

FINAL EDITION

2013 RS Legislative Highlights



COMMENT

*This document is presented to you to provide a resource
regarding session activity.*

*The information contained herein includes the final disposition of
legislation, including Act No.'s from the 2013 Regular Legislative Session.*



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Agriculture/Rural Development

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DEPARTMENT OF AGRICULTURE AND FORESTRY

Senate Bill 168 by Senator Thompson (Act 26) merges and transfers the powers, duties, and functions of the Seed Commission and the Feed, Fertilizer, and Agricultural Liming Commission into one entity called the Agricultural Chemistry and Seed Commission. The legislation changes the name of the Seed Commission Fund to the Seed Fund and authorizes the commissioner to determine the expenses of the program. The legislation also repeals a provision prohibiting a person from relabeling seeds more than once and repeals bond requirements for agents of nurserymen.

House Bill 202 by Representative Anders (Act 104) adds the Louisiana Department of Agriculture and Forestry as an entity authorized to require an applicant's social security number on an application for a license, permit, or certificate. The legislation also requires the department to maintain the confidentiality of an applicant's social security number.



Senate Resolution 96 by Senator Morrish (Filed with Secretary of State) requests the commissioner of agriculture to create the Louisiana Wine Agribusiness Task Force within the

Department of Agriculture and Forestry to study and make recommendations to the legislature for growing and expanding the wine industry with respect to economic impact, job growth, revenue generation, and tourism potential. The resolution requires the task force to report its findings to the House and Senate agriculture committees and House and Senate commerce committees no later than March 1, 2014, and thereafter report annually to the legislature not later than March 1.



LICENSES AND PERMITS

House Bill 200 by Representative Anders (Act 103) provides relative to certain fees, state and national examinations, and terms and conditions of licenses and permits for landscape architects. The legislation requires the Horticulture Commission to establish the administration cost of examinations by rule in an amount not to exceed \$200 and maintains reciprocity for licensees of other states but additionally requires the applicant to pass the Louisiana Landscape Architect Examination.

House Bill 664 by Representative Terry Landry (Act 332) creates the sweet potato

dealer's permit and requires any person, including sweet potato growers and farmers, who commercially grow, sell, or offer sweet potatoes for sale to possess a sweet potato dealer's permit. The legislation excludes retail grocers and other retail outlets selling sweet potatoes possessing a valid inspection certificate permit, and that are sold directly to the consumer from a permanent location. The legislation also specifies that not less than one cent and up to a maximum of two cents of the current sweet potato four-cent per bushel tax be disbursed by the commissioner.

VETERINARIANS

Senate Bill 187 by Senator Thompson (Act 27) provides for a veterinarian exception to the Prescription Monitoring Program. The legislation removes the president of the Louisiana State Board of Veterinary Medicine and the president of the Louisiana Veterinary Medical Association from the Prescription Monitoring Program Advisory Council. The legislation also removes the authority of the Louisiana Board of Pharmacy to levy and collect an annual fee from veterinarians with the authority to prescribe or dispense controlled dangerous substances.

House Bill 510 by Representative Chaney (Act 200) removes the current law requirement that the state veterinarian have three years of veterinary experience in the regulatory control of livestock disease. The legislation requires that all service of suits filed against the Louisiana Board of Animal Health are made on the commissioner of agriculture. The legislation further provides for the powers of the state veterinarian.

ANIMALS

Senate Resolution 66 by Senator Crowe (Filed with Secretary of State) requests the Louisiana Animal Welfare Commission to study the necessity of the seven-day notice requirement provided to governing authorities before inspecting animal impoundment facilities. The resolution requires the commission to submit a written report of its findings with any specific proposals for legislation to the Senate Committee on Agriculture, Forestry, Aquaculture, and Rural Development on or before October 1, 2013.

Capital Outlay

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House Bill 2 by Representative Robideaux (Act 24), provides for the comprehensive capital outlay budget for Fiscal Year 2013-2014, including funding from the following sources of monies:

State General Fund (Direct)	\$	0
State General Fund (Non-Recurring Revenues)	\$	0
Federal Funds (excluding TTF - Federal Funds)	\$	20,598,462
Transportation Trust Fund (TTF) - Federal Funds	\$	711,133,000
Transportation Trust Fund (TTF) - Regular	\$	90,872,190
Reappropriated TTF - Regular	\$	460,590
Fees and Self-Generated Revenues	\$	113,833,489
Interagency Transfers	\$	25,347,724
Miscellaneous Statutory Dedications	\$	73,791,400
Overcollections Fund	\$	0
Reappropriated Cash	\$	19,568,258
Revenue Bonds	\$	165,950,000
TOTAL CASH PORTION	\$	1,221,555,113

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

Priority 1	\$	1,721,470,000
Priority 2	\$	351,125,000
Priority 3	\$	0
Priority 4	\$	0
Priority 5	\$	1,386,390,000
TOTAL GENERAL OBLIGATION BONDS	\$	3,458,985,000
BONDS NRP	\$	11,788,352
GRAND TOTAL ALL MEANS OF FINANCING	\$	4,692,328,465

Bonds NRP is the reallocation of previously sold bonds.

Section 16 of the Act limits cash lines of credit or the authorization of the issuance of general obligation bonds to \$1,746,475,000. Priority 1 includes projects in the amount of \$1,721,470,000. The cash line of credit capacity available for Priority 2 is \$25,005,000.

Children & Family

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CHILDREN

Assistance Programs

Senate Concurrent Resolution 42 by Senator Broome (Sent to Sec of State) urges the Department of Health and Hospital to facilitate public-private collaboration with families and communities to increase maternal and infant nutrition awareness, particularly in underserved areas, and to provide access to nutritional programs for mothers and their children beginning in utero and throughout their first year of life.

House Bill 375 by Representative Hoffmann (Act 417) provides for the EarlySteps: La's Early Intervention Programs for Infants and Toddlers with Disabilities and their Families (formally the ChildNet Program) and the La. State Interagency Coordinating Council for EarlySteps. Authorizes a fee schedule known as cost participation for services of the program.

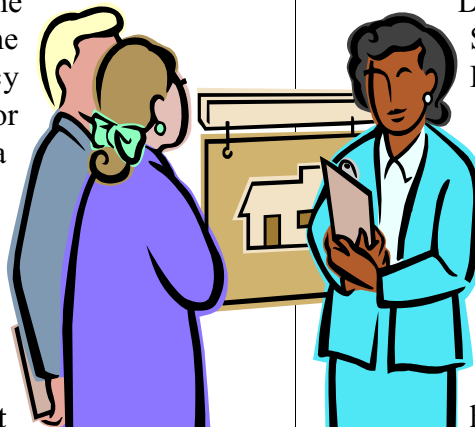
Senate Concurrent Resolution 76 by Senator Walsworth (Sent to Sec of State) urges and requests the Departments of Education and the Department of Children & Family Services to determine the feasibility of developing an operational plan for the transfer of the Child

Care Development Fund to the Department of Education for the continual promoting of kindergarten readiness for children.

House Concurrent Resolution 133 by Representative Schroder (Sent to Sec of State) requests the Departments of Health & Hospitals and the Department of Children & Family Services, along with the State Board of Elementary and Secondary Education, to study jointly the feasibility of coordinating state mental health and counseling resources for the purpose of providing supports to public school students.

Protection

Senate Concurrent Resolution 5 by Senator Cortez (Sent to Sec of State) requests the Department of Children & Family Services, Department of Health & Hospitals, the Department of Public Safety & Corrections and the public safety services and the office of motor vehicles, to promote statewide the National Highway Traffic Safety Administration's *Where's baby? Look before you lock.* campaign to prevent child deaths from heatstrokes. Heatstroke is the leading cause of non-crash, vehicle-related deaths for children under the age of fourteen.



House Bill 557 by Representative Willmott (Act 163) requires training be made available for mandatory reporters on mandatory reporting laws and the consequences of failing to report. Authorizes the appropriate state regulatory department, board, commission, or agency for each category of mandatory reporter to provide continuing education credit for the completion of the training. Also authorizes any entity, including but not limited to hospitals, educational and religious institutions, and nonprofits, to provide its employees, volunteers, or educational attendees with equivalent training.

Senate Bill 109 by Senator Morrish (Act 225) provides that after the Department of Children and Family Services receives a report from a health care practitioner of abuse or neglect of a child, who is not in the custody of the state, *additional* physical examinations of the child may be conducted for the following reasons:

(1) Upon request of the child's parent or caretaker, the department shall schedule, at its costs, an additional and independent medical examination by a health care practitioner selected by the child's parent or caretaker. Reports of both examinations shall be made available to the department and the child's parent or caretaker and shall be considered by the department in assigning a level of risk to the child and any appropriate action concerning the child, and

(2) After a court hearing, the court may order an additional physical examination of the child or other children in the household by any physician.

Senate Bill 222 by Senator Walsworth (Act 179) changes the licensure procedure for child-placing agencies, community homes, child day care centers, group homes, maternity homes and residential homes from Class A or B licenses to Type I, II, III, or IV licenses. Further, provides definitions for each type of license.

FAMILY

Senate Bill 220 by Senator Walsworth et al (Act 66) creates the "Louisiana Has Faith In Families Act" which requires the Department of Children and Family Services to make certain children in its' custody eligible for assistance or subsidy in an effort to promote their adoption.

House Bill 219 by Representatives Jefferson et al, (Act 187) requires that a court consider additional factors when a prospective adoptive parent has a criminal record. The factors are: (a) the nature of the offenses, (b) the number of offenses committed, and (c) the length of time between offenses and between the last offense committed and the application for court approval of adoptive placement. Further declares that the existence of a petitioner's criminal record does not by itself, serve as a bar to the petitioner adopting.

Senate Bill 162 by Senator G. Smith (Vetoed) would have provided for surrogacy contracts as follows:

(a) Contracts for "genetic surrogacy" shall be absolutely null. Defines such contracts as the process by which a woman attempts to carry and give birth to a child

using her own gametes and another's with an agreement to relinquish the custody of and all rights and obligation to the child, and

(b) Contracts for "gestational surrogacy" shall be enforced. Defines such contracts as the process by which a woman attempts to carry and give birth to a child by means of in vitro fertilization using the gametes of the intended parents and to which the gestational surrogate has made no genetic contribution.

House Bill 572 by Representative W. Bishop (Act 322) renames the "Fatherhood Initiative" to the "Fatherhood First Initiative" and adds the objectives of promoting education and increasing public awareness of resources for the following areas: (1) substance abuse and addiction, (2) anger management and conflict resolution, (3) fiscal awareness and financial literacy and (4) parenting skills, child development and family studies. Requires the secretary of the Department of Children and Family Services to convene and chair a Fatherhood First Council no later than Oct. 1, 2013. Also lists the functions of the 13 member council.

Senate Resolution 95 by Senator Walsworth (Sent to Secretary of State) and House Resolution 76 by Representative Schroder (Sent to Sec of State) urges and requests the Department of Children and Family Services to collaborate with stakeholders to study and develop a comprehensive statewide plan for the delivery of domestic violence services and to report the recommendations to their respective Health and Welfare Committee on or before Jan. 15, 2014.

House Bill 352 by Representatives Harrison et al, (Act 384) abolishes the office of Elderly Affairs and creates the Department of Elderly Affairs. Provides that the department shall be responsible for state functions designed to meet the needs of residents 60 or older and for planning, monitoring, coordination, and delivery of services to the elderly of the state, including but not limited to coordination of services of all state agencies serving the elderly and requiring reports from them. Further, provides that the creation of the department will become effective with the abolition of an existing department or a constitutional amendment authorizing an additional department.

Civil Law & Procedure

by: Angela De Jean
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House Bill 9 by Representative P. Williams (Act 68) increases the civil jurisdictional amount in dispute in for the City Court of Shreveport. Currently in the City Court of Shreveport, the civil jurisdiction is concurrent with the district court in cases where the amount in dispute, or the value of the property involved, does not exceed \$25,000. Present law also provides that in the City Court of Abbeville, the City Court of Baker, the City Court of Baton Rouge, the City Court of Kaplan, the City Court of Leesville, the City Court of Minden, the City Court of Springhill, and the City Court of Zachary the civil jurisdiction is concurrent with the district court in cases where the amount in dispute, or the value of the property involved, does not exceed \$35,000. **House Bill 9 (Act 68) by Representative P. Williams** increases the civil jurisdictional amount in dispute in the City Court of Shreveport from \$25,000 to \$35,000.

House Bill 93 by Representative Thierry (Act 99) authorizes an increase in court costs for the Opelousas City Court. **House Bill 93 (Act 99)** authorizes an increase in court costs not to exceed \$20 for all criminal matters and traffic offenses in the Opelousas City Court. All fees derived from additional costs to be deposited in a special account and used to provide services for juvenile delinquents, children in need of supervision, families in need of services, or any other related juvenile matter under the jurisdiction of Opelousas

City Court or otherwise related to assisting and preventing juveniles from being subject to juvenile jurisdiction of the court.

House Bill 295 by Representative Johnson (Act 382) authorizes an increase in court costs in the mayor's court for the town of Mansura.

Currently a mayor, as the presiding officer of a mayor's court can impose court costs, not to exceed \$30 for each offense, on any defendant convicted of a violation of a municipal ordinance. **House Bill 295 (Act 382) by Representative Johnson** authorizes the mayor for the town of Mansura to impose additional court costs not to exceed \$85 for each offense on any defendant convicted of a violation of a municipal ordinance.

House Bill 513 (Act 162) by Representative Moreno provides for additional court costs and establishment of fees in the Orleans Parish Juvenile Court. **House Bill 513 (Act 162)** requires the clerk of the Orleans Parish Juvenile Court to collect the following fees in all adoption cases in addition to any other fees or costs from any person who is not exempt from paying court costs:

- (1) \$60 for service of process in Orleans Parish and \$85 for service of process outside of Orleans Parish.
- (2) \$110 for filing and docketing each supplemental and amended petition.



(3) An additional \$125 for filing and docketing each petition for adoption.

(4) An additional \$75 for filing and docketing each motion to terminate parental rights.

House Bill 513 (Act 162) by Representative Moreno also requires the clerk of court for the Orleans Parish Juvenile Court to collect a \$10 fee in addition to all other fees provided for in present law or proposed law from any person who is filing certain pleadings and not exempted from the payment of court costs to be remitted by the clerk to the director of finance for the city of New Orleans to be used solely for the maintenance of the Orleans Parish Juvenile Court facility.

Senate Bill 188 (Act 381) by Senator Martiny provides that effective July 1, 2013, the actual salary of the judges of the supreme court, courts of appeal, and district courts shall be increased as follows:

- (1) *Supreme court - 5.5%.*
- (2) *Courts of appeal - 3.7%.*
- (3) *District court - 4%.*

The actual salary of the judges of the supreme court, courts of appeal, and district courts shall be increased by 2.1% on July 1st of 2014, 2015, 2016, and 2017. Effective July 1, 2013, the state-paid actual salary of city court and parish court judges shall be increased by 4%. The state-paid salary of city court and parish court judges shall be increased by 2.1% on July 1st of 2014, 2015, 2016, and 2017.



Coastal Restoration

by: Jerry Jones
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Plan Approvals. House Concurrent Resolution 42 by Representative Leger (Sent to Secretary of State) approves the 2013-2014 annual plan for integrated coastal protection and restoration.

House Concurrent Resolution 22 by Representative St. Germaine (Sent to Secretary of State) approves the 2013-2014 Atchafalaya Basin Annual Plan.

Proposed Constitutional Amendments. House Bill 94 by Representative Garofalo (House Appropriations Committee) and House Bill 118 by Representative Champagne (Senate Committee on Finance) were proposed constitutional amendments that would have dedicated certain monies received by the state as a result of the Deepwater Horizon oil spill for deposit into the Coastal Protection and Restoration Fund.

Citizens Insurance. Senate Bill 19 by Senator Allain (Involuntarily Deferred in House Insurance Committee) would have prohibited Citizens Insurance Corporation from assessing rates in excess of 25% per year without approval from the Senate and House committees on insurance.

Public Entities. Senate Bill 161 by Senator Chabert (Act 63) provides an annual limit not to exceed \$1,000,000 for any work undertaken by a public entity with its own resources and

employees, or with the resources and employees of another public entity through a cooperative endeavor agreement, to restore or rehabilitate a levee not maintained with federal funds, including mitigation on public lands owned by the state or a political subdivision. Further provides that such annual limit includes labor, materials, and equipment, which is not publicly bid, as per the rates in the latest edition of the Associated Equipment Distributors Rental Rate Book and administrative overhead not to exceed 15%. Provides termination date of Dec. 31, 2018. **Senate Bill 223 by Senator Mills (Act 180)** creates the Coastal Port Advisory Authority within DOTD as advisory authority to research and study economic development opportunities available to the state's maritime industries and the needs of the oil and gas industry relative to coastal and deep draft ports, and make certain reports. Provides for membership of Authority and certain duties and procedures. Terminates June 30, 2018. **House Bill 286 by Representative Brossett (Act 106)** provides with respect to the Southeast Louisiana Flood Protection Authorities, and procedures regarding nominating committee and vacancies. **House Bill 636 by Representative Danahay (Act 394)** provides relative to the oil spill contingency fee and uses and expenditures from the Oil Spill Contingency Fund, including certain studies.

House Bill 74 by Representative Lorusso (House Transportation, Highways, and Public Works Committee) would have provided with respect to the location of obstructions placed on a levee in Orleans Parish. **House Bill 164 by Representative Schexnayder (House Transportation, Highways, and Public Works Committee)** would have abolished the North Bossier Levee and Drainage District. **House Bill 353 by Representative Dove (House Transportation, Highways and Public Works Committee)** would have provided relative to contract limits for certain levee projects. **House Bill 365 by Representative Dove (House Transportation, Highways, and Public Works Committee)** would have provided relative to contracts for certain levee and mitigation projects. **House Bill 492 by Representative Dove (House Natural Resources Committee)** would have provided for the functions and responsibilities of Coastal Protection and Restoration Authority Board relative to certain projects.

***Fund transfers.* Senate Bill 226 by Senator Alario (Senate Final Passage Subject to Call)** would have created Balanced Budget Support Fund in the state treasury and provided for sources of monies deposited into the fund. Authorized and directed the state treasurer to transfer \$87,320,807 from the state general fund nonrecurring revenues from prior year end surpluses to the Coastal Protection and Restoration Fund. Further authorized and directed the state treasurer to transfer \$87,320,807 from the Coastal Protection and Restoration Fund to the state general fund. Also repealed the Budget Stabilization Replenishment Fund.

***Resolution requests and studies.* Senate Concurrent Resolution 39 by Senator Morrish (Sent to Secretary of State)** authorizes and provides for the comprehensive study and evaluation of Louisiana's levee districts and other water resource boards. **Senate Concurrent Resolution 43 by Senator Mills (Senate Natural Resources Committee)** would have requested the Coastal Protection and Restoration Authority in conjunction with the Department of Natural Resources to document the costs of complying with Section 404 of the Clean Water Act in public infrastructure projects in the state of Louisiana. **Senate Concurrent Resolution 60 by Senator Long (Sent to Secretary of State)** requests federal, state, and local governing authorities when contracting for coastal restoration and protection projects to give priority to Louisiana businesses. **House Concurrent Resolution 59 by Representative Montoucet (Sent to Secretary of State)** requests the Coastal Protection and Restoration Authority to study the advisability of including Acadia Parish and Jefferson Davis Parish in the Chenier Plain Coastal Restoration and Protection Authority.

***Memorializations to Congress.* Senate Concurrent Resolution 91 by Senator Allain (Sent to Secretary of State)** memorializes Congress to prevent unnecessary and unintended harm to coastal communities, individuals, and businesses by immediately amending the Biggert-Waters Act and mandating revision of FEMA flood-risk maps. **Senate Concurrent Resolution 95 by Senator Perry (Senate Natural Resources Committee)** would have memorialized Congress to amend or repeal the Biggert-Waters Flood Insurance Reform Act.

Senate Resolution 114 by Senator Mills (Sent to Secretary of State) memorializes Congress to review and amend or revise the Biggert-Waters Flood Insurance Reform Act of 2012. **House Concurrent Resolution 58 by Representative Brossett (Sent to Secretary of State)** memorializes Congress to expedite revenue sharing of federal offshore oil and gas royalties. **House Concurrent Resolution 60 by Representative Miller (Sent to Secretary of State)** memorializes Congress regarding the National Flood Insurance Program as recent changes affect St. Charles Parish. **House Concurrent Resolution 141 by Representative Leopold (Sent to Secretary of State)** memorializes Congress in opposition to the Biggert-Waters Flood Insurance Reform Act of 2012. **House Concurrent Resolution 177 by Representative Hunter (Sent to Secretary of State)** requests FEMA and the National Flood Insurance Program to delay the implementation of flood insurance premium increases.

***Recognition.* House Concurrent Resolution 81 by Representative Leger (Sent to Secretary of State)** recognizes Tuesday, May 7, 2013, as Coastal Day at the Louisiana Legislature.

Commerce & Consumer Protection

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BANKS/BANKING/FINANCIAL INSTITUTIONS

Senate Bill 190 by Senator Gallot (Act 65) provides with respect to the transfer or other disposition of assets upon the death of the account holder. Any contents of a safe deposit box or any account held by a bank, credit union or association may be relinquished as provided in letters testamentary, letters or administration or letters or independent administrator pursuant to the order of a court.

House Bill 114 by Representative Katrina Jackson (Act 32) provides relative to acceptance of public funds by certain financial institutions. Repeals provisions relative to the rating of any financial institution that receives any funds which belong to the state of Louisiana under the Community Reinvestment Act.

CONSTRUCTION

Senate Bill 81 by Senator Peacock (Act 60) provides that no one shall undertake self-performed improvements on his own home of a value of \$7,500 or more unless the person is registered and approved by the Board as a home improvement contractor.

FEES/LICENSING/REGISTRATION

House Bill 272 by Representative Greene (Act 36) provides relative to fees for licensure of professional geoscientists and geoscientists-

in-training. The yearly fee is not to exceed \$150 per year.

MOTOR VEHICLES/SALES OF MOTOR VEHICLES

Senate Bill 23 by Senator Peacock (Act 53) provides relative to dealerships who sell motorcycles and all-terrain vehicles (ATV's). Provides regarding the proximity of any new or re-located dealership to an existing dealership and the incumbent responsibilities of the new dealership.

Senator Bill 136 by Senator Chabert (Act 61) provides for no dealer charge backs for certain unauthorized acts by a manufacturer, wholesaler, distributor branch, factory branch, or their officer, agent or other representatives. Amends the definitions of "trailer", "converter", "secondary manufacturer", and "low speed vehicle."

REAL ESTATE/INVESTMENTS

House Bill 76 by Representative Hoffman (Act 31) provides relative to real estate appraisal management companies. Extends the sunset of an assessment for delinquent renewal of applications for licensing of such companies from December 31, 2013 to December 31, 2015.

House Bill 255 by Representative Leger (Act 141) changes the minimums required in the establishment of Enterprise Zones relative

to multi-family residential housing and transit-oriented developments.

MISCELLANEOUS

House Bill 300 by Representative Cox (Act 147) provides relative to the definition of a "lighter" and a "novelty lighter" for commercial purposes.



Constitutional Amendments

by: Tom Tyler
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Each proposed constitutional amendment is to "specify a the statewide election at which the proposed amendment will be submitted. Special elections for submitting proposed amendments may be authorized by law." The next statewide election is scheduled for November 4, 2014. Passage of **House Bill 522 by Representative K. Jackson (Pending House Appropriations)** would allow a statewide election to be held on Saturday, October 19, 2013. Absent passage of **House Bill 522**, the proposed constitutional amendments will be submitted to the voters on November 4, 2014.



LEGISLATIVE SESSION SUBJECT MATTER

Subject matter restrictions for non-fiscal regular sessions held in even-numbered years appears to be headed for approval or rejection by the voters at the statewide election to be held on November, 4, 2014. The prohibitions against non-fiscal matters in general sessions held in even-numbered years will include tax rebates, incentives, or abatements; on the opposite side of the equation legislating with regard to tax rebates, incentives, or abatements are specifically authorized in regular sessions held in odd-numbered years. (**House Bill 131 by Representative James**

(Act 435) Senate Bill 1 by Senator Claitor (Pending Senate Concurrence) includes this same restriction for "legislating with regard to tax exemptions, exclusions, deductions, rebates, incentives, abatements, or credits, regardless of how titled or designated".

The provisions of **Senate Bill 1** include a statement that it and **House Bill 131 (Act 435)** are enacted by the legislature, then **Senate Bill 1** becomes null and of no effect.

AD VALOREM TAXES Homestead Exemption

The additional \$7,500 homestead exemption (for a total of up to \$15,000 of assessed valuation of property) granted, with parish voter approval, to veterans with a service-connected disability rating of 100% is clarified to apply when the veteran has a disability rating of 100% unemployability or totally disabled under **Senate Bill 96 by Senator Adley (Act 433)**. Senate Bill 96 also provides that if the parish voters approved the ordinance granting the \$7,500 veteran homestead exemption, then allows this clarified exemption to be applied without an additional election in the parish.

Special Assessments

The exemption from the annual reporting requirement that one's income for the prior

year does not exceed \$50,000 for recipients of a special assessment level who are age 65 or older, or their surviving spouse age 55 or older or who has minor children also applies to an owner who is permanently totally disabled under **Senate Bill 56 by Senator Morrell (Act 432)**. The provision is effective January 1, 2015.

Tax Sales

Effective on January 1, 2015, the three year period after recordation of a tax sale of property sold for nonpayment of taxes is reduced to eighteen months if the property is located in any parish other than Orleans, and the property consists of vacant residential or commercial property that is declared blighted or abandoned as defined by law. **House Bill 256 by Representative P. Williams (Act 436)**

SPECIAL FUNDS

Artificial Reef Development Fund

The Artificial Reef Development Fund is created as a special fund in the state treasury by **Senate Bill 128 by Senator Allain (Act 434)** to accept and receive grants, donations of monies, and other forms of assistance from private and public sources that are provided to the state for the purpose of siting, designing, constructing, permitting, monitoring, and otherwise managing an artificial reef system.

Monies are to appropriated from the Fund to the Department of Wildlife and Fisheries and allocated solely for the following purposes:

(1) For the programs and purposes of siting, designing, constructing, permitting, monitoring, and otherwise managing an artificial reef system.

(2) For the salaries of personnel assigned to the Artificial Reef Development Program and for related operating expenses.

(3) An amount not to exceed 10% of the monies deposited to the fund each year and 10% of the interest income to the fund may be used by DWL&F to provide funding in association with the wild seafood certification program, particularly in support of wild-caught shrimp, established by DWL&F. This funding may be used for a subsidy granted to seafood harvesters or processors to assist in their efforts to comply with the certification program requirements and may be used for administration of the program.

