resulted in the devaluation of coastal properties. **FINAL**
    - (SCR 107 - B. Gautreaux) - Requests the executive branch agencies of Louisiana and of the United States to give the people who were directly

affected by the oil spill opportunities to participate in the cleanup of the coast and wetlands and to, and to encourage BP and their contractors and subcontractors to do the same. **FINAL**

- (SR 61 - Heitmeier) - Directs local, state and federal governmental agencies to work in close coordination in order to minimize the damage to Louisiana's natural resources caused by the Deepwater Horizon oil spill, and to utilize all available resources to protect and support Louisiana residents and businesses affected by the oil spill. **FINAL**
- (HCR 214 - Dove) - Urges and requests Secretary of the Interior, Ken Salazar, to reconsider the six-month moratorium on deepwater exploration in the Gulf of Mexico. **FINAL**
- (HCR 239 - Katz) - Urges and requests BP to endorse and agree to fund the implementation of the La. Seafood Safety Response and Quality Certification Plan as jointly prepared and proposed by DHH, DWF, DAF, DEQ and DED. **FINAL**
- (HCR 192 - Hardy) - Directs the governor and attorney general of La. to hastily determine the parties who are at fault in this incident and then timely pursue actions against such parties. **FINAL**

#### **Other Issues**

- **Preservation of Religious Freedom Act** (SB 606 - Martiny) - This measure is an effort to clarify laws, established by both federal and state government, that prohibit any government entity from restricting the religious rights of citizens. It prohibits state and local government, agencies and other entities from substantially burdening someone's free exercise of religion, unless it violates marital laws, has the potential to harm children, or is furthering any other compelling government interest. A similar effort was made last session in the form of a constitutional amendment; however, it could not garner enough votes to get final passage. **SIGNED - ACT 793**
- **New Orleans Saints License Plate** (HB 1165 - Arnold) - Authorizes the state and the New Orleans Saints to create a design for a license plate commemorating the Saints Super Bowl-winning season. The plate will cost \$25 a year, with a \$3.50 administrative fee. The money raised from the Saints tag fee will be used to help pay off the bonds and interest of the Superdome and "any operating expenses" at the stadium. The first 300 plates will be set aside for the Saints organization. **SIGNED - ACT 841**