(4) An amount not to exceed 10% of the funds deposited to the fund each year and 10% of the interest income credited to the fund each year may be used by DWL&F to provide funding for inshore fisheries habitat enhancement projects, particularly in support of the Artificial Reef Development Program established by DWL&F. This funding may be used for grants to nonprofit conservation organizations working in cooperation with DWL&F.

All unexpended and unencumbered monies in the Artificial Reef Development Fund at the end of the fiscal year are to remain in the Fund, be invested by the treasurer with all interest earnings deposited back into the Fund. The treasurer is to prepare and submit to DWL&F on a quarterly basis a printed report showing the amount of money contained in the Fund from all sources.

Hospital Stabilization Fund

The Hospital Stabilization Fund is created in **House Bill 532 by Representative Kleckley**

(Act 438) as a special fund to receive all proceeds from the assessment collected pursuant to the Hospital Stabilization Formula. Monies in the Fund are to be invested in the same manner as monies in the state general fund with all interest earned on investment earnings to be deposited in and credited to the Fund. Monies are to be appropriated from the Fund to fund the reimbursement enhancements established in the Hospital Stabilization Formula adopted by the legislature for the fiscal year in which the assessment is collected.

Act 438 authorizes the legislature to adopt a Hospital Stabilization Formula by a concurrent resolution, which is to be referred to the legislative standing committees that hear the general appropriations bill, and which is adopted by a favorable vote of a majority of the elected members of each house of the legislature. To the maximum extent possible, the formula should enhance the economic viability of Louisiana hospitals and reduce shifting the cost of caring for Louisiana's needy residents to the state's insured residents.

Act 438 requires that the initial formula adopted by the legislature be adopted by a favorable vote of two-thirds of the elected members of each house and that it define and establish as the base reimbursement level under the Louisiana medical assistance program provided for in Title XIX of the Social Security Act (the Medicaid Program) to hospitals for inpatient and outpatient services in Fiscal Year 2012-2013. The formula shall also provide for the preservation and protection of rural hospitals as provided for by law.

Act 438 provides the following as to each formula established:

(1) Each may apply a rate of inflation, which shall not be a negative rate, to the base reimbursement level from the previous formula adopted by the legislature.

(2) Each shall include and establish assessments to be paid by hospitals and the basis on which the assessments shall be calculated, provided the amount of the assessments do not exceed the nonfederal share of the reimbursement enhancements.

(3) Each shall establish reimbursement enhancements under the Medicaid Program, or its successor, achieving the maximum reimbursement by federal law and resulting in distributing such reimbursement enhancements exclusively among hospitals for hospital services. Reimbursement enhancements may also be distributed for uninsured services delivered.

(4) Each shall include any additional provisions necessary to the implementation of the formula. Neither the assessments nor the reimbursement enhancements established in the formula shall be implemented until each has been approved by the federal authority which administers the Medicaid Program.

The base reimbursement level resulting from the formula shall not be paid from the Hospital Stabilization Fund.

Under **Act 438**, no additional assessment shall be collected and any assessment shall be terminated for the remainder of the fiscal year from the date on which any of the following occur:

(a) The legislature fails to adopt a formula for the subsequent fiscal year.

(b) The Department of Health and Hospitals, or its successor or contractors, reduces or does not pay reimbursement enhancements established in the current formula as adopted by the legislature.

(c) The appropriations to fund the formula are reduced.

The treasurer is to return any monies collected after the date of termination of an assessment to the hospital from which it was collected.

The legislature is required to annually appropriate an amount necessary to fund the base reimbursement level for hospitals established in the most recent formula adopted by the legislature. The balance of the Hospital Stabilization Fund is to be appropriated solely to fund the reimbursement enhancements as provided in the most recent formula adopted by the legislature.

Act 438 provides that the authority of the legislature or the governor to make adjustments to constitutional funds when a deficit is projected does not include any reduction in the appropriation funding the base reimbursement level or the reimbursement enhancements except the governor may reduce the appropriation to the base reimbursement level if the following occur:

(a) The reduction does not exceed the average reduction of those made to the appropriations and reimbursement for other providers under the Medicaid Program, or its

successor; and

(b)(i) If the legislature is in session, the reduction is consented to in writing by 2/3 of the elected members of each house in a manner provided by law; or

(ii) If the legislature is not in session, the reduction is approved by 2/3 of the members of the Joint Legislative Committee on the Budget, or its successor.

Louisiana Medical Assistance Trust Fund

House Bill 533 by Representative Kleckley (Act 439) creates the Louisiana Medical Assistance Trust Fund and provides that the monies in the Fund be invested by the treasurer, all interest earnings on investments be deposited into the Fund, and any unexpended and unencumbered monies remaining in the fund at the close of each fiscal year remain in the fund.

The treasurer is authorized to establish separate accounts within the Fund for each health care provider group in which fees are collected pursuant to law and that monies collected from each group and the interest earned on those monies are to be credited to the account of the respective provider group.

All monies deposited into the Fund from sources not required by law, and the interest earned on those monies, are to be deposited into a separate account within the Fund which is to be referred to as "the general account".

Act 439 authorizes the legislature to appropriate monies in the Fund only if the appropriation is eligible for federal financial participation under Title XIX of the Social Security Act, or its successor. The balance of each account shall be appropriated for reimbursement of services to the provider group which paid the fee into the account in any fiscal year, except monies deposited into the general account may be appropriated for any Medicaid Program expenditure.

The monies appropriated from the provider accounts in the Fund shall not be used to displace, replace, or supplant appropriations from the state general fund for the Medicaid Program below the amount of state general fund appropriations to the Medicaid Program for Fiscal Year 2013-2014.

The legislature shall annually appropriate the funds necessary to provide for Medicaid Program rates for each provider group which pays fees into the fund that is no less than the average Medicaid Program rates established for Fiscal Year 2013-2014 and which may be adjusted annually by establishing rates of inflation or rebasing if applicable, which rates shall not be negative, to be applied to the base rates to establish the new base rates for the next fiscal year as authorized by law.

Act 439 provides that the authority of the legislature or the governor to make adjustments to constitutional funds when a deficit is projected does not include any reduction in the appropriation funding the base reimbursement level or the reimbursement enhancements except the governor may reduce the appropriation to the base reimbursement level if the following occur:

(a) The reduction does not exceed the average reduction of those made to the appropriations and reimbursement for other providers under the Medicaid Program, or its successor; and

(b)(i) If the legislature is in session, the reduction is consented to in writing by 2/3 of the elected members of each house in a manner provided by law; or

(ii) If the legislature is not in session, the reduction is approved by 2/3 of the members of the Joint Legislative Committee on the Budget, or its successor.

EDUCATION

The Southeast Baton Rouge community school system would be regarded and treated as a parish and have the authority granted parishes, which includes receipt of funding under the minimum foundation program, appropriations for school books and instructional materials as well as the authority to levy additional ad valorem taxes to supplement state funding, under **Senate Bill 73 by Senator White (Subject to Call - House Final Passage)**.

RETIREMENT

Judges

Mandatory retirement for judges at age 70 would have been eliminated by **Senate Bill 5 by Senator LaFleur (Reconsideration - House Final Passage)**

Corrections

by: Tim Prather
(225) 342-8299

JUVENILE JUSTICE

Continuing its drive to better serve the youth of Louisiana, **Senate Concurrent Resolution 56 by Senator Broome (Sent to Sec of State)**, commends and publicly acknowledges a series of reform accomplishments of the Department of Public Safety and Corrections, Youth Services, Office of Juvenile Justice.

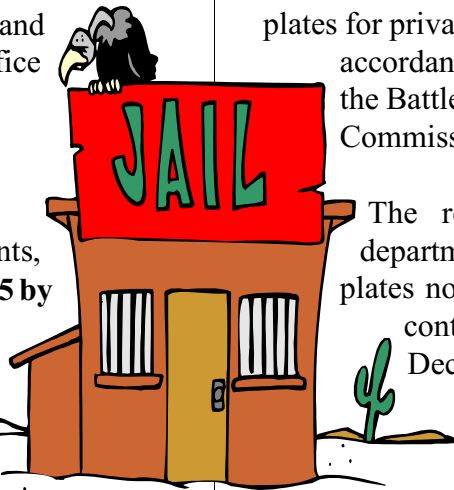
PUBLIC SAFETY

Reacting to recent tragic events, **Senate Concurrent Resolution 5 by Senator Cortez (Sent to Sec of Senate)** requests the Department of Children and Family Services, the Department of Health and Hospitals, and the Department of Public Safety and Corrections, public safety services, office of motor vehicles, promote statewide the National Highway Traffic Safety Administration's *Where's baby? Look before you lock.* campaign.

To help celebrate Louisiana's bicentennial, **House Concurrent Resolution 67 by Representative Lorusso (Sent to Secretary of State)**, directs the Dept. of Public Safety and Corrections to imprint "Battle of New Orleans Bicentennial 1815-2015" and "www.louisianatravel.com" on official license plates for private passenger motor vehicles in accordance with a design developed by the Battle of New Orleans Bicentennial Commission.

The resolution provides that the department will begin issuing the plates not later than Jan. 2, 2014, and continue to issue the plates through Dec. 31, 2015, or until the inventory of such plates is depleted.

The resolution further provides that after Dec. 31, 2015, the license plate design will revert to the design which received legislative approval as required in R.S. 47:463(A)(3) through passage of SCR No. 196 of the 1992 R.S.



Crimes/Criminal Procedure

by: Alden Clement
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The Regular Session of 2013 saw the creation of several new crimes, changes to the definitions and penalties for a number of existing crimes, and changes to various areas of criminal procedure. Of particular note were a number of bills inspired by two high-profile incidents occurring in the months leading up to the session, and the public and federal government response to those incidents.

WEAPONS

Efforts in Congress in 2012 and 2013 to address the mass shootings in Aurora, Colorado, and Sandy Hook, Connecticut, prompted increased interest at the state level relative to various issues involving firearms.

In an attempt to limit possible federal firearms restrictions at the state level, **House Bill 5 by Representative Morris (subject to call - Senate final passage)** would prohibit the enforcement of federal restrictions relative to the ownership and possession of semi-automatic firearms.

House Bill 6 by Representative Schroder (Act 400) provides that the crime of carrying a firearm or other dangerous weapon on school property does not apply to off-duty law enforcement officers. Current law provides that the prohibition against carrying a firearm on school property does not apply to law enforcement officers in the performance of

official duties, but does apply to off-duty officers.

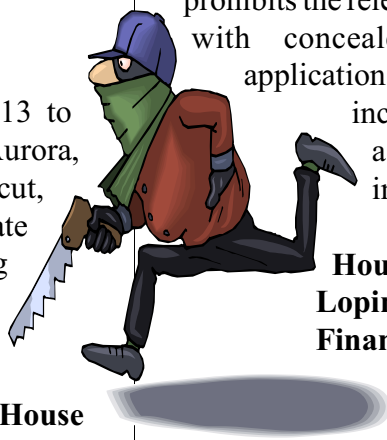
In response to the publication of the names and addresses of gun owners in a New York newspaper, a number of states have attempted to exempt such information from their public records laws. **House Bill 8 by Representative J. Thompson (Act 401)** prohibits the release of information associated with concealed handgun permits or applications for such permits, and would include criminal penalties for any such release of information.

House Bill 45 by Representative Lopinto (pending in Senate Finance committee) would have

been the Louisiana Manufactured Firearms and Ammunition Act, and would

have provided for the licensing of persons to manufacture firearms, firearm accessories, and ammunition in the state of Louisiana for sale only to residents of Louisiana, and further provide that such sale or manufacture is not subject to federal regulation.

House Bill 4 by Representative Norton (involuntarily deferred in House Administration of Criminal Justice committee) would have created the crime of unlawful storage of a firearm and would have made it unlawful to keep or store a firearm



unless it is in a locked container or is equipped with a lock to render the firearm inoperable.

House Bill 141 by Representative Badon (involuntarily deferred in House Administration of Criminal Justice committee) would have made it unlawful for the holder of a Federal Firearms License to sell any firearm without verification that the purchaser has completed a firearms safety or training course. Criminal penalties would have been imposed for intentionally selling a firearm to a person who does not meet these criteria.

House Bill 265 by Representative Ivey (Act 84) provides for the issuance of a lifetime concealed handgun permits to Louisiana residents who meet the qualifications for the issuance of a concealed handgun permit under current law, provided that certain conditions are met.

NEW CRIMES AND CHANGES TO EXISTING CRIMES

Senate Bill 6 by Senator Allain (Act 51) provides that the crime of unauthorized entry of a place of business includes the intentional entry by a person, without authority, into any structure or onto any premises belonging to another and used in whole or in part as a place of business, that is completely enclosed by a combination of any type of physical barrier that is at least six feet in height and a lake, river, bayou, or other body of water. Current law does not provide that a body of water can serve as a barrier on one or more sides of the property.

Senate Bill 60 by Senator Adley (Act 90) creates the crime of false personation of a veteran or veteran-owned business. "False personation of a veteran" is defined as the false representation by a person of being a veteran, with the intent to injure, defraud, obtain economic gain, or obtain or secure any special privilege or advantage. "False personation of a veteran-owned business" is defined as the false representation by an owner, operator, principal, or employee of a business that the business is a veteran-owned business, with the intent to injure, defraud, obtain economic gain, or obtain or secure any special privilege or advantage.

Senate Bill 70 by Senator Kostelka (Act 289) provides relative to the crime of domestic abuse battery, adding that if the crime is committed by burning of the victim that results in serious bodily injury, the offense will be classified as a "crime of violence" and the offender is to be imprisoned at hard labor for not less than five nor more than 50 years without benefit of probation, parole, or suspension of sentence.

Senate Bill 72 by Senator Thompson (Act 30) would provide that the crime of disturbing the peace includes intentionally engaging in any act or utterance, gesture, or display designed to disrupt a funeral, funeral home viewing, funeral procession, wake, memorial service, or burial of a deceased person. The bill also would add a prohibition against blocking or interfering with a "funeral route," defined as the route of ingress or egress from the location of a funeral or burial, including 30 feet from the outer edge of the outside lane of the route.

House Bill 189 by Representative Gaines (Act 240) amends the penalty provision in the current law regarding attempted theft so as to use the \$500 threshold in the current law theft statute. Accordingly, this bill provides that when the amount attempted to be taken or misappropriated is not less than \$500 nor more than \$5,000, the person is to be imprisoned for not more than one year, fined not more than \$500, or both.

House Bill 261 by Representative Hazel (Act 83) enhances the penalties for certain crimes relative to prostitution, including soliciting for prostitutes, pandering, and crime against nature, by providing that the term of imprisonment for such offenses, involving a person under the age of 18 years and under the age of 14 years, shall be served at hard labor.

House Bill 364 by Representative Berthelot (Act 153) creates the crime of forgery of a motor vehicle inspection certificate and provides criminal penalties for the commission of such offense.

CONTROLLED DANGEROUS SUBSTANCES AND OTHER DRUGS

House Bill 10 by Representative Pearson (Act 7) adds 27 hallucinogenic substances to the list of Schedule I controlled dangerous substances.

House Bill 15 by Representative Mack (Act 8) adds various chemical groups to the Schedule I listing of stimulants known as cathinones and adds additional substances to the Schedule I listing of synthetic cannabinoids, and also adds a definition of "nitrogen-heterocyclic analog."

House Bill 103 by Representative Badon (pending in Senate-Final Passage) would reduce the criminal penalties for second and subsequent convictions of possession of marijuana. For example, current law provides that on a third or subsequent conviction, the offender shall be imprisoned with or without hard labor for up to twenty years and may be fined up to \$5,000. The proposed law would provide that on a third conviction, the offender shall be imprisoned with or without labor for not more than two years, and fined not more than \$2,000, significant reductions from current law. The bill would prohibit the application of the Habitual Offender Law to possession of marijuana.

DWI

House Bill 424 by Representative Lopinto (Act 388) provides that the minimum mandatory sentences for third and subsequent DWI may be suspended if the offender is accepted for participation in a drug division probation program, and extends the time period within which to request an administrative hearing regarding a driver's license suspension after an arrest for operating a vehicle while intoxicated. The bill further provides that if the offender has previously participated in a drug division probation program for a third offense DWI, then the offender is not be eligible to serve his sentence with the benefit of parole, probation or suspension of sentence for a fourth or subsequent offense, but shall be imprisoned at hard labor for not less than ten nor more than thirty years, and at least three years of the sentence shall be imposed without benefit of probation, parole, or suspension of sentence.

SEX OFFENSES

Recent studies show that Louisiana is home to numerous victims of human trafficking, including those who have been forced into labor and sexual servitude. According to data from the United States Department of State, an estimated six-hundred thousand to eight-hundred twenty thousand men, women, and children are trafficked across international borders each year, and of those, approximately eighty percent are women and girls and up to fifty percent are minors.

Senate Bill 88 by Senator Broome (Act 429) addresses various issues relative to human trafficking of both adult and child victims. Among other things, it creates in the Exploited Children's Special Fund in the state treasury. Appropriations by the legislature and all monetary assessments paid and interest accrued on funds collected in accordance with the provisions of new law are to be deposited into this fund. Monies in the fund shall be used for providing services and treatment administered by the Department of Children and Family Services, such as securing residential housing, health services, and social services to sexually exploited children. The department may also use the funds for grants or to provide services for sexually exploited children.

Senate Concurrent Resolution 27 by Senator Long (sent to Secretary of State) creates the Joint Human Trafficking Study Commission to study the conditions, needs, issues, and problems relative to human trafficking in Louisiana and to recommend any action or legislation that the commission deems necessary or appropriate.

CRIMINAL PROCEDURE AND SENTENCING

Two bills in the 2013 Regular Session would have significantly changed important areas of criminal procedure. **Senate Bill 112 by Senator Gallot (pending Senate Judiciary C Committee)** would have revamped current expungement law. **Senate Bill 179 by Senator Claitor (pending Senate Judiciary C Committee)** would have restructured the current Code of Criminal Procedure provisions relative to bail. Both of these areas will likely be revisited in a future session.

Senate Bill 8 by Senator Gallot (Act 52) authorizes criminal sheriffs to use parish prisoners for manual labor upon churches and other religious buildings. Current law already allows such prisoners to be used to perform manual labor upon any cemetery or graveyard, or to work in a solid waste recycling program administered by a state agency or political subdivision.

Senate Bill 32 by Senator Crowe (Act 29) provides for special consideration to be given to veterans who are convicted of a crime. Among other things, the bill provides that if the defendant is determined to be a member or a veteran of the armed forces of the United States, then prior to sentencing the court may inquire as to the current military status of the convicted defendant, and the court may order a pre-sentence investigation to determine whether military and veteran resources are available.

Senate Bill 40 by Senator Kostelka (Act 343) provides that the defendant in a non-capital case must exercise his right to waive trial by jury pursuant by written motion not

later than 45 days prior to the start of trial, and must be with the consent of the district attorney. The bill further provides that the motion to waive trial by jury must be signed by the defendant, and also signed by defendant's counsel unless the defendant has waived his right to counsel. This waiver is irrevocable and cannot be withdrawn by the defendant.

House Bill 59 by Representative Honore (Act 183) increases the total number of "good time" credits that may be earned by an offender for participation in certified treatment or rehabilitation programs from two-hundred fifty days to three-hundred sixty days.

Currently, the Code of Criminal Procedure does not contain responsive verdicts for the crime of aggravated incest, which can result in a defendant being found "not guilty" when the facts of a particular case do not permit either a finding of guilty or a finding of guilt on a lesser included offense, or can result in a defendant being found guilty of a lesser included offense with a maximum penalty that is insufficient to serve the interests of justice. Accordingly, **Senate Concurrent Resolution 97 by Senator Walsworth (sent to Secretary of State)** request that the Louisiana State Law Institute study and make recommendations relative to the issue of whether the Code of Criminal Procedure should contain responsive verdicts for the crime of aggravated incest.

House Bill 297 by Representative Johnson (Act 261) would create a rebuttable presumption that any defendant who has previously been released on his own recognizance on a felony charge, and who has either been arrested for a new felony offense or has at any time failed to appear in court as

ordered, shall not again be released by the court on the defendant's own recognizance.

Culture, Recreation & Tourism



CULTURE

by: Alan Miller
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Senate Bill 238 by Senator Chabert (Act 128) creates the Leeville Fishing Village and Cultural Preservation Commission as a political subdivision of the state and that it be domiciled in Lafourche Parish. The purpose of the commission is to promote preservation of the culture and tourism in Lafourche Parish, including the Leeville Fishing Village. The commission consists of five members who are either residents of, or own property in Lafourche Parish.

House Concurrent Resolution 68 by Representative Ortego (Sent to Sec of State) requests the Dept. of Wildlife and Fisheries to continue the study of Bayou Teche in St. Martin Parish and St. Landry Parish for possible inclusion into the Historic and Scenic Rivers program.

House Resolution 53 by Representative Smith (Sent to Sec of State) commends the students, faculty, and staff of Louisiana State University upon the opening of the African American Cultural Center.

RECREATION

by: Tammy Crain Waldrop
(225) 342-9818

AMUSEMENT PARKS

Senate Concurrent Resolution 120 by Senator Crowe (sent to Sec of State) establishes the Transformation Village Task Force to study the feasibility of reopening the closed amusement park in New Orleans.

HUNTING and FISHING

Fishing

House Bill 719 by Representative Howard (Act 334) would provide relative to a possession limit for crappie taken from Toledo Bend Reservoir on a recreational fishing license.



Senate Resolution 25 by Senator Allain (sent to Sec of State) request the secretary of the U.S. Department of Commerce to take such action as necessary to require the regional administrator of the National Oceanic and Atmospheric Administration Fisheries Service's Southeast Regional Office and his scientists to attend a meeting of the Louisiana Senate Committee on Natural Resources and provide information on the red snapper season.

Senate Concurrent Resolution 22 by Senator Long (sent to Sec of State) request the Louisiana High School Athletic Association to establish and sanction the competitive sport of tournament bass fishing.

Recreational Licenses

House Bill 245 by Representative Lambert (pending House final passage) would provide for the issuance of nonresident recreational hunting and fishing licenses at the same cost as resident licenses.

House Bill 593 by Representative Pope (Act 324) authorizes a nonresident student in a Louisiana high school to purchase a nonresident basic hunting license for the cost of a resident hunting license.

PARKS and RECREATION

Senate Resolution 146 by Senator Broome (sent to Sec of State) recognizes the importance of park and recreation facilities, and supports the designation of July as "National Park and Recreation Month", and declares July as "Park and Recreation Month in Louisiana".

Recreational Equipment

House Resolution 129 by Katrina Jackson (pending House Committee) would request a study of policies, practices, and funding needed to ensure that parks and recreation centers provide recreation equipment and opportunities appropriate for children with disabilities.

RECREATIONAL VEHICLES

House Bill 443 by Representative Lopinto (Act 158) addresses payment of sales and use tax on off-road or all terrain vehicles for the purpose of receipt of an off-road decal.

EDUCATION

Physical Education

Senate Resolution 5 by Senator Broome (sent to Sec of State) directs the Department of Education to study public school compliance with state law regarding physical activity in schools.

Extracurricular

Senate Concurrent Resolution 22 by Senator Long (sent to Sec of State) request the Louisiana High School Athletic Association to establish and sanction the competitive sport of tournament bass fishing.

SEAFOOD

Senate Bill 167 by Senator Chabert (Act 228) transfers the Louisiana Seafood Promotion and Marketing Board to the Department of Culture, Recreation and Tourism.

SPECIAL DISTRICTS

Senate Bill 209 by Senator LaFleur (Act 124) provides relative to the Evangeline-Ville Platte Recreation District.

TOURISM

by: Linda Nugent
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During the 2013 legislative session, legislation relating to tourism was largely local in nature.

NEW ORLEANS TOURISM ASSESSMENT

To facilitate the collection and use of private sector originated supplementary funds to market and promote greater New Orleans as a traveler destination and provide for several purposes, including tourism, **Senate Bill 242 by Senator Murray (Act 410)** authorizes the levy of an optional hotel assessment by a tourism organization upon its hotel members. The assessment may be up to one and three quarters percent of the daily room charge and will be treated as a surcharge to hotel guests. Any such assessment will have to be approved by a 2/3 vote of the assessed hotels in a referendum, with each assessed hotel having a number of votes equal to the number of its hotel rooms.

LEEVILLE FISHING VILLAGE

The Leeville Fishing Village and Cultural Preservation Commission is established to preserve the culture of the village and promote tourism for the village by **Senate Bill 238 by Senator Chabert (Act 128)**. The commission will be established in Lafourche Parish, and its membership and powers and duties are provided for in the bill.

HOTEL OCCUPANCY TAXES

Several bills either authorized or increased occupancy taxes on hotel rooms, motel rooms, and overnight camping facilities.

The Houma Area Convention and Visitors Bureau currently levies a 4% hotel occupancy tax. **House Bill 106 by Representative Dove (Act 237)** increases the tax to 5% subject to a vote of the electors of Terrebonne Parish. The proceeds will be used for recreational and tourism infrastructure.

The Grant Parish Tourist Commission is authorized to levy an additional hotel occupancy tax, not to exceed 6%, under the provisions of **House Bill 232 by Representative Brown (Act 243)**. Any increase will be subject to the approval of a majority of the electors in the district. The hotel occupancy tax currently authorized is 2%.

The provisions of **House Bill 179 by Representative Henry Burns (involuntarily deferred in House Committee on Municipal, Parochial and Cultural Affairs)** would have authorized the Shreveport-Bossier Convention and Tourist Bureau to increase its hotel occupancy tax from 4.5% to 7% for the next 20 years. The 2.5% increase would have been subject to approval by the governing authorities of Shreveport and Bossier City and the parish of Caddo and Bossier. The Shreveport-Bossier Convention and Tourist Bureau would have been required to dedicate a portion of the new tax to the Shreveport-Bossier Sports Commission for sporting activities related to sports

tourism and a portion to the Independence Bowl Foundation for promotion of sporting events.

The city of Youngsville is authorized to levy a 4% hotel occupancy tax within the city limits as provided in **House Bill 326 by Representative Barras (Act 246)**. The new tax will be in addition to any other hotel occupancy tax levied upon the occupancy of hotel rooms located within the city and will be imposed only after a vote of the city's electors and the adoption of an ordinance or resolution by the city's governing authority. The legislation requires the proceeds to be used to fund the construction, maintenance, and operation of a multipurpose community center, economic development, and tourism within the city.

VISITOR ENTERPRISE FUND

The state sales tax on hotel/motel occupancy in Ascension Parish is presently dedicated to the Ascension Parish Visitor Enterprise Fund and is to be used for tourism purposes only in Ascension Parish. **House Bill 130 by Representative Berthelot (Act 131)** provides the following allocation:

For FY 2013-2014:

- (1) \$75,000 to the city of Donaldsonville
- (2) \$75,000 to the city of Gonzales
- (3) \$5,000 to the town of Sorrento
- (4) The remainder to the parish governing authority of Ascension Parish

For FY 2014-2015 and thereafter:

- (1) 12% to the city of Donaldsonville
- (2) 12% to the city of Gonzales
- (3) 1% to the town of Sorrento
- (4) 75% to the parish governing authority of Ascension Parish.



OTHER

Senate Concurrent Resolution 120 by Senator Crowe (Sent to Sec of State) establishes the Transformation Village Task force to study the feasibility of repurposing and/or reopening the closed amusement park in New Orleans East, formerly operated as Jazzland and then Six Flags New Orleans, with the goals of generating tourism dollars and employment opportunities. The resolution requires the task force to report its findings to the legislature by March 1, 2014.

The Department of Wildlife and Fisheries is being requested to continue the study of the inclusion of Bayou Teche in St. Martin Parish and St. Landry Parish in the Historic and Scenic Rivers program by **House Concurrent Resolution 68 by Representative Ortego (Sent to Sec of State)**. The inclusion of the bayou into the program would increase acknowledgement of Bayou Teche for its cultural and historic value and would help to increase recreation and tourism on the bayou and in its communities.

Economic Development

by: *Michelle Ducharme*
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Senate Bill 165 by Senator Martiny (Act 178) strengthens the certification process for the motion picture investor tax credit. The changes made to the certification process of tax credits will provide the state and the motion picture industry with predictability and reliability with regards to the credits issued by the state. This bill address the time period for pre-certification credits and the certification of credits. It gives the Department of Economic Development more time to review the pre-certification and certification of tax credits. The bill provides that any expenditure for which tax credits were neither denied nor certified due to insufficient information or other issues, the secretary of the Department of Economic Development and the office of entertainment industry development ("office") shall work to resolve the outstanding issues in a timely manner, and the bill allows the issuance of a supplemental tax credit certification at the time of such resolution.



Related party transactions are also addressed. Currently, there is no law addressing related party transactions in the industry, only guidelines. This bill recognizes that while legitimate related party transactions often occur as production expenditures, some related party transactions may be conducted in such a manner as to abuse the purpose and intent of the program. Senate Bill 165

requires the Department of Economic Development and the office to promulgate rules regarding related party transactions in accordance with the Administrative Procedure Act.

House Bill 422 by Representative Talbot (Act 387) makes changes to the unified economic development budget report. This bill requires that the report be submitted annually to the governor, Senate President, Speaker of the House of Representatives, every member of the legislature, and the David R. Poynter Legislative Research Library. The bill requires that the annual report shall include at least twenty-five percent of the economic development programs within the Department of Economic Development. The bill further requires that every program be included in the report at least once every four years and that certain information relating to each program is included in the report.

Tax Credits

This session many bills were introduced to either establish new tax credits or expand or repeal existing tax credits. The most contested tax credit bill this session was the solar energy systems tax credit.

House Bill 705 by Representative Ponti (Act 428) provides relative to the solar energy systems tax credit and repeals the wind energy systems tax credit. This bill had a hearing in the Senate Committee on Revenue and Fiscal Affairs and the Senate Committee on Finance. At each hearing, the bill was heavily amended. The bill repeals the wind energy systems tax credit and makes significant changes to the solar energy systems tax credit. The solar issue can be divided into two parts: (1) Purchased systems and (2) Leased systems. The tax credit for the purchase and installation of a system at a Louisiana residence or for a system which is already installed in a newly constructed home located in Louisiana remained at fifty percent. The legislation sunsets the program on January 1, 2018.

Most of the amendments were to the leased systems component of the bill. The bill provides that the tax credits for the purchase and installation of a system by a third party through a lease shall be equal to fifty percent of the first twenty-five thousand dollars of the cost of purchase for a system installed before January 1, 2014. However, for a system installed on or after January 1, 2014, and before January 1, 2018, the tax credit shall be equal to thirty-eight percent of the first twenty-five thousand dollars of the cost of purchase. The bill further limits which leased systems are eligible for a tax credit.

A significant change to the Louisiana solar energy systems tax credit program requires that beginning on July 1, 2013, all systems shall be compliant with the requirements of the federal American Recovery and Reinvestment Act, including, but not limited to, all major components such as the inverter, racking, and solar modules.

House Bill 726 by Representative Leger (Act 265) received national attention and a significant amount of press. This bill creates the Louisiana New Markets Jobs Act and provides for credits against the insurance premium tax if there is an investment of private capital in a low-income community business located in Louisiana. As defined in the legislation, a qualified active low-income community business is an entity which under federal law is defined as a business located in either a census tract with a poverty rate of at least twenty percent or a census tract with a median income that does not exceed eighty percent of the benchmark median income. The bill provides that a qualified low-income community investment is defined as any capital or equity investment in, or loan to, any qualified active low-income community business. This tax credit shall only be applied on tax returns that are originally due on or after January 1, 2014. The bill authorizes the Department of Revenue to promulgate rules to implement the provisions of the Louisiana New Markets Jobs Act.

House Bill 193 by Representative Gisclair (subject to call-Senate final passage) would have made changes to the Ports of Louisiana tax credits. The bill would have expanded the definition of "port or port and harbor activity" to include any trade or business described in the Industry Number 33611 (Ship Building and Repair), Industry Number 213112 (Support Activities for Oil and Gas Operations), including the above trades and businesses as they may hereafter be reclassified in an subsequent publication of the NAICS or similar classification system developed in conjunction with the United States Department of Commerce and Office of Management and Budget. The bill would

have provided that the Investor Tax Credit shall be granted by the Department of Economic Development for a qualifying project if the commission of administration, after approval from the Joint Legislative Committee on the Budget, and the state bond commission certifies to the secretary of the department that securing the project will result in a significant positive economic benefit to the state. The bill would have defined "significant positive economic benefit". The bill would have extended this tax credit program until January 1, 2020.

House Bill 501 by Moreno and Wesley Bishop (subject to call-Senate final passage) would have extended the sunset of the musical and theatrical production base investment income tax credit, repeals the credit for qualified transportation costs for performance-related property and the credit for projects for nonprofit community theaters, and defines certain terms. The sunset of this credit would have extended the program by allowing projects which receive initial certification before January 1, 2014, to continue making qualifying expenditures until January 1, 2015.



K-12 Education

by: Jeanne Johnston
(225) 342-0626

CURRICULUM, INSTRUCTION, AND ASSESSMENT

The rigorous requirements of the Louisiana School and District Accountability System, which was implemented in 1997, and the high stakes nature of the LEAP and GEE tests used to assess student academic achievement, focused considerable attention on the core subjects of Math, Science, English/Language Arts, and Social Studies. In 2009, Louisiana joined the Common Core State Standards Initiative, an effort spearheaded by the National Governor's Association and the Council of Chief State School Officers, and the state's focus shifted to the new Common Core State Standards which were adopted by the State Board of Elementary and Secondary Education in 2010. Subsequently, Louisiana became a governing state in the Partnership for Assessment of Readiness for College and Careers, which is composed of 46 states that are collaborating on the development of common core related assessments. The new common core standards adopted for Math and English/Language Arts are currently being piloted in selected school systems and the common core assessments developed for these two subjects are scheduled to be fully implemented in the 2014-2015 school year. The common core standards for science and social studies have yet to be developed. **Senate Concurrent Resolution 68 by Senator Crowe (Withdrawn from the files of the Senate)** would have requested BESE

and the Department of Education to withdraw from the Common Core State Standards Initiative and the Partnership for Assessment of Readiness for College and Careers and to terminate all activities and expenditures related to implementing the common core state standards.

CHARTER SCHOOLS

Both the number and types of charter schools have changed significantly since the passage of the original Charter School Demonstration Programs Law in 1995. **House Bill 661 by Representative Bishop (Act 330)** creates another new type of charter school - Type 3B. A Type 5 charter school transferred from the RSD back to the transferring local school system will no longer be determined to be failing and will be converted to a Type 3B charter school. A Type 3B charter is a charter school authorized by the local school board, but is also monitored by the Department of Education and mandated to continue to comply with certain regulations applicable to Type 5 charters. Requires the local school board to permit a Type 3B charter school to remain in the facility in which it was located at the time of transfer or provide the Type 3B charter school with another facility. Authorizes BESE to require a Type 3B charter school to participate in unified processes common to other public schools located in the same parish or school district boundaries that are critical to providing equity and access to

students and families, such as processes for student enrollment, expulsion, and transportation.

DEPARTMENT OF EDUCATION

During the 2011 Regular Session, the state Department of Education (DOE) was reorganized to be composed of the executive office of the superintendent, the office of management and finance, the office of literacy, the office of science, technology, engineering, and mathematics, the office of college and career readiness, the office of departmental support, the office of innovation, and special school district number one. Each office, other than the executive office and the special school district, is headed by an assistant deputy superintendent and the special school district by a state director. The state superintendent of education, the deputy superintendent of education, the assistant deputy superintendents, and the state director of the special school district are subject to Senate confirmation. **House Bill 650 by Representative Carter (Act 327)** provides for another reorganization of DOE. This legislation eliminates the above named offices and provides instead for three offices within the department - the office of the state superintendent, the office of management and finance, the Special School District, and the office of district support. This legislation also eliminates the requirement that the state superintendent appoint a deputy superintendent.

EARLY CHILDHOOD EDUCATION

Act 3 of the 2012 Regular Session required the State Board of Elementary and Secondary Education (BESE) to create an early childhood

care and education network, by July 1, 2013, through which to manage and oversee publicly-funded programs that provide early childhood educational services. BESE was to establish performance targets for children under the age of three and academic standards for kindergarten readiness for three- and four-year old children, create a uniform assessment and accountability system that includes a letter grade indicative of student performance. Also requires BESE to coordinate with the Department of Children and Family Services (DCFS) and the Department of Health and Hospitals (DHH) to align the standards for the licensing of child care facilities, including the requirements for participation in the La. Quality Start Child Care Rating System, with the standards established for early childhood education programs.

Senate Bill 130 by Senator Appel (House Calendar) would have statutorily established the Early Childhood Care and Education Network to manage and oversee all publicly-funded programs that provide early childhood care or educational programs to children from birth to age five. Specified that the network will be administered by BESE through the state Department of Education. This legislation also required BESE to establish and implement the Tiered Kindergarten Readiness Improvement System (TKRIS) to establish common standards of kindergarten readiness, assess and provide information regarding the quality of early child care and education programs, and provide resources to support improvements in such programs, by the beginning of the 2015-2016 school year. An integral part of TKRIS would be the development and implementation of a uniform assessment and accountability system that includes a letter grade indicative of the

progress and performance of the children participating in the program.

Effective January 1, 2014, all public schools and school districts, state-approved nonpublic schools, child care centers and facilities licensed by the state, and other qualified entities that receive public funding and provide child care and educational programs to children from birth until age five would have been required to be members of the network and participate in TKRIS. This legislation would have also folded the Cecil J. Picard LA 4 Early Childhood Program into the network.

Child care centers would have been allowed to opt out of participating in the network and TKRIS, but would be in danger of losing eligibility to receive state and federal funds if they did so. Exempted early childhood programs and child care centers and facilities that receive public funds solely for food and nutrition assistance, those that are licensed by the state but do not receive public funding, and child day care centers or facilities that serve fewer than seven children.

Required BESE to coordinate with DCFS and DHH to align the standards for the licensing of child day care centers and facilities with the standards established for early childhood education programs in TKRIS.

Required BESE, to the extent allowed by state and federal law, to align and allocate funding to members of the network with the performance standards established for the kindergarten readiness system and to align all program funding requirements to maximize the braiding of funding streams across early child care and education programs.

Required BESE to develop and implement a unified registration and enrollment system to facilitate family access to early childhood care and educational programs, services, and classes offered by members of the network based upon program performance, supply and demand, and local need.

Although Senate Bill 130 failed to pass, BESE stated its intention to accomplish as much of the intent of this legislation as possible through the rule-making process.

Senate Bill 130 was linked to **Senate Bill 222 by Senator Walsworth (Act 179)** which revamps the way in which child day care centers will be licensed and designated, and anticipates the eventual transfer of the authority to license day care centers from the Department of Children and Family Services to the Department of Education. This legislation also links day care center licensure to the performance letter grade assigned to a day care center's educational program pursuant to Senate Bill 130. **Senate Concurrent Resolution 76 by Senator Walsworth (Sent to Secretary of State)** requests the Department of Education and the Department of Children and Family Services to determine the feasibility of developing an operational plan for the transfer of the Child Care Development Fund lead agency authority and associated functions to the DOE no later than July 1, 2015, and submit any such plan developed to the House and Senate committees on education and on health and welfare no later than 60 days prior to the 2014 Regular Session.

FOREIGN LANGUAGE INSTRUCTION

In an effort to preserve the state's cultural

heritage and recognition of increased globalization, there continues to be a growing demand for foreign language immersion programs in the state's public schools. **Senate Bill 205 by Senator LaFleur (Act 361)** provides for a parent trigger for the establishment of foreign language immersion programs in public elementary schools. Beginning with the 2014-2015 school year, a local public school board, if requested in writing signed by the parent or legal guardian of at least 25 students enrolled in kindergarten, must establish a foreign language immersion program for such students, provided that the MFP formula contains funding for salary supplements for foreign language teachers, there is a sufficient number of foreign language teachers is available to establish the program, and there is no existing foreign language immersion program offered by the local school board that is BESE certified.

MINIMUM FOUNDATION FORMULA

In most legislation sessions, passage of the concurrent resolution that provides for legislative approval of the minimum foundation program formula annually adopted by BESE is a routine matter. The formula is based upon a base per-pupil amount, which in turn drives most of the components of the formula, and the debate generally centers on which schools and school systems are included in the formula and the changes in the allocations amongst these schools. The dynamics of this process changed in May, 2013, when the Louisiana Supreme Court ruled that the formula adopted by BESE for the 2012-13 fiscal year and the concurrent resolution that approved that formula were unconstitutional, and thereby null, void, and

of no effect. Article 8, Section 13(B) of the Louisiana Constitution provides that if the legislature fails to approve the formula most recently adopted by the board, the last formula approved by the legislature shall be used. After the supreme court ruling, the MFP formula adopted for the 2011-12 fiscal year became the operative formula for the 2012-13 fiscal year.

Reversion to the 2011-12 MFP formula presented a significant fiscal challenge to the state. The inclusion of schools and programs in the now defunct 2012-13 formula that had never before been funded through the MFP, had to be funded through the state general fund. In addition, the state supreme court ruled the 2012-13 formula unconstitutionally diverted state funds to private schools and other entities and unlawfully redirected local funds for both public and private purposes, including the voucher and course choice programs. Consequently, the state had to reimburse local school boards for monies redirected by the formula to the state's voucher program, the La. School for Math, Science, and the Arts, the Special School District, the School for the Visually Impaired, the School for the Deaf, New Orleans Center for Creative Arts, Legacy Type 2 Charter schools, and Office of Juvenile Justice Schools. It was estimated that this would cost the state general fund an additional \$30 million for the current fiscal year, plus an additional \$45 million to fund the voucher program.

Senate Concurrent Resolution 23 by Senator Appel (Senate Education Committee), which would have provided for legislative approval of the 2013-14 MFP formula, was rejected by the Senate Committee on Education after much

discussion. Not only were there concerns regarding procedural issues, the changes this proposed formula contained relative to the method of assigning additional weights to special education students were the source of extended testimony from special education advocacy groups, school boards, and other educational stakeholders. Subsequent to committee action, the State Board of Elementary and Secondary Education did not reconsider and resubmit a proposed formula for the 2013-14 school year for legislative approval. Consequently, the 2011-12 MFP formula will continue to be in effect for the third consecutive fiscal year. Only those entities and programs enumerated in that formula will be eligible to receive MFP funds and schools and programs not included in that formula will have to be funded through the state general fund, as in previous years.

RECOVERY SCHOOL DISTRICT

The Recovery School District (RSD) was created in 2003 as a means for the state to take over failing public schools and make changes in such schools as deemed necessary to improve student academic achievement. Current law provides that the RSD will retain control over any school transferred to it for not less than five school years before being considered for eligibility for return to the transferring school system. Act 2 of the 2012 Regular Session provided what is known as a "parent trigger" which would facilitate the transfer of a public school with a school performance letter grade of "D" or "F" to the RSD if the parents/legal guardians of a majority of the students attending the school signed a petition requesting the transfer and the transfer was approved by BESE. **House Bill 115 by Representative James (Act 275)**

provides a mechanism (which some call a "reverse trigger") by which the parents of students attending a school directly operated by the RSD and that is not identified for conversion to a charter school can be returned to the transferring school system. The school must have received a letter grade of "D" or "F" for five consecutive years while in the RSD, and both BESE and the local school board must approve the transfer. Only the parents of students who have been enrolled in the school for at least two years are eligible to sign the petition.

SCHOOLS AND SCHOOL DISTRICTS

Senate Bill 199 by Senator White (Act 295) creates and provides for the Southeast Baton Rouge Community School System as a separate school system in East Baton Rouge Parish and provides for a school board and geographic boundaries for the new school system. **Senate Bill 73 by Senator White (House Calendar)** is the companion constitutional amendment necessary for the new school system to be eligible for MFP funding and to have taxing authority. Provides that the provisions of this Act would have become effective and operative at such time as a constitutional amendment authorizing the creation of the Southeast Baton Rouge Community School System was adopted or a constitutional amendment authorizing the creation of school districts by legislative act was adopted and the legislature authorized the creation of such new school district.

House Bill 206 by Representative Reynolds (House Calendar) is a constitutional amendment which, if approved by the voters, would have allowed the legislature to create new school districts without the necessity for

passage of a constitutional amendment to allow newly created school districts not specifically named in the state constitution to be eligible for inclusion in the MFP and to have taxing authority.

Senate Bill 206 by Senator LaFleur (House Education Committee) would have provided for empowered community schools, which would be part of a local school system but allowed to function with much of the autonomy of a charter school. Beginning with the 2013-2014 school year, any public elementary or secondary school principal who is rated "highly effective" could declare his school an empowered community school for the following school year (2014-2015), and receive school-level decision-making authority, including budgetary authority, and the authority to manage instructional, personnel, and financial decisions at the school level. Beginning with the 2014-2015 school year, the superintendent of a local public school system could designate an elementary or secondary school in the system an empowered community school.

SPECIAL EDUCATION

Senate Bill 127 by Senator Gary Smith (Act 291) and House Bill 343 by Representative Edwards (Act 151) provide that a public high school student with exceptionalities, except a gifted or talented student, who is not pursuing a high school diploma shall not be administered any examination pursuant to the La. school and district accountability system, including the ACT, unless the student's Individualized Education Plan provides for it or the student's parent requests it. Prohibits penalizing a student for failure to take an examination and provides that the resulting

absence of test results shall not be factored into or negatively impact the performance score or letter grade assignment of a school or school system, provided that such absence does not violate any federal law or requirement.

STATE SUPERINTENDENT OF EDUCATION

The state constitution allows the legislature, by law, to decide whether the office of the state superintendent of education will be a statewide elected office or appointed by the State Board of Elementary and Secondary Education. **Senate Bill 41 by Senator qKostelka (Senate Education Committee)** would have deleted this option and establish the office of the state superintendent of education as statewide elected office, beginning with the 2015 statewide election.

TEACHERS - PERFORMANCE EVALUATIONS

Present law requires annual evaluations by local public school boards of all teachers and administrators in accordance with State Board of Elementary and Secondary Education rules and regulations. This law also requires that, by the 2012-2013 school year, 50% of each evaluation shall be based on evidence of growth in student achievement using a value-added assessment model. At the conclusion of each year's evaluation, the evaluator will determine whether the teacher or administrator is effective or ineffective. Any teacher or administrator who fails to meet the standard of performance with regard to effectiveness will be placed in an intensive assistance program designed to address the complexity of the teacher's deficiencies and will be formally

re-evaluated. If the intensive assistance program is not successfully completed or the teacher or administrator is determined to be ineffective after a formal evaluation conducted immediately upon completion of the program, the local school board is required to initiate termination proceedings.

House Bill 160 by Representative Reynolds (Senate Education Committee) would have delayed implementation of the requirements for termination proceedings until the 2014-2015 school year for teachers and administrators evaluated in 2013-2014 and thereafter.

TEXTBOOKS AND INSTRUCTIONAL MATERIALS

Currently, in carrying out its constitutional and statutory mandate to prescribe, adopt, and exercise authority over the distribution and use of textbooks and other materials of instruction for use in the public schools, the State Board of Elementary and Secondary Education adopts lists of approved textbooks and other instructional materials. Schools and school districts are allowed to purchase any textbooks and materials they desire with local funds, but are largely required to purchase textbooks and materials on the adopted lists if state funds are used. Some variance is allowed. As it left the House, **House Bill 116 by Representative Hoffmann (Act 378)** totally revamped the way textbooks are selected and used in the state's public schools by shifting the responsibility for reviewing and selecting textbooks and other instructional materials from BESE to the local schools and school districts. Local schools and school districts would have no restrictions whatsoever in the purchase of textbooks and

instruction materials. BESE's only responsibility would be to provide recommended lists and a limited review service for requesting school districts. Senate committee amendments substantially rewrote the bill to instead provide for a Task Force on Textbooks and Instructional Materials, composed of educational stakeholders, to undertake a thorough review and analysis of the processes utilized to select and approve textbooks and other instructional materials and make recommendation for any revisions necessary to the laws and policies governing these processes to ensure that the state's elementary and secondary school students have the texts and instructional materials that will enable them to meet state content standards.

Postsecondary Education

by: Jeanne Johnston
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ARTICULATION AND TRANSFER

Current law requires the development of a comprehensive system of articulation and transfer of credits between and among public secondary and postsecondary education institutions and created the Statewide Articulation and Transfer Council to oversee this process. The postsecondary education management boards, BESE, and local school boards are jointly responsible for developing and implementing articulation and transfer programs and agreements that facilitate and maximize the seamless transfer of credits between and among public secondary and postsecondary education institutions that make the most efficient use of faculty, equipment, and facilities. At the heart of this system are the 2-year associate of arts and associate of science transfer degrees implemented in the Fall of 2010 that are designed to transfer fully to a 4-year institution and apply toward a 4-year degree. Faculty advisory groups were established to determine course compatibility and required content and will assign common course numbers, so there will no longer be confusion over which courses are equivalent and which courses will transfer.

Senate Bill 93 by Senator Nevers (Act 174) expands the scope of these efforts to better align all facets of our postsecondary education system by providing for the creation of a pathway between career and technical

education and industry-based certification programs and academic degree programs offered by community colleges. The Statewide Articulation and Transfer Council and the Board of Supervisors of Community and Technical Colleges are required to establish a process to award and transfer college credit for the academic content embedded in career and technical education and industry-based certification courses. Students successfully completing such courses would be able to "bank" the academic credit earned through such courses that can later be applied, in whole or in part, to an equivalent academic course offered by a community college. This process will make it possible for a career and technical education student to later enroll in an associate degree program offered by a public community college.

FUNDS AND FUNDING

Most postsecondary education funding formulas are largely based upon cost, with a small percentage based upon student or institutional performance. As the cost of postsecondary education across the nation continues to significantly outpace the rate of inflation, there is a growing move toward implementing outcomes-based funding for higher education to place a greater emphasis

on desired student outcomes such as retention, completion, and graduation rates. **Senate Bill 117 by Senator Appel (House Calendar)** would have required the Board of Regents to establish the Outcomes-Based Funding Task Force to develop a postsecondary funding formula for the state's public colleges and universities that will appropriately consider cost, but place significant emphasis on student and institutional outcomes and is aligned with the state's economic development and workforce needs. Such formula must consider the role, scope, and mission of each postsecondary institution and class of institution and establish the appropriate outcomes to be measured for each institution. The task force would report its findings to the Board of Regents, which has the constitutional authority for developing the postsecondary education funding formula. The Board of Regents would then submit the task force report, along with the board's comments and recommendations to the legislature.

Senate Bill 118 by Senator Appel (House Calendar) was a companion bill to Senate Bill 117 and would have required the public postsecondary education management boards to allocate the funds appropriated to them to the institutions under their management in accordance with the postsecondary education funding formula established by the Board of Regents.

GOVERNANCE AND STRUCTURE

Continuing the trend of expanding community college access and opportunities in the state, **House Concurrent Resolution 16 by Representative Pope (Sent to Secretary of State)** requests the Board of Regents, in consultation with the Board of Supervisors of

Community and Technical Colleges, to study the feasibility of offering community college services in Livingston Parish.

Senate Bill 45 by Senator Dorsey-Colomb (Act 171) merges the Baton Rouge, Folkes, Jumonville Memorial, and Westside campuses of the Louisiana Technical College with Baton Rouge Community College and transfers all funds, obligations, property, programs, facilities, and functions relative to these technical college campuses to Baton Rouge Community College.

Senate Bill 31 by Senator Claitor (Act 340) requires the chief executive officer of each public postsecondary education management board to annually report to the legislature every scholarship awarded by a member of the management board for the preceding academic year. The report must include the name of each scholarship recipient, the name of the board member making the award, whether such scholarship consists of a waiver of tuition or a cash award, or both, and the annual dollar value of the scholarship. If the scholarship includes a cash award, the source of such funds must be identified. The legislation also mandates that such report comply with provisions of the Federal Education Records and Privacy Act.

TAYLOR OPPORTUNITY PROGRAM FOR STUDENTS - TOPS

The TOPS scholarship program is continually subject to revisions to address circumstances that were not anticipated when the statute was originally enacted in 1997.

In order to be eligible to receive a TOPS award, graduates from public high schools and

approved nonpublic high schools must complete the established core curriculum and earn the specified minimum grade point average and minimum ACT (or equivalent SAT score) score required for the level of TOPS award for which they are eligible.

HB 243 by Representative Carter (Act 140) provides eligibility for TOPS awards under alternative academic guidelines if the student graduated during the 2009-2010 school year or thereafter with an International Baccalaureate (IB) Diploma from a high school located outside La. or the U.S. and approved by the International Baccalaureate Organization to issue such a diploma.

As the number of students qualifying for TOPS increases and tuition continues to rise at the state's colleges and universities, so does the cost to the state to fully fund the TOPS program. The dynamic that exists between tuition and the cost of the TOPS program has resulted in much discussion regarding the need to place a limit on the monetary amount for the various TOPS awards in order to make the cost more manageable and predictable, as well as to preserve the long-term viability of the program. **Senate Bill 83 by Senator Morrish (Senate Education Committee)** would have established a cap on TOPS award amounts, beginning with the 2013-2014 award year and thereafter. The maximum TOPS award amount for a student enrolling in any state college or university would not exceed the award amount paid at that public college or university for the 2012-2013 award year plus ten percent. Students would still be eligible to receive the stipends provided to students receiving the Performance and Honors awards.

State law requires high school students complete a specified core curriculum and achieve a specified grade point average in order to qualify for a TOPS award. **Senate Bill 202 by Senator Nevers (Act 359)** revises the TOPS core curriculum for students graduating in the 2017-18 school year to place a greater emphasis on Advanced Placement (AP), International Baccalaureate (IB), gifted courses, and dual enrollment courses as approved by the Board of Regents and the State Board of Elementary and Secondary Education (BESE). This legislation also provides that beginning in 2017-18, the GPA calculation for such advanced course work will utilize a five-point scale for grades earned in these advanced courses, instead of the four-point scale used in less rigorous course work. Under this alternative scale, five quality points will be assigned to an "A", four quality points will be assigned to a "B", three quality points will be assigned to a "C", two quality points will be assigned to a "D", and zero quality points will be assigned to an "F".

Vocational/Technical Education

by: Alan Miller
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Senate Bill 45 by Senator Dorsey-Colomb (Act 171) seeks to merge the Baton Rouge, Folkes, Jumonville Memorial, and Westside campuses of the Louisiana Technical College with Baton Rouge Community College and transfers all funds, obligations, property, programs, facilities, and functions relative to these technical college campuses to Baton Rouge Community College, effective July 1, 2013, or at the appropriate time thereafter as determined by formal action taken by the Board of Supervisors of Community and Technical Colleges.

Senate Bill 204 by Senator Adley (Act 360) seeks to authorize, with the approval of the State Board Commission, the issuance of bonds, notes, or other evidences of indebtedness, or through financing programs heretofore or hereafter provided by the Louisiana Government Environmental Facilities and Community Development Authority or a public trust duly organized pursuant to R.S. 9:2341 et seq., for the second phase of a program to improve and enhance the institutions of the Louisiana Community and Technical College System. These construction projects shall be managed and administered by a nonprofit corporation established for such purposes, regardless of the source of revenues used to fund such construction projects. The projects listed in below are to be financed through the sale of bonds shall require a no less than 12% private match.

1. Baton Rouge Community College,
East Baton Rouge Parish
New Workforce Training
Center \$ 8,100,000
2. Baton Rouge Community College,
Smiley Heights Campus
East Baton Rouge Parish
Technology Center
\$10,200,000
3. Bossier Parish Community College,
Bossier City Campus, Bossier Parish
Science, Technology,
Engineering and Math
(STEM) Building \$18,500,000
4. Capital Area Technical College, Baton
Rouge Campus,
East Baton Rouge Parish
Welding Center \$3,330,000
5. Central Louisiana Technical
Community College, Alexandria
Campus,
Rapides Parish
Workforce Industrial Training
Campus \$19,000,000
6. Delgado Community College, Charity
School of Nursing,
Orleans Parish
New Nursing and Allied
Training Building \$34,000,000

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| <p>7. Delgado Community College, River City Campus, West Bank, Jefferson Parish
Training Center for Transportation, Maritime, Engineering \$14,000,000</p> <p>8. Delgado Community College, New Orleans
Orleans Parish
Center for Hospitality and Culinary \$ 9,000,000</p> <p>9. Delgado Community College, Westbank Campus, Orleans Parish
Advanced Technology Center \$12,000,000</p> <p>10. Delgado Community College, Blair Campus, Metairie, Jefferson Parish
Advanced Workforce Training \$ 7,200,000</p> <p>11. Delgado Community College, Avondale, Jefferson Parish
Advanced Manufacturing Center of Excellence \$10,000,000</p> <p>12. Louisiana Delta Community College, Winnsboro, Franklin Parish
Technology and Career Program Training Center \$ 4,590,000</p> <p>13. Louisiana Delta Community College, Jonesboro,</p> | <p>Jackson Parish
Welding, Vehicle Operation and Industrial Training Center \$ 2,700,000</p> <p>14. Louisiana Delta Community College, Ruston, Lincoln Parish
Nursing, Welding, Workforce Training Campus \$ 8,100,000</p> <p>15. Louisiana Delta Community College, Monroe, Ouachita Parish
Technology Center \$7,200,000</p> <p>16. Louisiana Delta Community College, Tallulah, Madison Parish
Upgrade/Advanced Workforce Training Campus \$ 2,500,000</p> <p>17. Northshore Technical Community College, Lacombe, St. Tammany Parish
Training Center for Industrial Technologies \$ 9,000,000</p> <p>18. Northshore Technical Community College, Livingston Parish
Community College Workforce Training Center \$ 5,130,000</p> <p>19. Northwest Louisiana Technical College, Minden Campus, Webster Parish
Workforce Development Center \$ 2,250,000</p> |
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| <p>20. River Parishes Community College, Gonzales,
Ascension Parish
Center for Advance
Technology \$ 8,100,000</p> <p>21. South Central Louisiana Technical College, River Parishes Campus, Reserve,
St. John the Baptist Parish
New PTech Building \$ 3,888,000</p> <p>22. South Central Louisiana Technical College, River Parishes Campus, Reserve,
St. John the Baptist Parish
Center for Advancement of Technical Education Building \$ 3,712,500</p> <p>23. South Central Louisiana Technical College, Young Memorial Campus, Morgan City, St. Mary Parish
Marine Operations and Industrial Safety Training Center \$ 3,330,000</p> <p>24. South Louisiana Community College, Lafayette Campus,
Lafayette Parish
Allied Health and Science Training Program Building \$15,000,000</p> <p>25. SOWELA Technical Community College, Morgan Smith Campus, Jennings, Jefferson Davis Parish
Automotive, Welding, Nursing and Industrial Programs Campus \$ 9,000,000</p> | <p>26. L.E. Fletcher Technical Community College, Schriever,
Terrebonne Parish
One Stop Shop for All Student Activities \$ 4,500,000</p> <p>27. Nunez Community College, Chalmette,
St. Bernard Parish
Student Testing and Career Counseling Center \$ 6,480,000</p> <p>28. SOWELA Technical Community College, Main Campus, Lake Charles, Calcasieu Parish
One Stop Shop for Student Programs and Services \$ 7,200,000</p> <p>29. Capital Area Technical College Campus, Baton Rouge,
East Baton Rouge Parish
Secured Parking Building for Students \$ 3,600,000</p> |
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Senate Concurrent Resolution 45 by Senator White (Sent to Sec of State) requests the Board of Supervisors of Community and Technical Colleges to commence offering educational programs and career and technical training through the newly constructed Baton Rouge Community College Workforce Training Center located on Hooper Road in Central, La., as soon as possible.

Elections

by: James Benton
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The participation of every citizen in elections is a responsibility of great importance. This invaluable right gives voters a huge role in the choice of those who will govern them and initiatives that will effect their community. The right to vote, at any level, is without doubt the most important symbol of a people's participation in public affairs.

Senate Bill 41 by Senator Kostelko (Pending Senate Education Committee) proposed constitutional amendment would have removed the office of state superintendent of education from the list of elected offices which may be made appointive by legislative enactment. It further would have provided that the term of an appointed state superintendent holding office on the second Monday in January, 2016, shall expire immediately before noon on that day. Thereafter, the state superintendent of education would have been elected for a term of four years. Further provided that the state superintendent to take office at noon on the second Monday in January, 2016, would have been elected at the time for election of statewide elected officials and members of the legislature in 2015.

Senate Bill 116 by Senator Gallot (Act 215) provides that in a Lawrason Act municipality having a population of not less than 13,500

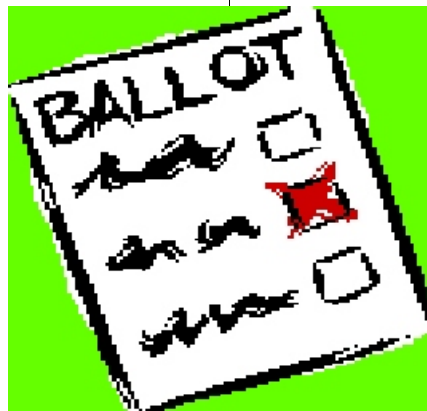
and not more than 16,500 according to the latest federal decennial census, the governing authority may submit to the voters in any election properly held a proposition that will determine whether or not the business of selling alcoholic beverages in a restaurant may be conducted and licensed only within the incorporated limits of the municipality.

Provides for definitions including requirements to qualify as a "restaurant" for purposes of being licensed. Provides for the language of the proposition to be voted on and provides that a majority vote cast on the proposition by the residents of the municipality shall determine the issue. Also provides that application procedures, qualifications, and

all licensing and permit requirements for a restaurant "R" permit shall apply.

Senate Bill 191 by Senator Morrell (Act 95) changes to the dates of election and qualifying periods beginning in 2015 as follows:

- (1) Primary elections for parochial and municipal officers will be held on the third Saturday in October of an election year.
- (2) General elections for parochial and municipal officers will be held on the fourth Saturday after the third Saturday in October of an election year.



(3) The qualifying period for candidates in a primary election will start on the second Wednesday in August of an election year.

(4) Special primary election will be held on the third Saturday in October of an election year for parish and municipal officers in a parish containing a municipality with a population of three hundred thousand or more.

(5) Special general election will be held on the fourth Saturday after the third Saturday in October in a parish containing a municipality with a population of three hundred thousand or more, when the special primary election in such parish and municipality is held on the third Saturday in October of an election year for parish and municipal officers.

(6) Bond, tax, or other election at which a proposition or question is to be submitted to the voters will be held for a parish containing a municipality with a population of three hundred thousand or more, on the third Saturday in October or the fourth Saturday after the third Saturday in October in 2017 and every fourth year thereafter.

Environment

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COASTAL PROTECTION/RESTORATION

Deepwater Horizon oil spill. In response to the 2010 disaster in the Gulf of Mexico, agreements between the state and parties associated with the gigantic spill were made for payment of revenues to the state for various violations of various federal and state environmental water quality laws. **House Bill 118 by Representative Champagne (referred to Committee on Finance)** was part of an initiative to dedicate any funds the state received from the violations into the Coastal Protection and Restoration Fund in order to mitigate damage from the spill. The constitutional amendment died in the Senate Finance Committee when the Regular Session adjourned Sine Die. A similar measure, **House Bill 94 by Representative Garofalo (referred to Appropriations Committee)** died as the Legislature reached final adjournment.

UNDERGROUND MINING OPERATIONS

Salt Domes. **House Bill 494 by Representative St. Germain (Act 369)** was aimed at addressing the issue of the giant sinkhole that developed in Assumption Parish in August, 2012. Concern over solution mining and drilling near underground salt



formations got the ball rolling on all storage, mining operations conducted near the salt domes. The Act requires that an owner of land or the operator conducting mining near a salt dome must file a statement of acknowledgment as to whether or not a cavity created with a salt stock by dissolution with water lies underneath the property and whether or not the purchasing property is within two thousand six hundred forty feet of a solution mining injection well. The statement must be filed with in the mortgage and conveyance records of the parish in which the property is located. The commissioner of conservation shall have oversight over determining whether the statement is accurate and will be authorized to pursue any violations in the venue where the parish is located.. The bill passed both houses and was signed into law by the governor. **House Bill 493 by Representative St. Germain (Act 368)** requires the commissioner of conservation to make rules, regulations, and orders to control solution mining injection wells and solution mined caverns. The rules would include submission of site assessments and updates of the stability of salt stock and overlying and surrounding sediment based on past, current, and future well and cavern operations. The rules would also include the distances of setbacks for new caverns from the

edge of the salt stock and require operator notification of well inactivity and conclusion of mining operations. The Act would also require new permit requirements to provide assistance to residents of areas in immediate potential risk due to a sinkhole or other incident that requires evacuation. The measure passed both chambers and was signed into law by the governor. **Senate Bill 139 by Senator Ward (Act 367)** also grants authority to the commissioner of conservation to pursue violations of rule or law relative to the drilling or use of underground caverns for hydrocarbon storage or solution mining, and provides for civil penalties for damages as well as a fine of not more than thirty-two thousand five hundred dollars for each day of violation. Intentional violators may be liable for additional penalties of not more than one million dollars. The commissioner shall be entitled to legal interest as provided in law from the date of imposition of the penalty until it is paid.. If a violator fails to obey a cease and desist order issued by the courts or the commissioner to stop operations, that person shall be liable for a civil penalty of not more than fifty thousand dollars for each day of continued violation or noncompliance. The Act was signed into law by the governor.

DRINKING WATER REGULATIONS

Water Works Systems. **Senate Bill 171 by Senator Donuhue (Act 292)** was an effort to create the Louisiana Standards for Water Works Construction, Operation, and Maintenance Committee that would establish rules and regulations for drinking water systems in the state. The Act would insure compliance the National Primary Drinking Water Standards and the state Sanitary Code requirements. These new standards would

take precedence over the current Ten State Standards for public water supply systems with regards to applications for a permit for a new system. The committee shall be created within the Department of Health and Hospitals to develop standards to be place in the state Sanitary Code for water works construction, operation, and maintenance. The seventeen member committee would be appointed by the Department of Health and Hospitals, the Louisiana Municipal Association, the Louisiana Rural Water Association, the Police Jury Association of Louisiana, the Louisiana Engineering Society, the Louisiana public water suppliers of the National Association of Water Companies, the Louisiana Section of the American Society of Civil Engineers and the Louisiana Environmental Action Network. The bill was signed into law by the governor.

Ethics

by: James Benton
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Since the historic special session to reform Louisiana's ethics laws there has been a several legislative instruments adopted to address ethics issue's in our great state. This legislation has dealt with ending conflicts of interest, increasing transparency at every level of government, disclosure for lobbyists, and the list goes on and on. This movement has continued in the 2013 legislative session.

Senate Bill 148 by Senator Lafleur (Act 413) makes an exception to the law governing the definition of a public employee. Previously a "public employee" was defined as anyone, whether compensated or not, who is: (1) an administrative officer or official governmental entity who is not filling an elective office, (2) appointed by an elected official when acting in an official capacity, and the appointment is to a post or position wherein the appointee is to serve the governmental entity or an agency thereof, either as a member of an agency, or as an employee thereof, (3) engaged in the performance of a governmental function, (4) or under the supervision or authority of an elected official or another employee of the governmental entity; except that person who serves periodically in the Louisiana National Guard would not be considered a public employee. **Act 143** adds to these exceptions by exempting a person who provides professional services as a certified public accountant from being considered a "public employee".

Senate Bill 61 by Senator Morrish (Vetoed)

would have extended the prohibition against each member of the State Board of Elementary and Secondary Education or their spouse or any legal entity owned by the member from entering into a contract with the state to the executive director or director of the State Board of Elementary and Secondary Education, his spouse or any legal entity owned by him from entering into a contract with the state.

Senate Concurrent Resolution 78 by Senator Amedee (Sent to the Secretary of the Senate) urges and request the Senate Committee on Senate and Governmental Affairs and the House Committee on House and Governmental Affairs to jointly study and make recommendations with respect to the appropriate use of campaign funds. In years past, the Board of Ethics has issued numerous opinions regarding the proper use or misuse of an elected official's campaign funds.

Finance

by: Jay Lueckel
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Appropriations and Funds

House Bill 1 by Representative Fannin (Act 14), the General Appropriation Act, provides for the ordinary operating expenses of state government for Fiscal Year 2013-2014. As enacted and after vetoes, HB 1 contains \$8.4 billion in State General Fund (Direct) spending and total means of financing of \$25.4 billion, exclusive of double counts. The proposed budget provides for 54,189 authorized positions which is 12,238 less than the 12/01/2012 Existing Operating Budget for the current 2012-2013 Fiscal Year. Effective July 1, 2013. (Based on information from the Division of Administration's Office of Planning and Budget)

House Bill 452 by Representative Fannin (Act 420), provides for the transfer and deposit of monies among state funds. The Act also establishes a Payments Towards the UAL Fund, establishes the FMAP Stabilization Fund, and abolishes the Incentive Fund and the Budget Stabilization Replenishment Fund.

House Bill 678 by Representative Fannin (Act 54), the Supplemental Appropriation Act adjusted supplemental appropriations to balance the Fiscal Year 2012-2013 budget and provides for reductions to meet the requirements implemented in various Executive Orders to effect freeze orders and mid-year budget reductions. The Act also

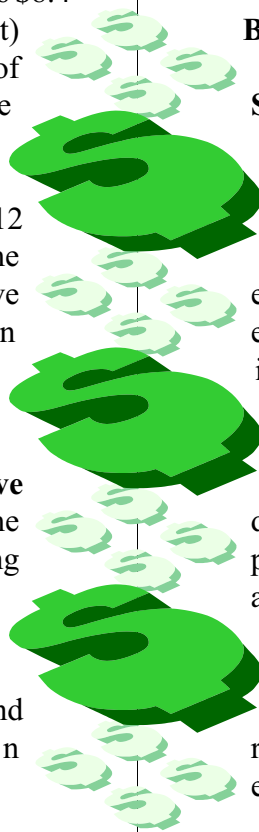
provides for supplemental capital outlay appropriations. Further provides for adding \$94.1 million State General Fund to the Medicaid Program to compensate for the reduction in the Disaster FMAP rate by Congress.

Budgetary Controls

Senate Bill 196 by Senator Donahue (Act 96), provides for the annual reporting to the Joint Legislative Committee on the Budget by departments and public postsecondary education management boards on enacted legislation with significant fiscal impact.

House Bill 92 by Representative Burrell (Act 377), adds a new definition of "authorized other charges positions" as the number of positions in an appropriation bill to be funded by the other charges continuing category of the accounting system of the state and requires that such information be reported in personnel tables in the executive budget.

House Bill 437 by Representative Harris (Act 419), requires the Revenue Estimating Conference (REC) to include a forecast of all state general funds and dedicated funds required to be in the treasury with an estimate of money available for appropriation from each dedicated fund. Also provides that the REC may designate as nonrecurring, money



available for appropriation from any source that is defined in law as nonrecurring.

Requires that the General Appropriation Bill and other appropriation bills shall not appropriate any funds which are not part of the official forecast. Financing from any existing statutorily dedicated fund from appropriations other than the fund's intended purpose shall be limited to the prior fiscal year's fund balance and shall not include anticipated fund balances for the ensuing fiscal year unless otherwise provide by law.

House Bill 620 by Representative Harris (Act 424), requires the General Appropriation bill to be introduced with separate recommendations for discretionary and non-discretionary spending if the Legislative Fiscal Office determines that the executive budget proposes to reduce funding from the state general fund and dedicated funds for health care or higher education.

Requires the executive budget to include reports of all discretionary and nondiscretionary expenditures, or estimates of discretionary or nondiscretionary expenditures, itemized by department and functional area and additionally requires that the executive budget contain comparative statements for higher education and for health care by expenditures out of the state general fund and dedicated funds for the current fiscal year and recommended expenditures out of the state general fund and dedicated funds for the ensuing fiscal year.

Provides that if the Legislative Fiscal Office reports that the proposed budget from state general fund and statutory dedications for health care and higher education are less than

the current fiscal year existing operating budget, the governor shall cause a General Appropriation Bill to be introduced with separate recommendations for discretionary and non-discretionary expenditures and means of financing.

Requires that the General Appropriation Bill and the ancillary appropriation bill be submitted for introduction no later than 14 days after submission of the executive budget to the Joint Legislative Committee on the Budget.

House Bill 102 by Representative Harrison (Pending Senate Finance Committee), would have provided for transfer by the state treasurer of funds appropriated to a state agency other than the agency which has the legal authority to perform the purpose, function, or program being funded.

House Bill 434 by Representative Morris (Pending Senate Finance Committee), would have required the general appropriation bill be submitted with separate recommendations for discretionary and nondiscretionary state spending if the executive budget proposes reducing appropriations out of the state general fund and dedicated funds for health care or higher education compared to the most recently enacted appropriation bills.

House Bill 435 by Representative Seabaugh (Pending Senate Finance Committee), would have provided for the role of the Revenue Estimating Conference in the expenditure of state funds, including determining what money is defined as nonrecurring would have provided that funds shall not be available for appropriation unless

included in the official forecast. Provides that appropriations shall not exceed the official forecast would have provided that the Revenue Estimating Conference shall use the definition of nonrecurring revenues as provided in law in determining whether revenues are recurring or nonrecurring, would have provided that the treasurer shall certify fund balances used in appropriations would have provided that the governor's budget recommendation shall not contain contingent appropriations or use nonrecurring revenues for purposes other than those specifically authorized by the constitution.

House Bill 436 by Representative Garofalo (Pending Senate Finance Committee), would have provided for the timing of the final passage of the General Appropriation Bill different from other legislative bills.

Gaming

by: *Cathy Wells*
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VIDEO POKER

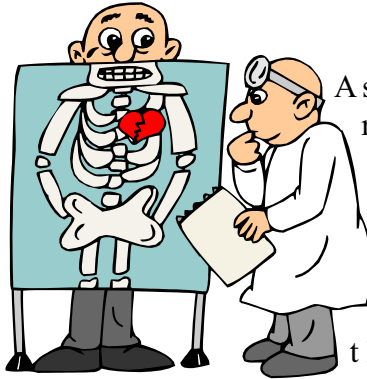
Senate Bill 141 by Senator Brown (Act 216) authorizes qualified video truck stop facility to continue to operate the same number of video draw poker devices that they operated prior to a reduction in fuel sales if that reduction is caused by force majeure, road or other governmental construction projects if such to qualified truck stop facilities have been licensed for one year and met fuel sale requirements during that year.

Senate Bill 164 by Senator Martiny (Act 355) (1) restricts the location to no more than five State Racing Commission licensed pari-mutuel facilities or offtrack wagering facilities that operate video draw poker devices within Jefferson Parish; and (2) provides that the prohibited distance shall be one mile from any property on the National Register of Historic Places, any public playground, residential property, or a building used primarily as a church, synagogue, public library, or school for any truck stop facility, if such truck stop facility is not complete, but application for licensing was made on or before August 1, 2012 regardless of the date such truck stop facility applied for or was issued a certificate of compliance or a valid building permit



Health & Hospitals

by: Chris Adams
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Assigned to recurring subject-matter topics, below are some of the bills and resolutions that were assigned to the

Senate Committee on Health and Welfare during the 2013 Regular Session.

ABORTION

Senate Concurrent Resolution 57 by Senator Martiny (Sent to Sec of State) requests various state and local departments to take certain actions regarding the commercial construction and operation by Planned Parenthood Gulf Coast of a facility to provide abortions in Louisiana.

Senate Bill 90 by Senator Mills (Act 621) provides for requirements which must be met by a physician who performs an abortion.

CENTERS FOR MEDICARE

AND MEDICAID SERVICES WAIVERS

Senate Concurrent Resolution 87 by Senator Heitmeier (Sent to Sec of State) directs the Department of Health and Hospitals to submit a Section 1115 demonstration waiver to the Centers for Medicare and Medicaid Services designed to protect Medicaid and uninsured services being delivered and complement existing upper payment limit funding programs.

Senate Concurrent Resolution 108 by Senator Heitmeier (Signed Sent to Sec of State) directs the Department of Health and Hospitals to submit a request to the Centers for Medicare and Medicaid Services to extend Louisiana's Section 1115a demonstration waiver for the Greater New Orleans Community Health Connection and authorizes the governor and the secretary of the department to identify a source or sources for matching of non-federal funds required under the extended waiver.

House Concurrent Resolution 122 by Representative Montoucet (Sent to Sec of State) directs the Department of Health and Hospitals to submit a request to the Centers for Medicare and Medicaid Services on or before February 1, 2014, an application for a Section 1115 Medicaid demonstration waiver that will allow the use of costs not otherwise matchable authority to receive federal matching funds for designated state and local health programs and to reinvest unencumbered state funds into the Medicaid program.

MEDICAID

Senate Bill 55 by Senator Johns (Act 212) provides for Medicaid transparency. The bill requires the Department of Health and Hospitals to submit an annual report regarding Bayou Health and the Louisiana Behavioral Health Partnership to the Senate and House Committees on Health and Welfare, beginning January 1, 2014.

Senate Bill 125 by Senator Peterson (pending Senate Finance) provides for the Louisiana Health Care Independence Program (program) and requires reporting of the program outcomes. The legislation requires the Department of Health and Hospitals (DHH) to create and administer the program within the department. DHH is required to submit and apply with the Centers for Medicare and Medicaid Services the necessary waivers and plan amendments. The program includes premium assistance for eligible individuals to enable their enrollment in a qualified health plan through the federal health insurance marketplace, and the program authorizes DHH to pay premiums and supplemental cost sharing subsidies directly to federally qualified health plans for enrolled eligible individuals. This legislation authorizes the use of health savings accounts beginning in 2015 for individuals to utilize to purchase health insurance and provides for certain reporting requirements of DHH and evaluation of health outcomes for Medicaid enrollees. This legislation provides a July 1, 2017, sunset provision. The original bill provided that eligibility standards for the Medicaid program conform to those established by the Affordable Care Act and required reporting of the program outcomes.

Senate Bill 185 by Senator Murray (Act 358) provides for standardized credentialing (provider enrollment) and provides for timelines related to credentialing. The bill provides for reimbursement of contracted rate to certain non-credentialed providers pending credentialing and to recoup payments in the event that the provider is not credentialed. The bill requires each prepaid plan form a pharmaceutical and therapeutics committee to develop a drug formulary and a preferred drug

list for the prepaid network and requires the committees to hold designated public meetings annually. The bill requires each prepaid plan to use a two page prior authorization form to be issued by the Department of Health and Hospitals and requires for exemptions to step therapy/fail first protocols (prior authorization protocols) for managed care organizations. The bill requires that each managed care organization include certain itemized information on a claim payment submitted to a provider, including a reason for a denial of a claim that is code specific to each CPT code.

House Bill 392 by Representative S. Bishop (Act 311) requires that each managed care organization compensate, at a minimum, ninety percent of the Medicaid-fee-for-service rate in effect for each service coded as a primary care service rendered to a newborn Medicaid beneficiary within thirty days of the beneficiary's birth regardless of whether the Medicaid provider rendering the services is contracted with the managed care organization, but subject to the same requirement as a contracted provider. No later than January 1, 2014, and annually thereafter, the Department of Health and Hospitals shall report to the Senate and House committees on health and welfare the incidence and causes of all re-hospitalizations of infants born premature at less than thirty-seven weeks gestational age and who are within the first six months of life.

House Bill 393 by Representative Anders (Act 312) requires all managed care organizations to accept, in addition to any currently accepted facsimile and electronic prior authorization form, a standard prior authorization form not to exceed two pages

(excluding guidelines or instructions) that has been promulgated by the Department of Health and Hospitals in accordance with the Administrative Procedure Act. The bill requires each prepaid network form a pharmaceutical and therapeutics committee to develop a drug formulary and preferred drug list for the prepaid network and requires the committee to hold designated annual public meeting. The bill requires for exemptions to step therapy/fail first protocols (prior authorization protocols) for managed care organizations.

House Concurrent Resolution 75 by Representative Barrow (Sent to Sec of State) requires transparency in the Medicaid managed care programs operated by the Department of Health and Hospitals.

PUBLIC-PRIVATE PARTNERSHIPS

Senate Concurrent Resolution 25 by Senator Gallot (Sent to Sec of State) requests the LSU Board of Supervisors and the governor keep the Huey P. Long Medical Center open and viable.

Senate Concurrent Resolution 98 by Senator Johns (Sent to Sec of State) expresses support of and provides authority for actions by the LSU Board of Supervisors for the strategic collaboration with the division of administration and the Department of Health and Hospitals in planning for a new model of health delivery throughout the Lake Charles region by authorizing the closure of the emergency room and inpatient beds at W.O. Moss Medical Center.

Senate Concurrent Resolution 101 by Senator White (Sent to Sec of State) urges and requests the Department of Health and

Hospitals to protect certain hospitals from the negative financial consequences of the closure of Earl K. Long Medical Center by adequately compensating those hospitals for their increased burden of providing care to the poor and uninsured residents of the greater Baton Rouge region.

SANITARY CODE/PUBLIC HEALTH

Senate Bill 18 by Senator Ward (Act 370) provides for preparation of cakes and cookies within the home to be sold for public consumption.

Senate Bill 58 by Senator Buffington (Act 371) makes it lawful for a not-for-profit entity or a charitable organization to receive or use any commercial or game fish, migratory or resident game bird, game quadruped, as defined in R.S. 56:8, alligator, or feral hog in food or meal distribution at no cost to an individual.

Senate Bill 171 by Senator Donahue (Act 292) provides neither the state health officer nor the office of public health of the Department of Health and Hospitals promulgate a rule or take action requiring the modification of an existing community water system in operation before August 1, 2013, unless the state health officer or the office of public health of the Department of Health and Hospitals (DHH) demonstrates that such public water system is incapable, with proper operation and maintenance, of attaining compliance with the National Primary Drinking Water Regulations without the modification. The bill provides a sanitary survey of a public water system be conducted only to ensure compliance with the National Primary Drinking Water Regulations and the state Sanitary Code requirements. This

legislation provides that the state health officer or the office of public health classify as a significant deficiency only defects in design, operation, or maintenance, or a failure or malfunction of the sources, treatment, storage, or distribution systems that are causing the introduction of contamination into the water delivered to consumers. The bill requires the state health officer and the office of public health use the Ten State Standards only as a guide in the review of plans and specifications submitted in connection with an application for a permit for a new public water supply system or in connection with the modification of an existing public water system. This legislation provides a public water supply system permit be issued for a design that complies with the National Primary Drinking Water Regulations, whether or not such design comports to the Ten State Standards. The bill creates the Louisiana Standards for Water Works Construction, Operation, and Maintenance Committee within DHH and provides for its membership. The committee will develop standards to be placed in the state Sanitary Code for water works construction, operation, and maintenance and requires DHH's the office of public health to promulgate rules and regulations pursuant to the Administrative Procedure Act implementing the standards developed by the committee no later than August 1, 2014. The bill does not prohibit DHH from promulgating rules pursuant to the APA to secure or maintain from the United States Environmental Protection Agency's primacy in drinking water regulation provided the rules are be limited to only those rules required to secure or maintain the agency's primacy.

SMOKING

Senate Bill 36 by Senator Heitmeier (Act 211) requires public post-secondary institutions to develop smoke-free policies for its campuses. The bill becomes effective August 1, 2014.

House Bill 111 by Representative Hoffmann (House adopted Conference Committee Report pending in Senate) would have prohibited smoking within twenty-five feet of an entrance to a state office building to which access by the public is not prohibited and within twenty-five feet of a wheelchair ramp or other structure which facilitates access by a disabled individual to the state office building. The Conference Committee Report adopted the Senate floor amendment that included public post-secondary universities as an exempted location and removes the Senate floor amendments that provides the definition of "smoking" to include the smoking of marijuana.

Homeland Security

*by: JW Wiley
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In order to assist first responders when responding to a disaster or emergency, the Governor's Office of Homeland Security and Emergency Preparedness has developed a statewide critical incident planning and mapping system for all public buildings in this state. **House Bill 212 by Representative Brossett (Act 136)** will require each nonpublic school, proprietary school, and nonpublic college or university to provide certain information for their buildings located in this state to their local parish office of emergency preparedness. This information will be uploaded to the Virtual Louisiana System for inclusion in the statewide critical incident planning and mapping system. The information to be included will include: building floor plans, evacuation plans and other fire protection information relative to each building, and any known hazards associated with the building. The bill provides definitions for "known hazards", "nonpublic college or university", "nonpublic school", and "proprietary school".

House Bill 310 by Representative Harris (Pending House Judiciary Committee) would have provided that the burden of proof for a seller is "clear and convincing" in order to increase its prices charged or value received for goods and services sold during a state of emergency.

In the wake of the Sandy Hook massacre, schools nationwide are taking steps to better protect student and teachers. In Louisiana, **House Bill 718 by Representative Hensgens (Act 50)** and **House Bill 155 by Representative Cox (Pending House Education Committee)** would require shootings to be included in the school's crisis management and response plans. The bills also require that the plans be prepared by each public school principal jointly with local law enforcement, fire, public safety, and emergency preparedness officials.





EMPLOYMENT

House Bill 583 by Representative Cox (Act 165) provides that employers shall not discriminate against veterans who must attend medical appointments necessary to receive his veterans benefits.

Senate Bill 68 by Senator Peterson (Pending Senate and Governmental Affairs Committee) would have provided that the public policy of this state is declared to be that paying unequal wages based on sex unjustly discriminates against the person receiving the lesser rate, leads to low morale, threatens the well-being of the citizens of this state, and adversely affects the general welfare would have provided for the state to eliminate discriminatory wage practices based on sex, cited proposed law as the "Louisiana Equal Pay for Women Act".

Senate Bill 153 by Senator Murray (Act 374) provides that a woman performing public service for the state is entitled to be paid the same compensation as is paid to a man who performs the same service and that a distinction in compensation may not be made because of a person's sex.

ETHICS

House Bill 250 by Representative Danahay (Act 415) provides that a former public servant whose public service in a calendar year lasted less than 90 days shall not be required to receive the mandatory annual

Human Resources

by: Kacey Johnson
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education and training of the Code of Governmental Ethics.

PUBLIC EMPLOYEES

House Bill 264 by Representative Foil (Subject to call - House final passage) would have excluded from the definition of "public employee" and therefore from the applicable provisions of the ethics code anyone whose public service is limited to a contract to provide professional certified public accountant services or professional services as defined in present law (R.S. 38:2310(7)) - services performed by an architect, engineer, or landscape architect).

House Bill 552 by Representative Seabaugh (Involuntarily deferred in House Labor and Industrial Relations) would have removed authority for public employees to withhold payroll deductions for union fees.

UNCLASSIFIED EMPLOYEES

House Bill 703 by Representative Edwards (Act 264) requires any person hired or employed in an unclassified position, and whose annual salary or rate of compensation is equal to, or exceeds one hundred thousand dollars, to provide proof to his public employer that he has been issued a Louisiana driver's license and that all vehicles registered in his name are registered in Louisiana.

UNEMPLOYMENT

House Bill 303 by Representative Dixon (Act 39) reduces the time period for a "notice to appear for a hearing" to be mailed from 10 days to seven days and provides for the waiver of the requirement that written notices or determinations be sent by certified mail.

House Bill 566 by Representative Dixon (Act 48) allows the administrator to enter into reciprocal arrangements regarding the recovery of overpaid benefits with appropriate agencies of other states or with the U.S.

WORKER'S COMPENSATION

House Bill 410 by Representative Talbot (Act 314) repeals the sunset date of the Worker's Compensation Second Injury Fund, which provided that no claim shall be submitted for board approval with a date of accident after Dec. 31, 2014.

House Bill 450 by Representative Ivey (Act 317) provides with respect to the medical treatment schedule. Prior law provided that if a dispute arises regarding medical care, the aggrieved party shall file an appeal with the office of workers' compensation administration medical director. New law authorizes the director to hire an associate medical direct and provides for his qualifications.

House Bill 728 by Representative Cromer (Act 337) provides with respect to worker's compensation. Provides that the workers' compensation judge shall set a hearing date within three days of receiving the employee's motion, and that the hearing shall be held between 10 and 30 days after the employee files the motion.

RETIREMENT

House Bill 57 by Representative Pearson (Pending House Retirement Committee) would have provided the following for the benefit of liabilities of state retirement systems: (1) a five-year final compensation or average salary, as applicable; (2) a minimum employer contribution rate until the system is at least 90% funded; and (3) increases employee contributions, such amounts to be dedicated to the payment of post-1989 liabilities.

House Bill 60 by Representative Talbot (Subject to call - House Floor) relative to state and statewide retirement systems, would have required the suspension of benefits for reemployed retirees of such systems who retire on or after July 1, 2013, and would have prohibited the accrual of additional benefits during such reemployment. Furthermore, proposed law would have required employers and reemployed retirees to notify the systems of reemployment would have required the employer to compensate the system for any benefit payments to reemployed retirees if the system has not received the required notification of reemployment.

House Concurrent Resolution 108 by Representative Stokes (Sent to Sec of State) requests the state and statewide public retirement systems to appear before the House and Senate committees on retirement and report relative to the promulgation and distribution of forms regarding pension forfeiture.

Senate Bill 11 by Senator Guillory (Senate Retirement Committee) would have provided relative to funding of and eligibility for post-retirement benefit increases for

certain state employees and teachers. This bill would have increased employee contributions by three percent beginning July 1, 2013, provided for a 60-month FAC, and a 15 percent anti-spiking rate for all LASERS members, eliminated the Experience Account as a funding mechanism to fund COLAs, and authorized use of the additional contributions and savings created by changes to current member benefits as funding sources. Future COLAs would have been one to two percent, on the first \$50,000 of benefits, and payable in odd-numbered years. In addition to funding their own future COLAs with additional contributions and plan changes, some active members would have partially subsidized COLAs for current retirees.

Senate Bill 17 by Senator Guillory (Senate Retirement Committee) would have provided for 2% of revenue collections in excess of FY 2011-2012 levels to be dedicated to liquidating the unfunded accrued liabilities and to funding benefit increases for retirees of the state retirement.

House Concurrent Resolution 2 by Representative Harrison (sent to Sec of State) suspends the implementation date of the cash balance plan until July 1, 2014. This law would have become effective on June 30, 2012, and provided for the establishment of a second tier of membership in Louisiana State Employees' Retirement System, Teachers' Retirement System of Louisiana, and Louisiana School Employees' Retirement System. Persons who begin state employment in non-hazardous duty positions on or after July 1, 2013, would have been in the cash balance plan.

Information Technology

by: Gary Schaefer
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ADMINISTRATION DIVISION

Senate Concurrent Resolution 65 by Senator Gallot (Pending Senate Final Passage, Subject to Call) would have directed the commissioner of administration to ensure that the name and contact information of each custodian of public records of an agency be included on the website of the agency.

Senate Resolution 159 by Senator Gallot (Pending Senate and Governmental Affairs Committee) would have directed the commissioner of administration to ensure that the name and contact information of each custodian of public records of an agency be included on the website of the agency.

APPROPRIATIONS

House Bill 1 by Representative Fannin (Act 14) provides pursuant to the authority granted to the office of information technology and in conjunction with the assessment of the existing staff, assets, contracts, and facilities of each department, agency, program, or budget unit's information technology resources, upon completion of this assessment and to the



extent optimization of these resources will result in the projected cost saving through staff reductions, realization of operational efficiencies, and elimination of assets duplication, the commissioner of administration is authorized to transfer the functions, positions, assets, and funds from any other department, agency, program, or budget units related to this optimization to a different department; however, this provision shall not apply to the Department of Wildlife and Fisheries.

The following performance indicators were reported:

- Division of administration – average monthly visits for the LaTrac Transparency and Accountability website: 1,730.
- State library – number of hits on the job seekers' website, 30,000, and number of online tutoring sessions: 43,000.
- Office of cultural development – number of persons reached with booklets, website and Archaeology Week: 25,000.
- Department of Education, office of state activities – will provide information and assistance to the public seeking information and services on the department's website and use the communications office to provide information and assistance to members of the public seeking

information or services, such that 90% of surveyed users rate the services as good or excellent.

APPROPRIATIONS/ANCILLARY

House Bill 168 by Representative Fannin (Act 44) provides pursuant to the authority granted to the office of information technology and in conjunction with the assessment of the existing staff, assets, contracts, and facilities of each department, agency, program, or budget unit's information technology resources, upon completion of this assessment and to the extent optimization of these resources will result in the projected cost saving through staff reductions, realization of operational efficiencies, and elimination of assets duplication, the commissioner of administration is authorized to transfer the functions, positions, assets, and funds from any other department, agency, program, or budget units related to this optimization to a different department.

BESE

House Concurrent Resolution 128 by Representative Tim Burns (Adopted) urges and requests the State Board of Elementary and Secondary Education to study issues related to the possession by students of Global Positioning system (GPS) tracking devices at school and on school buses and to submit a report of its findings and conclusions, including any recommendations for legislation, to the House Committee on Education and the Senate Committee on Education not later than 60 days prior to the beginning of the 2014 Regular Session.

BOARDS/COMMISSIONS

House Bill 156 by Representative Schexnayder (Act 184) abolishes the Louisiana Information Technology Advisory Board and the Technology Advisory Group.

COLLEGES/UNIVERSITIES

Senate Bill 31 by Senator Claitor (Act 340) requires the chief executive officer of each public postsecondary education management board to report annually to the legislature every scholarship awarded by a member of the management board for the preceding academic year, submit the report electronically to the president of the Senate and the speaker of the House of Representatives no later than July first of each year, and make the report available on its website for public inspection.

COURTS/COURT COSTS

House Bill 504 by Representative Moreno (Act 199) provides for additional court costs for the New Orleans Municipal Court that includes computer-generated chronologies uncertified copies, two dollars, and computer-generated chronologies certified copies, three dollars.

CRIME

House Bill 471 by Representative Ivey (Act 160) requires the Louisiana commission on law enforcement and the administration of criminal justice to distribute criminal statistic reports in printed form to the governor and certain legislative committee chairs and provides the report shall be made available electronically on the commission's website to all public officials in the state dealing with

crimes or criminals and for general distribution in the interest of public enlightenment.

CRIMINAL PROCEDURE

Senate Bill 112 by Senator Gallot (Pending Judiciary C Committee) would have allowed any person who had obtained an order expunging a record of arrest to petition the court, alleging innocence of the offense, for an order to destroy the record previously expunged if consented to by the district attorney. The bill would have provided that if the petition to destroy records was granted, the court should order all persons and other entities, including but not limited to law enforcement agencies, having any record of the arrest, whether on microfilm, computer card or tape or on any other photographic, electronic or mechanical method of storing data, to destroy any record, photograph, fingerprint, or any other information of any and all kinds or description relative to the arrest.

EDUCATION DEPARTMENT

Senate Resolution 167 by Senator Crowe (Adopted) requests the Department of Education to establish a group to study the further integration of e-books and implementation of cloud technology in elementary and secondary schools, along with related training costs.

ELECTIONS

House Bill 665 by Representative Barras (Act 395) provides that, each day, the registrar shall compare the early voting confirmation sheets to the information contained in the state

voter registration computer system, and provides that if the registrar finds any discrepancies he shall make a note thereof on the early voting verification form or on a notice of irregularity form provided by the secretary of state that he shall attach to the early voting verification form. The bill further provides that, at the end of the early voting period, the registrar shall complete the early voting verification form of each location, sign and certify to its correctness, and print a report from the state voter registration computer system listing all absentee by mail and early voters from the parish.

FEES/LICENSES/PERMITS

Senate Bill 149 by Senator Perry (Act 176) provides when a governmental agency offers online applications through an Internet interface for any license or permit and the particular law for such license or permit requires a sworn application for such license or permit, the governmental agency may accept an online certification from the applicant in lieu of the sworn application. The bill also provides that the use by a governmental agency of any online certification provisions included in a nationwide online licensing or registration system shall be permissible.

FINANCIAL PLANNING

House Bill 567 by Representative Ponti (Failed House Final Passage) would have allowed debt management and debt settlement services in the state, would have provided for registration and regulation by the office of the attorney general, and would have provided that a debt relief provider's application shall include the applicant's name, principal

business, address, telephone number, and all other business addresses in the state, electronic mail addresses, and Internet website addresses.

GAMING

House Concurrent Resolution 3 by Representative Huval (Pending Judiciary B Committee) would have authorized and requested that the House Committee on the Administration of Criminal Justice and the Senate Committee on Judiciary B to meet as a joint committee to study the feasibility and practicality of authorizing Internet gaming in Louisiana and to report the findings to the legislature prior to the convening of the 2014 Regular Session.

HEALTH/ACC INSURANCE

Senate Bill 126 by Senator Gary Smith (Pending Finance Committee) would have required rate review and approval requirements applicable to health benefit plans that provide coverage in the large group market, the small group and individual markets by the Department of Insurance. The department would have been required to publish on its website within 15 days of submission any proposed rate increase and the department's final determination on the requested change in the rate.

HEALTH/HOSPITALS DEPT

Senate Bill 55 by Senator Johns (Act 212) requires the Department of Health and Hospitals to make publicly available on its Internet website all of the following items: 1) all informational bulletins, health plan advisories, and published guidance concerning

the Bayou Health coordinated care network program, 2) all Medicaid state plan amendments and any correspondence related thereto, which shall be made publicly available within 24 hours of submission to the Centers for Medicare and Medicaid Services, and 3) all formal responses to the department by the centers for Medicaid and Medicaid services regarding any Medicaid state plan amendment, which shall be made publicly available within 24 hours of receipt by the department.

House Concurrent Resolution 75 by Representative Barrow (Adopted) authorizes and directs the Department of Health and Hospitals to make publicly available on its Internet website all of the following items: 1) all informational bulletins, health plan advisories, and published guidance concerning the Bayou Health coordinated care network program, 2) all Medicaid state plan amendments and any correspondence related thereto, which shall be made publicly available within 24 hours of submission to the Centers for Medicare and Medicaid Services, and 3) all formal responses to the department by the centers for Medicaid and Medicaid services regarding any Medicaid state plan amendment, which shall be made publicly available within 24 hours of receipt by the department.

HEALTH SERVICES

House Bill 284 by Representative Ortego (Involuntarily Deferred House Health and Welfare Committee) would have transferred governance and control of state hospitals from LSU to human services districts and authorities and would have provided for delivery and financing of health services by

such districts and authorities. The bill would have required each district to operate an electronic health record for inpatient and outpatient services that met the current standards of the U.S. Department of Health and Human Services for electronic health record interoperability. The bill would have further required the Department of Health and Hospitals to compile and make available on the Internet website of the department all health care accountability data reported to the secretary by human services districts and authorities.

HOMELAND SECURITY

House Bill 212 by Representative Brossett (Act 136) authorizes the creation of a statewide planning and mapping system for nonpublic schools, proprietary schools, and nonpublic colleges and universities to assist first responders in a disaster or emergency.

INSURANCE/HEALTH

House Bill 592 by Representative Thibaut (Act 205) enacts the Network Adequacy Act to provide standards for the creation and maintenance of networks by health insurance issuers assuring the adequacy, accessibility, and quality of health care services offered to covered persons under its health benefit plans and provides that information be available on the health issuer insurer's website.

LEGISLATIVE AGENCIES

Senate Concurrent Resolution 6 by Senator Crowe (Adopted) urges and requests the Louisiana State Law Institute to study and make recommendations concerning the feasibility and legal and practical

ramifications of requiring clerks of court in Louisiana to accept electronic signatures on documents filed with them, including consideration of the possible financial impact. The law institute shall report its findings or recommended legislation to the legislature not later than February 1, 2015.

LEGISLATIVE FISCAL OFFICE

House Bill 220 by Representative Havard (Act 307) requires the legislative fiscal office to analyze the General Appropriation Bill and issue reports regarding major enhancements and increases, major reductions, and means of finance substitutions from the previous year's budget and requires such reports to be emailed to each legislator, posted on the legislative fiscal office website, and made available through the joint legislative website as information linked to the General Appropriation Bill.

LOCAL OFFICIALS

House Bill 490 by Representative Champagne (Involuntarily Deferred House and Governmental Affairs Committee) would have provided for the content of reports concerning compensation of certain officials and employees and would have required publication of such reports on the parish website if the parish governing body has a website.

MEDICAID

Senate Bill 125 by Senator Peterson (Pending Finance Committee) would have provided eligibility standards for the Louisiana Medicaid program to conform to those established by the Affordable Care Act

and would have required reporting of program outcomes by the secretary of the Department of Health and Hospitals to the House and Senate committees on health and welfare and to the governor in a written report covering the most recent one-year period. The secretary would have made the report publicly available on its Internet website.

House Bill 233 by Representative Smith (Failed House Final Passage) would have provided eligibility standards for the Louisiana Medicaid program shall conform to those established by the Affordable Care Act and would have required reporting of program outcomes by the secretary of the Department of Health and Hospitals to the House and Senate committees on health and welfare and to the governor in a written report covering the most recent one-year period. The secretary would have made the report publicly available on its Internet website. The reports would have included but not been limited to the following items: evaluation of overall health outcomes and quality of care for Medicaid enrollees, evaluation of major barriers to access to health care by Medicaid enrollees, summary of successful initiatives in this state for disease prevention and early diagnosis and management of chronic conditions among Medicaid enrollees, and trends in enrollment of health care provided in the Medicaid program.

MUNICIPALITIES

House Bill 657 by Representative Abramson (Act 328) requires the New Orleans Department of Safety and Permits to make available to the public on the Internet information that exists in printed form pertaining to the regulatory activities of the

department. Such Internet postings shall be made within three business days after a department decision and shall include the date and time that the document was initially posted. If such posting is not timely made, no appeal delays shall commence on any decision until such posting is made.

POSTSECONDARY EDUCATION

Senate Bill 59 by Senator Buffington (Pending Senate Final Passage Subject to Call) would have required the boards of supervisors for the Louisiana State University, Southern University, University of Louisiana, and Louisiana Community and Technical College systems to broadcast the live audio and video of all board and committee meetings conducted in Baton Rouge on the Internet. The bill also would have required that all broadcasts be recorded, archived, and made accessible to the public for at least one year after the meeting date.

PUBLIC MEETINGS

Senate Bill 212 by Senator Gary Smith (Act 363) requires all of the proceedings in a public meeting may be video or tape recorded, filmed, or broadcast live. The bill requires nonelected boards and commissions that have the authority to levy a tax shall video or audio record, film or broadcast live, all proceedings in a public meeting.

PUBLIC RECORDS

House Concurrent Resolution 129 by Representative Broadwater (Adopted) directs each public body that has a custodian of public records to make the identity and contact information of the custodian available

to the public, including placing such information on the Internet.

PRIVACY/COMPUTERS

House Bill 314 by Representative James (Pending Senate Commerce Committee) would have created the Personal Online Account Privacy Protection Act and prohibited employers from requesting or requiring an employee or an applicant for employment to disclose any username, password, or other authentication information that allows access to the employee's or applicant's personal online account or discharging, disciplining, failing to hire, or otherwise penalizing or threatening to penalize an employee or applicant for employment for failure to disclose any personal online account information.

REVENUE DEPARTMENT

House Bill 565 by Representative Patrick Williams (Pending Ways and Means Committee) would have authorized the secretary of the Department of Revenue to establish and use an electronic financial institution data match system for comparison of certain account information held by financial institutions with the secretary's database of tax debtors against whom an assessment or judgment for the tax has become final.

Senate Resolution 102 by Senator Gallot (Pending Revenue and Fiscal Affairs Committee) would have directed the Department of Revenue to publish information on specific business outreach programs offered to taxpayers on the Internet through publications and other media relative

to tax compliance so as to afford the greatest possible impact on business entities throughout the state and coordinate these training and outreach efforts with other departments.

SALES/TOBACCO DEALERS

House Bill 641 by Representative Thompson (Act 221) requires the commissioner of Alcohol and Tobacco Control to publish on its website, as it relates to tobacco enforcement, all persons licensed as stamping agents, all persons holding an exporter license, and a notice of termination of any stamping agent on its website and send a notice of the termination to all wholesale dealers, the attorney general, and the secretary of the Department of Revenue.

SCHOOLS

House Bill 584 by Representative Smith (Pending House Education Committee) would have established standards for virtual schools and supplemental online instruction. The bill also would have required virtual schools to submit performance data reports and financial audits to the State Board of Elementary and Secondary Education, qualifications and benefits for teachers and employees in virtual schools, virtual schools to comply with all state laws applicable to local public schools, approval and oversight of supplemental online instruction by local public school boards, and students enrolled in virtual schools and supplemental online instruction programs to take the state-mandated assessments.

STATE AGENCIES

House Bill 488 by Representative Ivey (Pending Appropriations Committee) would have required the state departments, agencies, boards and commissions to accept credit cards or debit cards for certain transactions and would have allowed the Department of Public Safety and Corrections to charge convenience fees on credit card transactions.

STUDENT/DISCIPLINE

House Bill 646 by Representative Smith (Failed House Final Passage) would have provided for student discipline, including suspensions and expulsions, codes of conduct, and bullying. The bill also would have required each city, parish, and other local public school board that maintains a website to publish on the website certain information relative to student discipline and other matters, including but not limited to the following information: disciplinary action process and procedures, school board's policies and procedures, minutes of school board meetings, directory of schools and contact information, and school calendars.

TAX/SALES & USE

Senate Bill 233 by Senator Riser (Pending Revenue and Fiscal Affairs Committee) would have created the Uniform Sales and Use Tax Commission for purposes of administration and collection of state and local sales and use taxes on remote sellers to allow the collection of local and state sales taxes on Internet purchases as provided in the Marketplace Fairness Act of 2013, or similar legislation. The bill further would have

provided that it would have been unlawful for any person knowingly to create, design, manufacture, sell, purchase, lease, install, update, repair, service, transfer, use, or possess or otherwise make available any automated sales suppression device, zipper, or phantom-ware, and whoever violates this provisions shall be fined not more than five thousand dollars, or imprisoned with or without hard labor for not more than five years, or both.

House Bill 568 by Representative Girod Jackson (Pending Ways and Means Committee) would have established the Louisiana Sales and Use Tax Commission for purposes of administration and collection of state and local sales and use taxes on remote sellers to allow the collection of local and state sales taxes on Internet purchases as provided in the Marketplace Fairness Act of 2013, or similar legislation. The bill would have required the commission to:

- Provide, at no expense to remote sellers and their agents, software programs, which may include but not be limited to Parish E-File or some other electronic system or method to facilitate the filing, reporting, payment, and remittance of state and local sales and use taxes to the appropriate local Louisiana jurisdictions to which remote sales are sourced.
- Maintain a free Internet database that provides information for the use of remote sellers regarding the taxability of products and services sourced to Louisiana, along with any product and service exclusions and exemptions from sales and use taxes, state and

- local jurisdiction tax rates, and territorial boundaries.
- Provide free of charge for remote sellers software that calculates the sales and use tax due on each transaction at the time the transaction is completed, that files sales and use tax returns, and that is updated to reflect changes in rates or bases.
 - Establish, if necessary, a fiscal agent solely for the purpose of remote seller remittances.
 - Provide remote sellers and certified software providers with a 90-day notice of a rate change by the state or any local taxing jurisdiction in the state and relieve remote sellers and certified software sellers who collect taxes at the immediately-preceding effect rate during the 90-day notice period if the required notice is not provided from liability as a result thereof.
 - Provide a procedure for persons to be approved as certified software providers.
 - Provide to remote sellers, at no cost to them, a sales and use tax remote sales tax return form for use in reporting and remitting state and local sales taxes on remote sales sourced to Louisiana.
 - Provide an electronic means for remote sellers to determine the appropriate local taxing authority to receive the tax on remote sales sourced to Louisiana, the name and contact information of the single sales tax collector, and the current rate of tax applicable to such sales.

House Bill 610 by Representative Talbot (Pending Ways and Means Committee)

would have exempted Internet publishing and broadcasting and web search portals from the state sales and use tax levied by this bill. The bill also would have exempted a media outlet that published or broadcasted programs that feature stories and news to the public through various distribution channels, including but not limited to newspapers, magazines, radio, television, and the Internet.

TEXTBOOKS/MATERIALS

House Bill 116 by Representative Hoffmann (Act 378) creates the Task Force on Textbooks and Instructional materials for the purpose of undertaking a thorough review and analysis of the processes utilized in the selection and approval of textbooks and other instructional materials for use in the state's elementary and secondary schools and to make recommendations for any revisions necessary to the laws and policies which govern these processes to ensure that the students enrolled in Louisiana's elementary and secondary schools have text and instructional materials that are both grade appropriate and aligned with state content standards. Recommendations of the task force shall include strategies to increase the use of electronic texts and other instructional materials and address the costs of providing necessary related hardware and Internet access to students and schools.

TRAFFIC

Senate Bill 147 by Senator Erdey (Act 62) prohibits any wireless device, excluding two-way radio transmitters and receivers, from being used to access, read, or post to a social

networking site while operating a motor vehicle and requires tests administered to driver's license applicants include the applicant's knowledge of distracted driving issues.

TRANSPORTATION

House Bill 654 by Representative Jim Morris (Act 206) provides that notice of toll violations and delinquencies for the LA1 Project or the Crescent City Connection can be made by electronic mail.

House Concurrent Resolution 9 by Representative Guinn (Adopted) amends the Louisiana Administrative Code to require the Department of Transportation and Development, through its district administrators, to allow exceptions to the restrictions set forth in the administrative rules for access connections based upon the uniqueness of the environment in which access is sought and that the departmental policy referred to throughout the department's administrative rules for access connections be available on the department's website.

Insurance

*by: Cheryl Horne
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Senate Bill 101 by Senator Johns (Act 349) requires every company with outstanding life insurance contracts, accident and health insurance contracts, or deposit-type contracts to annually submit the opinion of the appointed actuary as to whether their life insurance reserves are computed appropriately, are based on assumptions that satisfy contractual provisions, are consistent with prior reported amounts, and comply with the laws of the state. This Senate bill also provides for submission of mortality, morbidity, policyholder behavior, or expense experience and other data as prescribed by the valuation manual for all life insurance policies in force on or after the operative date of the valuation manual. If the commissioner approves by regulation any commissioners' standard ordinary mortality table adopted by the National Association of Insurance Commissioners for use in determining the minimum nonforfeiture standard for life insurance policies issued on or after the operative date of the valuation manual then that minimum nonforfeiture standard supersedes the minimum nonforfeiture standard provided by the valuation manual for all policies issued on or after the operative date of the valuation manual.

Senate Bill 120 by Senator Walsworth (Act 23) prohibits a captive insurer from providing reinsurance on risks ceded by any other insurer without written approval from the commissioner of insurance. A captive insurer may take credit for reserves on risks or portion

of risks ceded to a reinsurer in compliance with the solvency and reporting requirements for reinsurance. Subject to approval by the commissioner, a captive insurer may take credit for reserves on risks or portions of risks ceded to a reinsurer or to a pool, exchange or association acting as a reinsurer which does not comply with the requirements of current law regarding reinsurance and credits for reserves on risks in certain circumstances. The commissioner is authorized to require documents or information necessary to show that the entity will be able to provide adequate security for its financial obligations and allows him to impose limitations on the activities of the entity deemed necessary and proper to provide adequate security for the ceding captive insurer and for the protection and benefit of the general public.

Senate Bill 180 by Senator Erdy (Act 217) creates a division of insurance fraud and a deputy commissioner of insurance fraud within the Department of Insurance with the responsibilities, powers, and duties as they relate to the investigation, prosecution, and prevention of violations of Louisiana insurance laws. If the division of insurance fraud determines that there may be a violation of any criminal law, the division shall then coordinate further actions with the Department of Justice, the Department of Public Safety and Corrections, public safety services, office of state police, and any other appropriate law enforcement or prosecutorial agency for further investigation, enforcement,

or prosecution. The division of insurance fraud shall have access to computer systems, information maintained for the use of law enforcement personnel, any information contained in the criminal history record and identification file of the Louisiana Bureau of Criminal Identification and Information as well as direct access to information compiled by the Federal Bureau of Investigation for the purposes of carrying out the division's responsibilities. The commissioner may issue a commission authorizing any deputy commissioner of insurance fraud or any compliance investigator who is P.O.S.T.-certified to carry and use firearms.



Judiciary

by: Tom Wade
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In the 2013 Regular Session, there were three bills significantly affecting the judiciary. In addition to the bill appropriating funds to defray the expenses of the judiciary, there was a proposed constitutional amendment to remove the mandatory retirement age for judges and a bill providing for salary increases for judges.

APPROPRIATION

House Bill 691 by Representative Fannin (Act 64) appropriates funds for Fiscal Year 2013-2014 for the ordinary operating expenses of the judicial branch of government with total funding of \$169,242,549 from the following sources: \$149,008,580 out of the State General Fund (Direct); \$10,436,500 through interagency transfers from the Dept. of Children and Family Services; and, \$9,797,469 from statutory dedications out of the Judges' Supplemental Compensation Fund and the Trial Court Case Management Fund. This Act also provides for an additional \$1,976,474 for the legal representation of children in child protection cases. The breakdown is set forth below:

Louisiana Supreme Court	\$ 77,469,096
Courts of Appeal	44,070,577
District Courts	33,962,684

Criminal Court, Parish of Orleans	5,934,276
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Juvenile and Family Courts	2,345,286
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Other Courts (<i>Required by Statute</i>)	2,801,870
Other Courts (<i>Not Required by Statute</i>)	682,286
Non-Judicial State Expenses	<u>1,976,474</u>
TOTAL	<u>\$ 169,242,549</u>

There is also a provision that the appropriations out of the State General Fund (Direct) contained in this Act shall be reduced by a total amount of \$1,669,672 pursuant to a plan adopted by the Judicial Budgetary Control Board or as approved by the La. Supreme Court.

There is an additional condition in the Act providing that the salary increases provided by Section 1 of the Act which originated as Senate Bill No. 188 of the 2013 Regular Session shall only be effective to the extent that funding is made available in this Act. The instrument provides for an effective date of July 1, 2013.

MANDATORY RETIREMENT

Article V, Section 23 of the Louisiana Constitution provides for a mandatory retirement for judges. It provides that a judge shall not remain in office beyond his seventieth birthday. The provision does allow a judge who reaches that mandatory retirement age while serving a term of office to complete the term before retiring. The proposed constitutional amendment, **Senate Bill 5 by Senator LaFleur (failed House final**

passage) would have removed the mandatory retirement provisions. It would have been presented to the voters at the statewide election to be held on November 4, 2014.

SALARY INCREASES

Senate Bill 188 by Senator Martiny (Act 375), provides that effective July 1, 2013, the actual salary of the judges of the supreme court, courts of appeal, and district courts shall be increased as follows:

Supreme court - 5.5%

Courts of appeal - 3.7%

District court - 4%

The instrument further provides that the actual salary of the judges of the supreme court, courts of appeal, and district courts shall be increased by 2.1% on July 1st of 2014, 2015, 2016, and 2017. It also provides that effective July 1, 2013, the state-paid actual salary of city court and parish court judges shall be increased by 4%. In addition, it provides that the state-paid salary of city court and parish court judges shall be increased by 2.1% on July 1st of 2014, 2015, 2016, and 2017. The portion of this Act containing salary increases is effective only in the event that any salary increases conform to the act appropriating funds to defray the expenses of the Louisiana Judiciary.



Juvenile Justice

by: Julie Baxter
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COORDINATION OF SERVICES

Senate Bill 107 by Senator Ward (Act 214)

Known as the "Improved Outcomes for At-Risk Youths Act," this administration-backed act calls for the deputy secretary of the Department of Public Safety and Corrections, Youth Services, Office of Juvenile Justice (Dr. Mary Livers) and the secretary of the Department of Children and Family Services (Suzy Sonnier) to, by July 1, 2014, submit a written report to the legislature outlining the timelines and process by which Louisiana shall create an Integrated Case Management System which shall be implemented by July 1, 2015. The act lists the programs and services which shall be evaluated for inclusion in this system, and directs the development of a complete continuum of care for at-risk youths which shall focus on behavioral health, rehabilitative and educational needs of youths who are at-risk for involvement, currently involved or exiting the juvenile justice and child welfare system.

House Bill 177 by Representative Leger (Act 3) This act designates the Institute for Public Health and Justice, organized under the authority of the Louisiana State University Health Sciences Center in New Orleans, as an advisor to the legislature and resource for best practices on matters related to youth in the

criminal justice system and youth with behavioral health needs.

House Bill 698 by Representative Thompson (Act 406)

Prior to the passage of this act, the Department of Children and Family Services determined the eligibility of child care facilities, child care providers, child care directors, and staff for receipt of school readiness tax credits, which promote quality child care for children five years or younger. This new law instead requires the state agency designated as the lead agency of the Child Care Development Fund (the Department of Education) as the agency responsible for determining the eligibility for such tax credits.

This act further requires that this state agency, in collaboration with the Board of Elementary and Secondary Education, should make recommendations for legislation no later than January 1, 2015, that would align the allocation of school readiness tax credits with the Early Childhood Care and Education Network. This Early Childhood Care and Education Network promotes kindergarten readiness in eligible early childhood learning centers and is to evaluate eligible centers utilizing the letter grade system adopted through rules promulgated by the Board of Elementary and Secondary Education for determining the success of an eligible center.



Senate Bill 227 by Senator Tarver (Deferred in Senate Committee on Judiciary B) This bill sought to create a more defined informal Families in Need of Services (FINS) process, local truancy and assessment and service centers and an early intervention program in the parishes of Iberia, St. Mary, and St. Martin. However, the bill was deferred in Senate Committee on Judiciary B.

Senate Concurrent Resolution 55 by Senator Broome (Sent to the Secretary of State) This senate concurrent resolution requests the Juvenile Justice Reform Act Implementation Commission (JJIC) to order a study of the structure and use of juvenile detention centers in Louisiana, particularly looking at the way that beds are allocated to various juvenile detention facilities around the state. The resolution requests a written report to the JJIC prior to January 31, 2014.

House Concurrent Resolution 66 by Representative Schroder (Sent to the Secretary of State) This house concurrent resolution continues the Task Force on Legal Representation in Child Protection Cases through final adjournment of the 2014 Regular Session of the legislature in order to formalize and institutionalize an effective and efficient uniform statewide system of representation in child protection cases. The resolution further requires a report to the House Committee on Civil Law and Procedure and to the Senate Committee on Judiciary A prior to the 2014 Regular Session of the legislature.

House Bill 214 by Representative Jefferson (Act 306) This act authorizes and encourages the governing authority of each public elementary and secondary school to partner with individuals, community and faith-based

groups and organizations, and nonprofit and for-profit entities to design and implement programs to increase parental involvement in children's education and schools. The bill also urges these governing school authorities to work with the state Department of Education to identify available funding sources to use to provide such parenting classes.

JUVENILE COURTS

Senate Bill 152 by Senator Murray (Act 352) This act provides in the Revised Statutes, specifically in Title 13, dealing with Courts and Judicial Procedure, that a court that exercises juvenile jurisdiction may by local rule choose to designate one or more divisions of the court as a "gun division," to which gun and weapon-related offenses may be assigned. That gun division may also establish an intensive probation program to be administered by the presiding judge or by an employee designated under the direction of the office of juvenile justice.

House Bill 513 by Representative Moreno (Act 162) This act provides in the Revised Statutes, specifically in Title 13, dealing with Courts and Judicial Procedure, for a series of new fees and fee increases for filings in the Orleans Parish Juvenile Court. These fees are to be used to defray various costs and expenses within the Orleans Parish Juvenile Court. These new fees and fee increases include:

New fees:

Service of process in adoption cases within Orleans Parish: \$60

Service of process in adoption cases where service is made outside Orleans Parish: \$85

Filing and docketing each supplemental and amended petition in adoption cases: \$110

Fee increases:

Filing and docketing each petition for adoption: \$125 *increase*

Filing and docketing each motion to terminate parental rights in adoption cases: \$75 *increase*

Additional fee from every person filing any action, suit, motion or rule to show cause on the docket of the Orleans Parish Juvenile Court: \$10 *additional fee*

House Bill 607 by Representative Moreno (Deferred in Senate Committee on Judiciary C) Although it passed out of the House, this bill that would have abolished two juvenile court judgeships in the Orleans Parish Juvenile Court hit a roadblock in the Senate. There, it was deferred in a last-week-of-the-session hearing before the Senate Committee on Judiciary C.

JUVENILE LIFE SENTENCES

House Bill 152 by Representative Hazel (Act 239) This act allows juveniles who are sentenced to life in prison for first- and second-degree murder, and who were under the age of eighteen years at the time of the commission of the offense, to be eligible for parole consideration under certain conditions. Those conditions include: when the offender has served thirty-five (35) years of the sentence imposed; when the offender has not committed any disciplinary offenses in the twelve (12) months immediately prior to the parole eligibility date; when the offender has completed the mandatory minimum of 100

hours of pre-release programming; when the offender has completed substance abuse treatment as applicable; when the offender has obtained a GED certification; when the offender is deemed low-risk or when the offender has completed a re-entry program. The act further provides that now, when such an offender is to be sentenced to life imprisonment, there must first be a hearing (prior to sentencing) to hear relevant aggravating or mitigating evidence, to determine whether the sentence shall be imposed with or without parole eligibility. The act states that sentences imposed without parole eligibility should normally be reserved for the worst offenders and the worst cases.



Labor/Employment

by: Carla Roberts
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Senate Bill 153 by Senator Murray

(Act 374) creates the "Equal Pay for Women Act" which makes it unlawful for a state agency or state entity to pay wages to a female employee at a rate less than the rate at which the employer pays wages to a male employee for the same or substantially similar work in the same state agency. This law is supplemental and is not intended to supercede any provision of the "Louisiana Employment Discrimination Act," which already prohibits discrimination based upon sex regardless of whether the employer is a state entity, a private business, or other employer.

House Bill 728 by Representative Cromer (Act 337) reverses Act 860 of the 2012 Regular Session which allowed an employer to file a law suit against an injured employee for anything related to the workplace accident in which the employee was injured. **Act 337** limits the ability of the employer to sue the injured workers or his or her dependent, except when the employer alleges the injured worker has committed fraud. The Act also provides for a pre-trial phone conference to set dates for deposition and other discovery matters between the parties in an effort to expedite resolving disputes between the employer and injured worker. **Act 337** was a compromise which was supported by business groups including the Louisiana Association of Business and Industry, labor groups such as the AFL-CIO, healthcare providers, and lawyers who represent injured workers.

House Bill 583 by Representative Cox (Act 165) prohibits employers from terminating the employment of a veteran for attending medical appointments necessary to receive or maintain veterans' benefits.

House Bill 410 by Representative Talbot (Act 314) extends the sunset of the Workers' Compensation Second Injury Fund. The Second Injury Fund was originally set up to give employers an incentive to hire previously injured workers. If the worker is injured a second time, the Second Injury Fund pays the injured workers' comp. benefits and not the employer's workers' comp. insurance.

Senate Bill 261 by Senator Cortez (Deferred in House Committee) would have addressed the medical treatment schedule (also known as the "medical treatment guidelines"). In 2011, the Workforce Commission, Office of Workers' Compensation began using medical treatment guidelines which was a list of approved medical procedures for which injured workers would be entitled. Whenever an insurance company or employer refuses to approve a medical procedure which is not provided for in the medical treatment guidelines, the doctor or the injured worker can file a claim with the Medical Director to have him approve the medical procedure or treatment. Testimony at the Senate Committee hearing was offered that the Medical Director only approves between 13% and 15% of the medical treatments that he is asked to approve

if a dispute is filed. Senate Bill 261 would have required routine physician office visits to and uninterrupted physical therapy visits to be approved without having to file a dispute with the Medical Director. Following the deferral of **SB 261**, Senator Cortez authored **Senate Concurrent Resolution 129** to urge and request the Office of Workers' Compensation to meet and formulate medical treatment guidelines to address the need for injured workers to have access to routine office visits as well as active (physical) therapy treatment. **SCR 129** provides that the office of workers' compensation shall report to the Senate Committee on Labor and Industrial Relations and the House Committee on Labor and Industrial Relations as to the reformulated guidelines no later than September 1, 2013.

House Bill 303 by Representative Dixon (Act 39) allows unemployed persons to waive certified mail and get the notices regarding unemployment benefits by e-mail or regular mail. The Act also allows for an expedited hearing if the Workforce Commission denies the claim for benefits to the unemployed individual.

House Bill 566 by Representative Dixon (Act 48) allows the Workforce Commission to enter into reciprocal overpayment recovery arrangements to collect overpaid unemployment benefits on behalf of other states and enter into agreements so that other states can collect overpayments of benefits that Louisiana has paid out to individual who were not entitled to the unemployment benefits.

House Bill 450 by Representative Ivey (Act 317) allows for the Office of Workers' Compensation to hire an Associate Medical

Director to handle cases where the Medical Director has a conflict. House Bill 450 provides that if a conflict of interest exists as to the medical director or the associate medical director, that the conflict shall be communicated, in writing, to the director, who shall make a determination within 48 hours as to whether a conflict exists.

Legislative Affairs

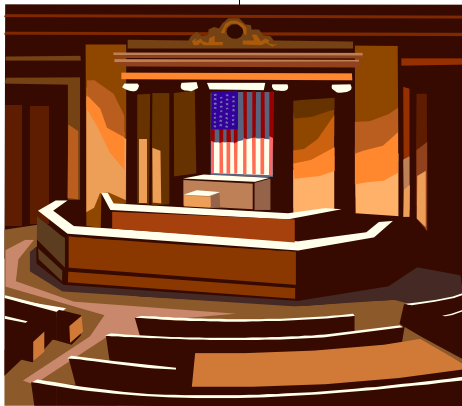
by: Laura Gail Sullivan
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LEGISLATIVE SESSIONS

Tax matters

Senate Bill 1 by Senator Claitor (Pending Conference Committee) would have proposed a constitutional amendment to limit legislation regarding tax rebates in the same manner and to the same extent as legislation regarding tax exemptions, exclusions, deductions, and credits. Presently the enumerated list of tax-related topics cannot be introduced or enacted during a regular legislative session held in an even-numbered year. If this amendment had been offered to and approved by the voters, tax rebates would have been excluded from permissible bill objects in an even-numbered year.

House Bill 407 by Representative Robideaux (Pending Senate and Governmental Affairs Committee) would have proposed a constitutional amendment requiring the prefiling of any bill with the object of legislating with regard tax exemptions, deductions, reductions, repeals, rebates, incentives, abatement, or credits. The bill would have required any instrument covering one of the enumerated objects to be prefiled no later than five o'clock in the evening of the 45th calendar day before the first day of a regular legislative session.



Minimum Foundation Program formula

House Concurrent Resolution 14 by Representative Edwards (Sent to Sec of State) provides Joint Rules of the Senate and House of Representatives to govern procedures for legislative approval of the Minimum Foundation Program (MFP) formula. This resolution specifies that the MFP formula shall receive legislative approval by adoption of a concurrent resolution according to the same procedures and formalities required for the enactment of a bill, except for gubernatorial veto, including prefiling, introduction, and voting requirements.

PUBLIC EMPLOYEES INVOLVED IN LEGISLATIVE PROCESS

Protection for providing information to the legislature

House Bill 387 by Representatives Schroder and Jim Morris (Pending Senate and Governmental Affairs Committee) would have protected public employees who provide information to a legislator or a legislative committee at the request of the legislator or committee from any discipline or reprisal, and further authorized penalties for any person who

exercised disciplinary authority in contravention of the proposed law.

Access to information for fiscal staff

House Bill 209 by Representative Garofalo (Pending Senate and Governmental Affairs Committee) would have provided for legislative fiscal division staff to have access to budget-related documents and records of any agency, board, commission, state department, or political subdivision to assist the Joint Legislative Committee on the Budget in fulfillment of its duties. The bill honored the confidentiality of any such documents by requiring the fiscal staff to maintain that confidentiality.

Prohibition on lobbying on the floor of the House of Representatives

House Resolution 6 by Representatives Abramson and Miller (Sent to Sec of State), among other changes, amends the House Rules to prohibit any person granted admission to the floor of the House Chamber from engaging in any activity in support of or in opposition to any legislative instrument or other matter before the House of Representatives or any committee of that chamber. The rule penalizes any person who violates the rule by confiscation and revocation of any badge and by removal of the person from the chamber. The rule specifically does not apply to dissemination of purely factual information, nor to any legislator or to employees of the House of Representatives who are governed by a separate House Rule.

Local Government

by: *Michael Bell*
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HOSPITALS

Senate Bill 44 by Senator Nevers (Act 222) authorizes the governing authority of the city of Bogalusa, subject to voter approval, to levy a provider fee on the operation of hospitals within the city; and specifically authorizes the city to enter into a cooperative endeavor agreement with the Department of Health and Hospitals in which the department agrees to undertake or continue programs or incur expenses for the performance of services under the federal Medicaid program within the city.

LAW ENFORCEMENT

Senate Bill 159 by Senator Morrell (Act 94) requires that the office of independent police monitor investigate any complaint concerning any detail or secondary employment of a New Orleans police officer and requires that all communications of OPSE regarding references to police officer, employees of NOPD, and businesses and other contracting entities regarding details or secondary employment be subject to a public records request and the information is considered a public record and shall be available under the Freedom of Information Act request.

Senate Bill 213 by Senator Morrell (Act 126) provides relative to benefits for a classified employee of the New Orleans Police Department on temporary or provisional assignment.

MUNICIPALITIES

Senate Bill 99 by Senator Morrish (Act 120) authorizes the chief of police for the Town of Welsh to effect certain disciplinary action relative to police personnel and that such disciplinary action shall be taken without regard to race, creed, or color and shall be subjected to review by the mayor and board of aldermen.

Senate Bill 236 by Senator Dorsey-Colomb (Act 364) requires that all bidders shall submit bid forms required by statute or the Louisiana Administrative Code, rather than the Louisiana Administrative Procedure Act, to the governing authority of East Baton Rouge Parish before the opening of all bids relative to a contract for public works.

SPECIAL DISTRICTS

Senate Bill 25 by Senator Broome (Act 338) creates the Southern Heights Neighborhood Crime Prevention and Improvement District as a political subdivision in East Baton Rouge parish to aid in crime prevention and to add to the security of district residents by providing for an increase of law enforcement personnel in the district.

Senate Bill 42 by Senator Morrell (Act 269) provides relative to the New Orleans Regional Business Park which makes changes to the board's appointing authorities and membership and increases board membership to thirteen.

Retains qualified voter and La. residency requirements and additionally requires members to be district residents.

Senate Bill 209 by Senator Lafleur (Act 124) provides relative to the Evangeline-Ville Platte recreation District to consists of a nine member board of commissioners who are to create an advisory committee composed of the presidents or their designees of the various sports leagues formally organized and located within the district.

Senate Bill 237 by Senator Peterson (Act 67) authorizes the BioDistrict New Orleans board to create subdistricts by reduction from the original district boundary and requires legislative approval of subdistricts created outside the boundaries of the district.

TAX SALES

Senate Bill 186 by Senator Gallot (Act 122) authorizes Grant Parish Economic and Industrial Development District to exempt food and prescription drugs from the levy of a sales tax.

Senate Bill 195 by Senator Gallot (Act 123) authorizes the Grant Parish Economic Development District board of commissioners to levy and collect a sales and use tax not to exceed two percent; and provides that any sales and use tax authorized to be levied and collected by the district and approved by a majority of qualified electors of the district may exempt food and prescription drugs and other nonessential items from the tax.

TOURISM

Senate Bill 238 by Senator Chabert (Act 128) creates the Leeville Fishing Village and Cultural Preservation Commission as a political subdivision of the state and that it be domiciled in Lafourche Parish.

Senate Bill 243 by Senator Perry (Act 97) provides for the allocation of funds from the Vermilion Parish Tourist Commission to be allocated for the town of Gueydan and for the village of Maurice for the improvement of recreational parks and facilities or for youth recreation purposes, such allocation expires September 1, 2014.

Military/Veterans Affairs

by: Heyward Jeffers
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EMPLOYMENT

Medical Treatments. **House Bill 583 by Representative Cox (Act 165)** will prohibit employers from terminating employment of a veteran for attending medical appointments necessary for veterans. The measure would also prohibit an employer from disciplining, threatening discharge or threaten to discipline any veteran for taking time away from work to attend medical appointments necessary to meet the requirements to receive his veterans benefits. The measure received approval from both chambers and was signed into law by the governor.

CODE OF CRIMINAL PROCEDURE

Presentence inquiry of veteran status. **Senate Bill 32 by Senator Crowe (Act 29)** provides that a court may inquire and receive response, orally or in writing, whether the convicted defendant is currently serving in or is a veteran of the armed forces of the United States. If a convicted defendant is currently serving in the military or is a veteran and has been diagnosed as having a mental illness by a qualified psychiatrist or clinical psychologist or physician, the court may order a presentence investigation which involves consulting with the United States Department of Veterans Affairs, the Louisiana Department of Veterans Affairs or another agency or person with suitable knowledge or experience for the purpose of providing the court with

information regarding treatment options available to the convicted defendant, including federal, state, and local programming.

AD VALOREM TAX

Veterans disability exemptions. **Senate Bill 96 by Senator Adley (Act 433)** is a constitutional amendment that adds language to provisions relative to veterans who are disabled from service related causes. Local assessors faced the issue of whether a veteran was completely, totally disabled and qualified to receive an additional seven thousand five hundred dollars in exemptions from local property taxes. Current law is maintained concerning the disability rating by the U.S Department of Veterans Affairs of "one hundred percent" and adds the rating of "totally disabled or unemployable" to the ratings to be eligible for the exemption. The bill was approved by both chambers and must now be approved by the voters at the statewide election to be held on November 4, 2014.

LOUISIANA CODE OF MILITARY JUSTICE

Sexual assault. **House Bill 127 by Representative Lorusso (Act 303)** addresses the growing problem of sexual assaults in the military. The Act defines various types of offending actions and sexual assault and requires any such crime to be tried by in a

court-martial proceeding and be punished as a court-martial may direct. Issues such as the use of photographs, videotapes, films or records by any means. Forced and unwanted physical contact is defined and forcing sex by means of intimidation, threats, blackmail or stalking. Indecent exposure to an unwilling viewer is also defined as a crime. The bill passed both chambers and was signed by the governor as the session approached final adjournment.

Natural Resources

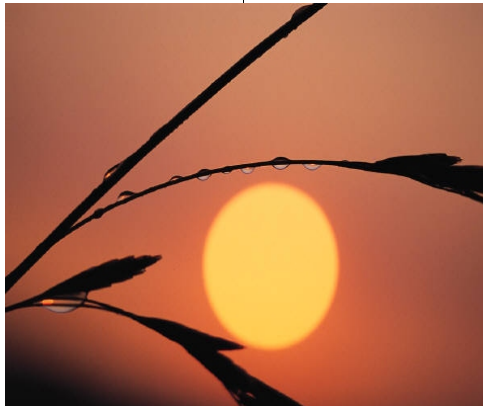
*by: McHenry Lee
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SALT DOMES

The Senate and House Natural Resources committees met several times during the interim to hold hearings on the sinkhole in Assumption Parish. The result of those lengthy discussions was a package of bills to strengthen regulations regarding storage caverns in salt domes. **Senate Bill 139 By Senator Ward (Act 367)** increases penalty fines associated with violations of salt dome regulations. **House Bill 493 by Representative St. Germain (Act 368)** allows for the adoption and promulgation of rules by the commissioner of conservation relative to the creation and use of salt caverns. **House Bill 494 by Representative St. Germain (Act 369)** requires notification of the proximity of property to a salt dome containing solution mining and storage caverns.

study and make recommendations for regulations on unsolicited offers for the transfer, sale, and lease of mineral rights. This resolution was offered late in the session after Senate Bill 290 by Senator Peacock was deferred in House committee.

House Concurrent Resolution by Representative H. Burns (Sent to Sec of State) requests the Louisiana Mineral Law Institute to study and make recommendations relative to timely payment of mineral royalties.



WILDLIFE and FISHERIES

Senate Bill 84 by Senator Riser (Act 366) creates a checkoff for a donation to Hunters for the Hungry when a fishing or hunting license is purchased.

Senate Bill 157 by Senator Allain (Pending Senate Calendar) would have prohibited the take, sale, or possession of red snapper in state waters. The bill was in response to the federal rules restricting the take of red snapper. While the bill never made it off the Senate floor, the season for red snapper fishing off the coast of Louisiana was extended.

MINERALS

Senate Bill 39 by Senator Long (Act 58), requires that a nonexclusive geophysical permittee will pay the permit fee to the office of mineral resources.

Senate Resolution 118 by Senator Peacock (Sent to Sec of State) requests the Louisiana Law Institute, in consultation with the director of the Louisiana Mineral Law Institute, to

Senate Concurrent Resolution 82 by Senator Gary Smith (Sent to Sec of State)

requests the Department of Wildlife and Fisheries to perform a study determining how local governing authorities can regulate air boat noise pollution.

House Bill 142 by Representative Dove (Act 16) provides for an exemption from the requirements that crab traps have escape rings.

House Bill 236 by Leopold (Act 35) increases penalties for certain oyster harvesting violations.

House Bill 345 by Garofalo (Act 20) extends the oyster seed vessel permit.

House Bill 376 by Representative Bishop (Act 155) provides for fees to be charged for mooring access in the Atchafalaya Delta WMA and creates the Atchafalaya Delta WMA Mooring Account in the Conservation Fund.

House Bill 378 by Representative Leger (Act 40) increases certain fees related to the charter boat industry.

House Bill 426 by Representative Armes (Act 437) is a constitutional amendment that adds members from north Louisiana to the Wildlife and Fisheries Commission. A companion bill, **House Bill 503 by Representative Armes (Act 198)** adds the new member to statute.

House Bill 480 by Representative Schexnayder (Act 161) moves responsibility for regulation of seismic activity from the office of fisheries to the office of wildlife within the Department of Wildlife and Fisheries.

House Bill 593 by Representative Pope (Act 324) allows nonresident students in Louisiana high schools to purchase a nonresident basic hunting license for the cost of a resident hunting license.

House Bill 719 by Representative Howard (Act 334) increases the daily possession limit of crappie on Toledo Bend Reservoir to one hundred, and increases the daily take limit on Lake D'Arbonne to fifty and the daily possession limit to one hundred.

House Concurrent Resolution 132 by Representative Harrison (Sent to Sec of State) memorializes congress to prevent the importation of seafood from Asian producers.

COASTAL AND WATER

Senate Concurrent Resolution 39 by Senator Morrish (Sent to Sec of State) requests a comprehensive study and evaluation of Louisiana's levee districts and other water resource boards.

Senate Concurrent Resolution 60 by Senator Long (Send to Sec of State) requests federal, state, and local governing authorities wen contracting for coastal restoration and protection projects to give priority to Louisiana businesses.

Senate Concurrent Resolution 91 by Senator Allain (Sent to Sec of State) and Senate Resolution 114 by Senator Mills (passed the Senate) both memorialize Congress to review and amend or revise the Biggert-Waters Flood Insurance Reform Act of 2012.

House Concurrent Resolution 22 by Representative St. Germain (Sent to Sec of State) approves the Atchafalaya Basin Annual Plan for fiscal year 2013-2014.

House Concurrent Resolution 42 by Representative Leger (Sent to Sec of State) approves the 2013-2014 annual plan for integrated coastal protection and restoration.

LANDS

Numerous land transfer bills were filed during the session. The land transfer bills authorized certain state agencies to transfer state-owned property to local political subdivisions or to private individuals. The following are some of the land transfer bills: **Senate Bill 85 by Senator Johns (Act 91)**(Calcasieu); **Senate Bill 154 by Senator Murray (Act 227)**(Orleans); **Senate Bill 170 by Senator Donahue (Act 121)**(St. Tammany); **Senate Bill 216 by Senator Walsworth (Act 127)**(Ouachita and Iberville); **House Bill 16 by Representative Dixon (Act 69)**(Rapides); **House Bill 246 by Representative Gisclair (Act 19)**(Lafourche); **House Bill 292 by Representative Jefferson (Act 309)**(Ruston); **House Bill 539 by Representative Harris (Act 202)**(Avoyelles); and **House Bill 720 by Representative Abramson (Act 335)**(Orleans and St. Martin).

Property

by: *Danielle Doiron*
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COMMUNITY DEVELOPMENT

Senate Bill 197 by Senator Riser (Act 272)

Extends the sunset of the individual income tax credit for the rehabilitation of owner-occupied residential and mixed use structures through January 1, 2018.

House Bill 630 by Representative Leger (Act 263)

Extends the sunset of the income tax credit for the rehabilitation of historic commercial structures for two years through January 1, 2018.

House Bill 125 by Representative Shadoin (subject to call-House final passage)

would have provided for the termination of usufruct of a surviving spouse upon death or remarriage. Deletes the Competitive Projects Payroll Incentive Program which provides certain “qualified businesses” a contract to receive certain rebates under a five-year contract.

House Bill 256 by Representative P. Williams (Act 436)

Constitutional Amendment that provides for an 18-month redemption period for vacant residential or commercial property sold at a tax sale which is blighted or abandoned, excluding Orleans Parish.

CONVENTION FACILITIES

House Bill 516 by Representative Leger (Vetoed)

would have authorized the Ernest N.

Morial New Orleans Exhibition Hall Authority to include a Phase V expansion project which would allow a joint venture between the authority and a private entity for a tourism development plan to enhance the convention center and revitalize the New Orleans riverfront around the convention center, including demolition of the No. 2 Canal Street World Trade Center and the development of a riverfront festival park.

HOUSING

Senate Bill 154 by Senator Murray (Act 227)

Authorizes a cooperative endeavor agreement with BioDistrict New Orleans providing for use of the La. State Supreme Court site and state office building site located at 325 Loyola Avenue in New Orleans to be utilized as the new civil district court site. Further authorizes the transfer of the former site of Earl K. Long Medical Center in Baton Rouge to the East Baton Rouge Parish Housing Authority.

House Bill 119 by Representative Lorusso (Act 75)

Provides that employees of the Housing Authority of New Orleans shall not be included in state civil service.

SEIZURE/SALES

Senate Bill 27 by Senator Broome (Act 339)

Provides for the Louisiana Home Protection Act. Adds requirements to sheriff's notices of seizures and provides that the initial sheriff's

sale date shall not be scheduled earlier than 60 days after the date the order commanding the issuance of the writ is signed. Such requirements provided would afford seized residential property owners the opportunity to bring the account in good standing, find out information by contacting the sheriff's office, offer free legal services to those who qualify, and would offer free housing counseling services.

House Bill 581 by Representative Connick (Involuntarily deferred in House Civil Law & Procedure) would have increased from 30 to 50 the multiple of federal minimum hourly wages that are exempt from seizure, and authorizes an employer to not remit to a seizing creditor an employee's wages if the wages are less than 125% of the federal poverty guidelines.

UNCLAIMED PROPERTY

House Bill 348 by Representative Arnold (Act 247) Provides relative to the Uniform Unclaimed Property Act with respect to the Crescent City Connection. Creates the Geaux Pass Transition Fund for tolls previously paid to cross the Crescent City Connection. Provides account balances and toll tag deposits for certain Geaux Pass accounts that have no activity since July 1, 2012, and all tolls paid to cross the Crescent City Connection through March 5, 2013, shall be deemed as abandoned funds and treated as unclaimed property and shall be transferred to the state treasurer for deposit into the fund, and further provides for the return of such funds to their owners in accordance with the Uniform Unclaimed Properties Act until June 30, 2014. Further provides any monies remaining in the fund as of June 30, 2014,

shall be appropriated for expenditures, including operational and maintenance costs for the New Orleans ferries, lighting costs for the approaches to the Crescent City Connection Bridge, and lighting, maintenance, and landscaping of the Westbank Expressway and its connecting arteries.

Public Safety

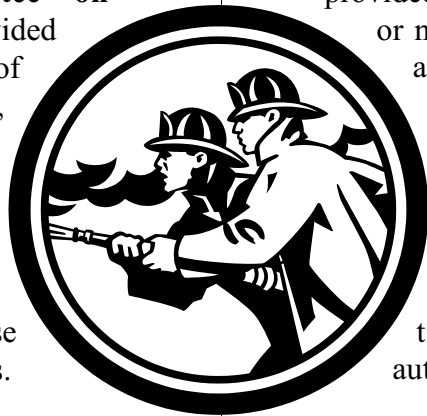
by: Nancy Vicknair
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CHILDREN

Senate Concurrent Resolution 5 by Senator Cortez (Sent to Sec of State) requests the Department of Children and Family Services, the Department of Health and Hospitals, and the Department of Public Safety and Corrections, public safety services, office of motor vehicles, to promote statewide the National Highway Traffic Safety Administration's "Where's baby? Look before you lock." campaign.

COMMERCIAL REGULATIONS

House Bill 548 by Representative Willmott (Pending House Committee on Commerce) would have provided for the licensure and regulation of elevator contractors, inspectors, and mechanics by the state fire marshal, creates the Elevator Safety Review Board, and provides for the annual inspection of elevators and other conveyances, except those in one- or two-family dwellings.



SANITARY CODE

Senate Concurrent Resolution 59 by Senator Donahue (Pending Senate Committee on Finance) would have directed the state health officer and the Department of Health and Hospitals, office of public health, to provide for certain limitations relative to

actions or rules requiring modification of certain existing community water systems.

SEX OFFENSE REGISTRY

House Bill 440 by Representative Billiot (Act 408) requires sex offenders to provide all information regarding the offender's vehicles prior to his operation of the vehicle, and requires the offender to provide temporary lodging information indicating where he plans to stay for seven or more days at least three days prior to his date of departure.

Also provides that temporary lodging information regarding international travel be provided regardless of the number of days or nights the offender plans to stay, and such information shall be provided at least 21 days prior to the date of departure. This information shall then be sent by the bureau to the U.S. Marshals Service's National Sex Offender Targeting Center for transmission to the proper authorities.

TRAFFIC

Senate Bill 147 by Senator Erdey (Act 62) prohibits any device from being used to access, read, or post to a social networking site while operating a motor vehicle and requires tests administered to driver's license

applicants include the applicant's knowledge of distracted driving issues.

WEAPONS

House Bill 717 by Representative Henry Burns (Act 403) requires the reporting of certain information to the La. Supreme Court regarding the possession or carrying of firearms and procedures for the restoration of firearms rights.

House Bill 366 by Representative Mickey Guillory (Pending House Committee on the Administration of Criminal Justice) would have created the crime of reckless discharge of a firearm on residential property in unincorporated areas of a parish.

Retirement

by: Margaret Corley
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COST-OF-LIVING ADJUSTMENTS (COLAs)

Senate Bill 10 by Senator Guillory (Act 170) provides for a change to the target-ratio system of granting COLAs applicable to the statewide retirement systems. This bill would allow for a statewide retirement system board to grant COLAs based on its funded ratio:

- ◆ 90% or greater, may grant a COLA if no COLA was granted the previous year.
- ◆ 80% or greater, may grant a COLA if no COLA was granted the previous two years.
- ◆ 70% or greater, may grant a COLA if no COLA was granted the previous three years.

This bill provides for a self-regulating mechanism. A system that grants COLAs frequently will experience a decrease in the funded ratio and thus not be eligible to grant more COLAs.

Senate Bill 11 by Senator Guillory (Pending Senate Retirement)

applicable to the four state retirement systems, for employees of the state and of the public educational systems, would have provided retirees with a benefit increase of not more than 2% every other year.

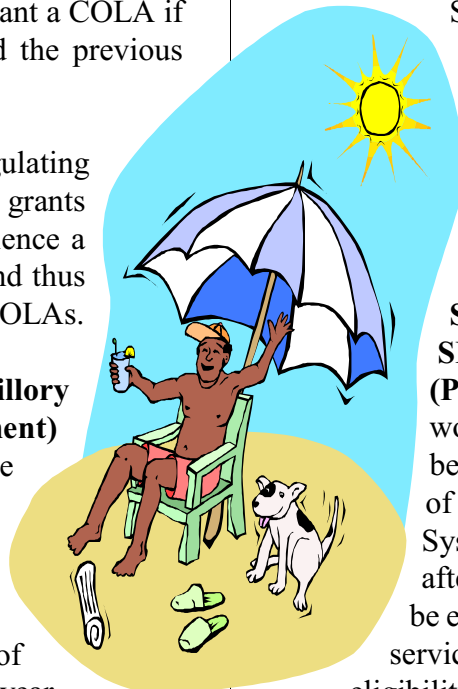
The bill also would have required active employees and future employees to pay an

increased employee contribution rate in order to fund their post-retirement benefit increases. This bill was formulated after a three-month long study by the Senate Committee on Retirement, with participation from the House Committee on Retirement. However, the four state retirement systems, their current members, and employee groups expressed concern with increasing employee contributions at this time.

House Bill 46 by Representative Pierre (Act 297) provides a COLA beginning July 1, 2013, to certain retirees of the Louisiana School Employees' Retirement System. The money to fund the COLA comes from returns above a target accumulated in the system's experience account.

BENEFIT STRUCTURE REFORM

Senate Bill 259 (Substitute for SB 7) by Senator Peacock (Pending House Retirement) would have provided a revised benefit structure for new members of the Firefighters' Retirement System. Any member hired on or after January 1, 2014, would not be eligible to retire with 25 years of service at any age. All other eligibility criteria would have remained in place. New members retiring with fewer than 30 years would have an accrual rate of



3%. New members retiring with 30 years or more would have an accrual rate of 3 1/3%. All new members would have a five year final average compensation period. This bill mimicked plans put in place for new members of the State Police Retirement System, Municipal Police Employees' Retirement System, and Sheriffs' Pension and Relief to provide cost saving measures.

House Bill 39 by Representative S. Bishop (Act 233) provides a revised benefit structure for new members of the Assessors' Retirement Fund. Any member hired on or after October 1, 2013, will be eligible for retirement with 12 years of service at age 60 or with 30 years of service at age 55. New members retiring with fewer than 30 years will have an accrual rate of 3%. New members retiring with 30 years or more will have an accrual rate of 3 1/3%. This bill mimics the changes for new hires implemented by numerous other public retirement systems in Louisiana.

CASH BALANCE PLAN

Senate Concurrent Resolution 1 by Senator Cortez (Pending House Floor) and **House Concurrent Resolution 2 by Representative Harrison (Sent to Sec of State)** were identical resolutions suspending the implementation date of the Cash Balance Plan enacted in Act 483 of the 2012 Regular Session. The resolutions reason that the uncertainty of the Plan, because of pending action by the Louisiana Supreme Court and the Internal Revenue Service, warrants a measured approach best accomplished by suspending the law until July 1, 2014. On June 28, 2013, the Louisiana Supreme Court issued an opinion that the Cash Balance Plan was unconstitutional due to its failure to receive a two-thirds vote in either chamber.

House Bill 729 (Substitute for HB 68) by Representative Pearson (Pending House Floor) would provide for corrections to Act 483 of the 2012 Regular Session. The retirement systems affected by the provisions of Act 483 raised multiple concerns with the implementation of the Cash Balance Plan. HB 729 was introduced to address those concerns. Additionally, the bill made substantive changes to reduce the cost of the new plan.

Senate Bill 16 by Senator Long (Pending House Floor) would have provided for a change in the employer contributions to the Optional Retirement Plan available to higher education members of the Teachers' Retirement System of Louisiana. The employer contribution is equal to that of the "regular retirement plan". With the addition of the Cash Balance Plan, the rate for deposit in the accounts of members hired after July 1, 2013 would drop, from approximately 5.8% (the contribution for the current defined benefit plan) to less than 2% (the contribution for the Cash Balance Plan). The bill would allow the board of each post-secondary educational institution to adopt a rate annually that is not lower than that year's Cash Balance Plan rate and not higher than that year's defined benefit plan rate.



Revenue & Taxation

by: Riley Boudreaux
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A major piece of the budget puzzle for the 2013-2014 Fiscal Year was the Louisiana Tax Delinquency Amnesty Act of 2013, contained in **House Bill 456 by Representative Robideaux (Act 421)**. The bill authorizes the secretary of the department of revenue to establish a two-month amnesty program before the end of 2013 in which delinquent taxes could be paid without penalty and with a payment of only one-half of interest due. From the money collected, the secretary of the Department of Revenue is authorized to retain an amount equal to: (1) all the penalties waived; (2) all the costs for contractual information technology and amnesty program administration services; (3) any collection fees, legal fees, or any other fees the department incurs that are associated with granting amnesty. The secretary must also retain up to \$250,000 for advertising. All remaining money is deposited into a 2013 Amnesty Collections Fund. The money in the fund is to be transferred in FY2013-2014: first, \$10 million into the Rapid Response Fund; next, \$77 million into the Louisiana Mega-Project Development Fund, and, last, \$113 million into the Coastal Protection and Restoration Fund. Of the money remaining after such transfers, the legislature is authorized to appropriate one-half for any purpose in FY2014-2015 and the remaining half in FY2015-2016.

Another hopeful money-raising effort was to be found in **House Bill 629 by Representative Broadwater (Act 399)**. That Bill provides the bill collection resources of the Department of Revenue and the Attorney General's office to the rest of the executive branch of state government. It creates the office of debt collection within DOR and requires most final, non-appealable judgements or other types of agency assessments which are not already under contract to the AG's office to be sent to the office for collection. In addition, most debt 60 days or older which is not final, is to be sent to the AG. The bill also provides new collection tools, such as an additional delinquent fee of up to 25% on the amount due and a requirement for financial institutions to allow a computerized data match for such debt in return for the payment of a fee.

Out of concern for the large amount of tax expenditures (i.e. exemptions, credits, etc.) and rebates that have already been granted by the state, the legislature ended up modifying the following:

The Enterprise Zone Program will be trimmed by **House Bill 571 by Representative Robideaux (Act 423)**. The EZ tax credit will be based only upon full time employees; 50% (rather than 35%) of employees would need to meet resident-based criteria; and retail businesses with an NAIC Code designation of

44 or 45 with more than 100 employees could would only be eligible if they are a grocery store or a pharmacy located in an enterprise zone.

House Bill 653 by Representative Robideaux (Act 425) limits the compensation paid to vendors who collect sales tax from one and one-tenth percent of tax collected to .935 percent.

The two Ports of Louisiana tax credits (an infrastructure project and a per-ton cargo credit) were both terminated as of January 1, 2020 by **Senate Bill 122 by Senator Chabert (Act 431)**, and also both were capped at \$2.5 million dollars per project and a total budget impact of \$6.25 million per year.

House Bill 681 by Representative Ortego (Act 427) limits the tax credit for alternative fuel vehicles to what was commonly understood to be its original intention, that is, limited to vehicles fueled by natural gas, liquified petroleum gas, and nonethanol based advanced biofuels. The bill also allows a credit for vehicles fueled by electricity if they have 4 wheels, are manufactured primarily for use on public streets, can attain a maximum speed of at least 55 miles per hour, and are propelled to a "significant extent" (as determined by Department of Revenue regulation) by an electric motor which draws electricity from a battery which has a capacity of not less than four kilowatt hours and is capable of being recharged from an external source of electricity.

The solar energy and wind energy systems tax credit will be substantially revised by **House Bill 705 by Representative Ponti (Act 428)**. In addition to repealing the credit for wind

energy systems, the bill makes sure only one credit may be claimed and then only for single-family "residences" and not for apartment complexes; that the credit for those purchasing systems for leasing to owners of residences is reduced over time; and that the entire credit is ended on January 1, 2018. **Senate Bill 256 by Senator Claitor (Act 219)** clarifies which vehicles are eligible for the credit, eliminating "flex-fuel" vehicles.

On the other hand, the legislature acted to extend existing credits and enact some new ones:

The largest new credit granted was **House Bill 726 by Representative Leger (Act 265)** which establishes the New Markets Jobs Tax Credit which would, over a number of years, eventually grant \$55 million of credits to those who invest in entities making investments in qualified low-income businesses.

The credit to individuals for a portion of the costs for rehabilitation of certain residences in historical or cultural areas, limited to grants of \$10 million per year, was extended from January 1, 2016 to January 1, 2018 by **Senate Bill 197 by Senator Riser (Act 272)**.

House Bill 630 by Representative Leger (Act 263) extends from January 1, 2016 to January 1, 2018 the transferable credit for a portion of the costs for rehabilitation of certain historical structures in historical or cultural areas, limited to grants of \$5 million per taxpayer "annually" (with no overall cap).

The sound recording investor tax credit for costs of productions in the state, limited to total grants of \$3 million per year, was extended by **House Bill 358 by**

Representative Abramson (Act 385) from January 1, 2015 to January 1, 2020.

House Bill 483 by Representative N. Landry (Act 197) limits the types of expenses which qualify for the current musical and theatrical facility credit and allows current projects one more year to incur such expenses. In addition, the bill establishes a new credit for state-certified higher education musical or theatrical infrastructure projects on higher education campuses certified by LED before January 1, 2018, limited to \$10 million per project and a total \$60 million granted per year. Credits are earned on eligible expenditures until January 1, 2022.

Senate Bill 37 by Senator Gary Smith (Act 341) grants an additional carryback period of two years (instead of three) for net operating losses attributable to Hurricane Isaac if federal legislation granting a similar benefit is enacted.

The credit of \$1,500 per new employee hired during the taxable year in the Cane River Heritage Economic Development Area was extended by **House Bill 151 by Representative Cox (Act 304)** from January 1, 2014 to January 1, 2018.

Two smaller sales tax exemptions were granted for certain gold, silver, numismatic coins, and platinum, gold, or silver bullion under \$1,000 in **House Bill 682 by Representative Hollis (Act 396)** and for the sale of meals to the staff and residents of nursing homes, adult residential care providers, and continuing care retirement communities in **Senate Bill 169 by Senator Walsworth (Act 271)**.

Finally, the legislature did levy or increase a couple of fees:

House Bill 636 by Representative Danahay (Act 394) rearranges the Oil Spill Contingency Fund fee to be levied at 1/4 cent beginning on December 31, 2015 on oil received at all refineries (instead of 4 cents on oil received at marine terminals) up to a balance of \$7 million in the fund. The levy goes up to one-half cent if the fund balance is below \$5 million and an unauthorized discharge of oil in excess of 100,000 gallons has occurred within the previous 12 months or if the balance in the fund is less than \$5 million due to certain oil spill or emergency-related costs. The half-cent levy lasts until the fund balance equals \$7 million. Also removes the \$30 million cap on the fund (in case money is received from other sources).

Various fees for postsecondary educational institutions were levied in **House Bill 671 by Representative Foil (Act 426)** and the secretary of state increased fees relative to corporation filings in **House Bill 430 by Representative Leger (Act 316)**.

State Government

by: Dawn Watson
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STATE GOVERNMENT ORGANIZATION

Louisiana may have a new department as a result of this session. **House Bill 352 by Representative Harrison, et al (Act 384)** creates the Department of Elderly Affairs, but also provides that the legislation shall not be effective until either an existing department is abolished or the constitution is amended to authorize an additional department. This department would replace the current Office of Elderly Affairs in the Governor's office. If the legislation becomes effective, the new department would have all the bells and whistles of any other department. It would be responsible for the functions of the state that are designed to meet the needs of Louisiana residents age sixty and over, including coordination of services between other departments and administration of several programs targeting assistance to the elderly.

While Representative Harrison's bill may expand state government, **Senate Concurrent Resolution 114 by Senator Amadee (sent to Sec of State)** urges and requests the House and Senate committees on Governmental Affairs to meet and function as a joint committee to study issues relative to the merger of one or more state departments. Specifically, the resolution is seeking for the joint committee to identify efficiencies, savings and methods of streamlining state programs and services.

PUBLIC CONTRACTS

As in years past, once again bills were introduced this session to modify provisions of law regarding the state's letting of public contracts, particularly authority regarding design-build contracting. Following recent hurricanes, the legislature has granted authority to public entities to utilize design-build contracting as a means to expedite recovery efforts. Because of repeated extensions of time for design-build authority has raised objections from representatives of engineer, architect, and contractor organizations, **Senate Concurrent Resolution 102 by Senator Adley (sent to Sec of State)** establishes the Design-Build Task Force to study all issues and disputes related to the use of design-build contracting by the state and political subdivisions and to report on such matters on or before January 15, 2014.

Our state has also seen a significant growth in funds being used for professional, personal, and consulting service contracts with a corresponding decline in state employment. In Fiscal Year 2012, the annual report of the Office of Contractual Review reported that it approved 2,284 different contracts for a total contract value of \$5.28 billion. **House Bill 73 by Representative Richard (pending Senate Committee on Finance)** would have required a reduction in Fiscal Year 2014 of not less than ten percent of the total dollar amount of professional, personal and consulting service contracts when compared to state contracts

approved in Fiscal Year 2013, and also prohibits an agency from contracting for an items line-item vetoed in the General Appropriations Act.

STATE BUILDINGS AND GROUNDS

This session included a few bills specifically relative to state buildings and grounds. **House Bill 207 by Representative Carmody (Act 79)** authorizes public post-secondary education management boards to name a building at an institution under its supervision and management in honor of a living person. The bill provides that the board may develop criteria to be used in naming buildings and that the criteria may include donations to the alumni association or foundation.

Also receiving some lively discussion this session was regulation of smoking around state buildings, particularly at athletic events. **House Bill 111 by Representative Hoffmann (Conference Committee report adopted by House)** would have prohibited smoking within 25' of an entrance to a state building when access by the public is not restricted and within 25' of a wheelchair ramp that facilitates access by a disabled person to a state building. In the bill's final posture, exceptions were made for the following state buildings: (1) A building constructed by a parish or city school board; (2) The Louisiana Superdome; (3) The New Orleans Arena; and (4) Public post-secondary universities.

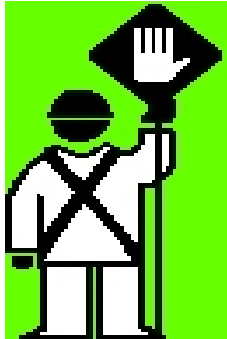
PUBLIC RECORDS

There were a couple of resolutions debated this session seeking to make it easier for the public to access public records. The resolution farthest in the process is **House Concurrent Resolution 129 by Representative Broadwater (Sent to Sec of**

State). This resolution directs each public body that has a custodian of public records to make the identity of its custodian available to the public in a manner that will allow a member of the public to quickly determine the appropriate person to whom a public records request should be submitted.

PUBLIC MEETINGS

Regarding public meetings, **Senate Bill 212 by Senator Smith (Act 363)** requires any nonelected board or commission that has the authority to levy a tax to video or audio record, film, or broadcast live all proceedings in a public meeting and the board or commission will be required to preserve and maintain the video or audio record, film or broadcast for at least two years.



Transportation & Development

by: Sharon Lyles
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CONTRACTS

Design-Build

Repeated extensions of time of design-build authority has raised objections from representatives of engineer, architect, and contractor organizations who favor use of the public bid process of design-bid-build. Several bills were filed to extend design-build authority. Only **SCR 102** and **HB 559** moved through the process.

Senate Concurrent Resolution 102 by Senator Adley (Sent to Sec of State)

Establishes the Design-Build Task Force to study all issues and disputes related to use of the design-build contracting authority by the state and political subdivisions for public projects with public funds, to address such issues, to resolve disputes, to develop an approach to determine the best use of design-build contracts, to determine when and how design-build contracts should be used, to determine an approval procedure for the use of design-build contracts, and to report all such matters to the House and Senate Committees on Transportation, Highways, and Public Works not later than January 15, 2014, and to terminate not later than March 31, 2014

House Bill 559 by Representative Brossett (Act 321) Design build authority expires July 10, 2013, for certain entities following Hurricanes Katrina and Rita. House Bill 559 extends the length of time from six years to

seven years, or until July 10, 2014, for utilization of the design-build method for the following schools: Edna Karr High School, G. W. Carver High School, Martin Behrman High School, Sherwood Forest Elementary School, and Paul B. Habans Elementary School, and extends the length of time from six years to eight years, or until July 10, 2015, for utilization of the design-build method for projects of the Sewerage and Water Board of New Orleans, in a power plant not to exceed \$30,400,000. Effective July 1, 2013.

Use of in-house forces

Senate Bill 161 by Senator Chabert (Act 63)

Provides \$1,000,000 annual limit on work performed by a public entity with its own employees and resources to restore or rehabilitate certain levees and extends the termination date until December 31, 2018.

CRESCENT CITY CONNECTION BRIDGE AND FERRIES - NEW ORLEANS

Tolls on the Crescent City Connection Bridge expired on December 31, 2013. An initial vote had approved continuation of the tolls by a narrow margin. The election results were challenged in the 19TH Judicial District Court which vacated the election results and ordered a new election that was held May 4, 2013. The people voted overwhelmingly to "Stop the Tolls".

Senate Bill 215 by Senator Heitmeier (Act 273) Requires DOTD to own, and provide insurance and contribute not more than \$4,000,000 annually from its operating budget for the continued operation of the Chalmette ferry; authorizes DOTD to enter a cooperative endeavor agreement (CEA) with a political subdivision of the state to provide for continued operation of the Chalmette ferry; authorizes CEA to include the use of marine assets and associated maritime properties formerly operated by the CCCD to be managed and operated as a ferry system; requires the political subdivision to establish ferry fares and to contract with a public or private ferry service operator; requires political subdivision to use best practices to operate and manage ferry service and collect ferry fares; requires that all ferry fares collected be used to operate and maintain ferry service.

Creates the New Orleans Ferry Fund and requires the state treasurer, after making the allocation from state highway fund No. 2 for the Greater New Orleans Expressway Commission, to deposit into the Fund an amount equal to the total of all funds derived from registration and license fees and taxes on trucks and trailers which are collected in Orleans Parish, subject to appropriation, to DOTD for operation of the Chalmette ferry and to provide ferry service formerly operated by the CCCD until June 30, 2018; provides that these funds are in addition to but not less than the \$4,000,000 DOTD contributes from its operating budget.

Removes the word "ferries" from existing law which provides that the Regional Transit Authority shall have no power or authority to operate taxicabs, or facilities designed

exclusively for the transportation of property for hire, nor ferries, sightseeing limousines and buses, or school buses, nor shall it engage in other activities commonly regarded as private enterprise, except to develop a transit system, provide concessions, off-street parking and other facilities for the comfort, safety and convenience of transit passengers, and otherwise accomplish the purpose and policies expressed and contemplated in law.

Senate Bill 218 by Senator Morrell (Act 274) Prohibits the Department of Transportation and Development (DOTD) from collecting a toll, charge, administrative fee, or late charge from any person for the alleged failure to pay a toll to cross the Crescent City Connection Bridge between January 1, 2013, and March 4, 2013.

Requires DOTD to conduct a toll violation amnesty program for all persons alleged to have failed to pay a toll to cross the Crescent City Connection Bridge prior to January 1, 2013, no later than August 1, 2013, to conclude the program on October 1, 2013, and to publicize the program.

Allows persons who have entered into payment plans with th in connection with an alleged failure to pay a toll to collect the Crescent City Connection Bridge may avail themselves of the toll amnesty violation program.

Prohibits DOTD from taking any action to collect a charge or administrative fee from who is alleged to have failed to pay a toll to cross the Crescent City Connection Bridge prior to January 1, 2013.

Provides that DOTD shall retain twenty percent of the funds collected during the toll amnesty violation program to pay for the costs incurred by the department to implement the program.

Provides that upon conclusion of the program that the DOTD shall notify the Department of Public Safety and Corrections, office of motor vehicles, of all person who disposed of toll violations pursuant to the toll violation amnesty program and that the office of motor vehicles shall be prohibited from refusing to renew the driver's licenses of such person for the alleged failure to respond to a notice pertaining to the alleged failure to pay a toll to cross the Crescent City Connection Bridge.

Requires DOTD to turn over all evidence of outstanding toll violations alleged to have occurred prior to January 1, 2013, to the Department of Justice or Department of Revenue for collections upon conclusion of the program.

House Bill 348 by Representative Arnold (Act 247) provides for return of Crescent City Connection Geaux Pass account balances and toll tag deposits by the treasurer to owners under the Uniform Unclaimed Property Act. Creates the Geaux Pass Transition Fund and provides that any monies remaining in the fund as of June 30, 2014, shall be appropriated as provided in proposed law for such expenditures as operational and maintenance costs for the New Orleans ferries, lighting costs for the approaches to the Crescent City Connection Bridge, and lighting, maintenance, and landscaping of the Westbank Expressway and its connecting arteries.

House Bill 416 by Representative Connick (Act 194) provides for income tax refund checkoffs to donate funds for decorative lighting on the Crescent City Connection Bridge and to provide support for the cost of operating and maintaining New Orleans ferries, formerly operated by the Crescent City Connection Division.

DRIVER'S LICENSES

House Bill 218 by Representative Norton (Act 81) In response to the manufacture of Elio autocycles in Shreveport, exempts operators of certain autocycles from requirements to obtain an "M" endorsement or wear a safety helmet.

House Bill 703 by Representative Edwards (Act 264) Requires any person hired or employed in an unclassified position, and whose annual salary or rate of compensation is equal to, or exceeds one hundred thousand dollars, to provide proof to his public employer that he has been issued a Louisiana driver's license and that all vehicles registered in his name are registered in Louisiana. New law is deemed a qualification for the position for which the person was employed or hired, and for the duration of the person's employment in the event the person's salary is increased and the requirements of proposed law are triggered. Requires all government agencies which hire or employ any person in an unclassified position, whose annual salary or rate of compensation is equal to, or exceeds one hundred thousand dollars, to verify that such person has been issued a Louisiana driver's license and that all vehicles registered in his name are registered in Louisiana. Requires the public employer to verify that employees to which proposed law applies

meet the requirements of proposed law for the duration of all such persons' employment. Provides that any person hired or employed in an unclassified position who does not meet the requirements of new law, or who no longer meets the driver's license and motor vehicle registration requirements of proposed law, shall be removed and terminated within thirty days of the public employer learning such person does not meet the requirements of proposed law.

Senate Bill 201 by Senator Mills (Act 55)

Provides for exhibition of the designation "I'm a Cajun" in the color black below the person's photograph on a driver's license or identification card, upon request and payment of an additional annual fee of five dollars. Provides for collection of the fee by the Department of Public Safety and Corrections (DPSC) and quarterly disbursement of monies collected to the Council for the Development of French in Louisiana (CODOFIL) and requires CODOFIL to disburse the monies received from the fee solely to fund scholarships for its "La Fondation Louisiane for the Escadrille Louisiane" scholarship program. Requires the DPSC to establish rules and regulations as necessary for implementation.

REAL ID

Senate Concurrent Resolution 119 by Senator Perry (Sent to Sec of State)

Establishes the Louisiana REAL ID Act of 2005 Task Force to study and make recommendations relative to implementation of the federal REAL ID Act of 2005 in Louisiana, to report all such matters to the Senate and House committees on transportation, highways, and public works

not later than 60 days prior to the beginning of the 2014 Regular Session, and to terminate upon submission of its report. Senator Perry was designated as chairman by President Alario.

House Bill 395 by Representative Guinn (Subject to call, Senate final passage)

Would require that the words "situs inversus totalis" be exhibited on the driver's license, regardless of its class, and special identification cards, upon request and presentation of documentation from a physician certifying that the person has such condition.

Current law directs the Department of Public Safety and Corrections (DPSC) not to implement the provisions of the Federal Real ID Act of 2005 or the PASS ID Act.

Would require, effective January 1, 2014, the DPSC, upon request, to issue REAL ID compliant driver's licenses and special identification cards. Further would require DPSC that in the event an individual elects not to be issued a REAL ID compliant driver's license or special identification card, such license or card issued by the DPSC shall indicate the driver's license or special identification card is not compliant with federal REAL ID regulations and the words "Not for federal identification" shall be printed on the driver's license or special identification card. Further provides that pursuant to the REAL ID Act of 2005, if changes to the federal rules are promulgated after January 31, 2013, then such changes shall require oversight and approval by the House and Senate Committees on Transportation, Highways, and Public Works.

FERRIES

DOTD announced plans to stop operating the White Castle and Edgard/Reserve ferries on June 30, 2013, in response to Streamline Government Commission recommendation No. 139, which recommended closing three ferries. The Melville ferry was previously closed. DOTD permanently closed the White Castle ferry on June 21, 2013; the operation of the Edgard/Reserve ferry continued temporarily pending possible transfer to St. John Parish, but has also permanently closed as of July 31, 2013.

Senate Concurrent Resolution 105 by Senator Brown (Sent to Sec of State) urges, requests, and authorizes DOTD to continue operating the White Castle and Edgard/Reserve ferries and to implement equitable ferry fares to offset some of the ferry operating costs.

House Bill 386 by Representative Leopold (Act 41) Currently, DOTD regulates the placement, erection, and maintenance of advertising signs on state-owned ferries and establishes appropriate and reasonable fees for such advertisement in accordance with the Administrative Procedure Act. **HB 386** adds authorization for the department to regulate the sponsorship of signs on state-owned ferries, as well as all rights-of-way and assets of the department and that the rules and regulations promulgated by the department shall also be consistent with federal standards pursuant to Title 23 of the U.S. Code.

FINANCE AND FUNDING FOR TRANSPORTATION

The DOTD continues to report a \$12.5 billion dollar backlog of funding needs for highway projects. To date, additional revenue sources to address the backlog of highway needs have been futile and efforts to increase revenue available for transportation in the face of Louisiana's budgetary struggles have failed.

Senate Concurrent Study Request 1 by Senator Walsworth requests a joint study of the feasibility of proposing a Transportation Infrastructure Model for Economic Development 2 (TIMED 2) program for the state.

House Bill 675 by Representative St. Germain (Pending House Ways and Means) proposed annual adjustments in the tax levied on gasoline, motor fuels, and special fuels in accordance with the Consumer Price Index beginning January 1, 2014; however, in no event shall such taxes be less than the current rates.

Priority Programs

The Joint Committee on Transportation, Highways, and Public Works approved the four priority programs funded from the Transportation Trust Fund prior to the convening of the 2013 Regular Session. Appropriations for these programs are contained in Schedule 07 of **House Bill 2 by Representative Robideaux (Act 24)**, as follows:

Aviation	\$28,462,190
Highways	\$726,781,118 <i>of which \$33,900,000 is TTF-Regular</i>
Ports	\$19,700,000 <i>(\$16,100,000 TTF-Regular; \$3,600,000 Priority 2 General Obligation Bonds)</i>
Statewide Flood Control	\$8,910,000

Additional appropriations in **HB 2** include the following:

Interstate 49

Funding for I-49 North and South is proposed in the total amount of \$15million payable from the Unclaimed Property Leverage Fund provided that percent (50%) of these funds are to be used for I-49 North and fifty percent (50%) of these funds are to be used for I-49 South.

Funding for I-49 North is proposed in the total amount of \$87,710,000 million with \$24,710,000 million in Priority 1 General Obligation Bonds and \$63 million in Priority 5 General Obligation Bonds

Roads Ineligible for Federal Funds

Louisiana's 16,675 mile state highway system contains more than 6,000 miles that are not eligible for federal funds. In previous years, DOTD's election to utilize available TTF-Regular to match TTF-Federal resulted in neglecting improvements to these miles of "rural" roads. In 2006, creation of the State Highway Improvement Fund (SHIF) which dedicates motor vehicle license taxes on trucks and trailers to fund improvements on

state highways ineligible for federal funds. **Act 135, RS 2012** authorized DOTD to issue revenue bonds for highway projects ineligible for federal funds secured by the revenues which are dedicated to the State Highway Improvement Fund (SHIF). The expenditure of bond proceeds is limited to projects included in the highway priority program. After some differences of opinion over whether to sell bonds to fund all three years of the program as recommended by the treasurer in the amount of \$325 million dollars for three year program, concerns relative to the state debt limit ceiling resulted in the sale of \$100 million dollars bonds to fund a list of projects for the first year furnished by DOTD for its "Quality Surface Program". The second year list of projects is included in the FY 2014 program. The year three projects list is yet to be determined. DOTD has committed that each parish, except Orleans, will receive at least one project.

HB 2 appropriates \$49 million dollars with \$48 million dollars payable from SHIF and \$1 million dollars in Priority 1 General Obligation Bonds.

Parish Transportation Fund

Schedule 20-903 in **House Bill 1 by Representative Fannin (Act 14)** appropriates a total of \$43.4 million from TTF-Regular to the Parish Transportation Fund (PTF). The Louisiana Constitution dedicates at least one cent of the gasoline and special fuels tax to the PTF. One cent is equivalent to approximately \$30 million. Historically, appropriations to the PTF from TTF-R exceed the minimum of at least one cent. Within the PTF, the Parish Road Program is appropriated \$34 million and \$4.445 million; the Mass Transit Program is

appropriated \$4.955 million. Monies for the Off-system Roads and Bridges Match Program is appropriated in **HB 2** payable from re-allocated General Obligation Bond proceeds and Priority 2 General Obligation Bonds. **HB 2** appropriates \$2,260,000 million dollars in General Obligation Bonds and \$4,528,118 million dollars in reallocated General Obligation Bond proceeds. Monies for the Parish Road and Mass Transit Program are distributed pursuant to formula directly by the treasurer to parish and municipal governments.

MEMORIAL HIGHWAYS AND BYWAY DESIGNATIONS

House Concurrent Resolution 41 (Sent to Sec of State) Urges DOTD to erect appropriate signage on the portion of I-210 designated as the Doug Fournet Memorial Parkway to recognize his rank and designate him as a recipient of the Congressional Medal of Honor.

House Bill 171 by Representative Chaney (Act 17) Designates a portion of LA 17 in West Carroll Parish, from its intersection with Cemetery Street north to Gaddis Street, as the "West Carroll Veterans Memorial Highway".

Designates a portion of LA 80 in Richland Parish, from its intersection with Bob's Lane east to its intersection with Orchard Lane, as the "Thomas M. Alexander Memorial Highway".

Designates LA 94 in Lafayette Parish as the "Donald C. Cleveland Memorial Highway".

Directs DOTD to erect and maintain the appropriate signage.

House Bill 239 by Representative Shadoin (Act 82) Designates the bridge on LA 33 in Union Parish that crosses Bayou D'Arbonne Lake as the "James Peyton Smith Bridge".

Directs DOTD to erect and maintain appropriate signage reflecting the highway designation.

House Bill 486 by Representative Reynolds (Act 45) Designates a portion of Interstate 20 in Webster Parish as the "Sergeant Joshua Tomlinson Interchange".

Directs DOTD to erect and maintain appropriate signage reflecting the interstate designation.

House Bill 419 by Representative Johnson (Act 46) Names a bridge located on US 190 in Pointe Coupee Parish as the "Nickie Gene Voinche Memorial Bridge"

Senate Bill 151 by Senator Guillory (Act 25) Designates that portion of LA 741, near Pecanaire, Louisiana, between LA 31 and US 190 in St. Landry Parish, as the "Hadley J. Castille-Pecanaire Highway".

MOTOR VEHICLES

License Plates

House Concurrent Resolution 67 by Representative Lorusso (Sent to Sec of State) Directs the Department of Public Safety and Corrections to imprint "Battle of New Orleans Bicentennial 1815-2015" on license plates for private passenger motor vehicles.

House Bill 147 by Representative Huval (Act 276) Creates the "I'm Cajun" and "I'm Creole" prestige license plates. Royalty fees collected for both plates are distributed to CODOFIL for its scholarship program.

House Bill 159 by Representative T. Landry (Act 76) Creates the March of Dimes prestige license plate. Royalty fees collected for the plates are distributed to the March of Dimes Louisiana Chapter.

House Bill 334 by Representative Ortego (Act 150) Creates the Louisiana Cultural Economy Foundation prestige license plate. Royalty fees collected for the plates are distributed to the Foundation to be used solely for administrative and operational purposes.

House Bill 372 by Representative Whitney (Pending House Transportation, Highways & Public Works) Proposed creation of prestige license plates for the Louisiana Republican and Democratic Parties. The plate would have been of a color and design selected by the chairman of each respective organization. Royalty fees collected for both plates would have been forwarded to each organization's state central committee.

House Bill 373 by Representative Franklin (Act 192) Creates the Free and Accepted Mason prestige license plate. Royalty fees collected are not distributed.

PHOTO ENFORCEMENT OF TRAFFIC SIGNALS AND SPEED

After several bills filed in the 2012 Regular Session failed to advance, bills to address the continuing controversial issue of the use of cameras to enforce traffic signals and speed

were expected in the 2013 Regular Session to finally resolve this issue, which has been ongoing for at least seven years. Municipalities collect significant revenues annually from violations imposed. Constituents complain about high fines imposed, the flow of such dollars to an out-of-state vendor, the lack of due process to contest such fines, and whether or not the use of camera enforcement reduces accidents and enhances public safety or just raises revenue for municipalities.

House Bill 47 by Representative Hollis (Pending House Transportation, Highways and Public Works) Would have restricted the issuance of certain red light traffic citations and the imposition of certain civil penalties only if the vehicle documented in violation of traffic laws is registered to that alleged violator at an address located in a parish or municipality which also utilizes an automated traffic enforcement system.

PORTS

Senate Bill 223 by Senator Mills (Act 180) Creates the Coastal Port Advisory Authority in the office of multimodal planning, Department of Transportation and Development (DOTD), to perform its duties, functions, and responsibilities in an advisory capacity in order for the state to determine how it may best position itself to take advantage of pending private sector investments in deepwater oil and gas resources in the Gulf of Mexico.

RAILROADS

House Bill 409 by Representative Johnson (Act 193) Provides relative to safety

regulations for contract carriers transporting railroad employees.

SIGNS AND SIGNALS

House Bill 396 by Representative Landry (Act 43) Revises traffic movements when facing a steady yellow signal alone to restrict traffic from entering an intersection.

Revises traffic movements applicable to right turn on red or left turn on red from a one-way street onto a one-way street to include that at a signalized U-turn, turning traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

Provides that during a flashing YELLOW arrow indication, vehicular traffic, on an approach to an intersection, facing a flashing yellow arrow signal indication, displayed alone or in combination with another signal indication, is permitted to cautiously enter the intersection only to make the movement indicated by such arrow. In addition, vehicular traffic facing a flashing yellow arrow, turning left or making a U-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction. Such vehicular traffic, including vehicles making a U-turn, shall yield the right-of-way to pedestrians lawfully within the associated crosswalk, and to other vehicles lawfully within the intersection.

House Bill 415 by Representative Ortego (Vetoed) would have required DOTD to adopt a supplement to the manual and specifications for a uniform system of traffic control devices which permits parish governing authorities to request bilingual guide signs on state and

federal highways within their boundaries and would have provided that the Council for the Development of French in Louisiana (CODOFIL) shall act as an advisory authority to the department.

It also would have required that the supplement shall provide a process by which a parish governing authority may make a request for bilingual guide signs and that this process shall, at minimum, require the parish governing authorities to identify the signs it wishes to be bilingual, the non-English language to be used on the bilingual guide signs, and the terms and spelling thereof of any such non-English terms to appear on the bilingual signs. DOTD shall have approval of the non-English terms and the spelling thereof unless the submitted terms are in Louisiana French which terms CODOFIL shall approve or provide alternative Louisiana French terms.

It also would have provided that DOTD shall bear the cost of the production and installation if a guide sign that a parish governing authority requests to be bilingual is set for replacement or installation in the fiscal year that the request is made. However, the parish governing authority shall bear any increased cost in production or installation, or both, caused by the placement of the bilingual terms on the guide sign.

It would have provided that a parish governing authority shall bear the entire cost of the production and installation if a guide sign that the parish governing authority requests to be bilingual is not set for replacement or installation in the fiscal year that the request is made.

TOLLS

House Bill 654 by Representative Morris (Act 206) Reduces the notice requirements and fees applicable to persons who are alleged to have committed a toll violation on LA 1 to the following:

(1) A notice of violation that includes a warning that the registered owner pay the toll and administrative fees stated in the notice or appeal the violation within 30 days after the issuance of the notice.

(2) A notice that the registered owner failed to pay the administrative fees stated in a violation notice and to appeal a violation notice within 30 days of its issuance incurs a later charge of five dollars and that the owner shall be notified of this. A registered owner who fails to respond to a violation notice within sixty calendar days after the date of the issuance of the violation notice shall be prohibited from renewing his driver's license. This shall be communicated to the registered owner in the notice of delinquency sent in the notice sent 30 days after the issuance of the original violation notice.

Removes the \$15 late charge assessed for failure to respond to a notice of violation within 45 days and removes the \$20 late charge assessed for failure to respond to the notice of violation within 60 days.

Permits the DOTD and alleged toll violators to communicate via electronic mail.

TRAFFIC

Access Connections

House Concurrent Resolution 9 by Representative Guinn (Sent to Sec of State)

Amends DOTD rules relative to sharing of access through a single access point for adjacent properties and repeals the requirement for a traffic impact study for a request for an access connection on a state route where alternative access connection opportunities exist on non-state routes. Also, repeals the requirement for a traffic impact study and department approval for access connections in excess of one access connection or for an access connection on a state route where non-state route access exists. Directs the office of the state register to print such amendments.

Cell phones

Senate Bill 147 by Senator Erdey (Act 62)

Prohibits any device from being used to access, read, or post to a social networking site while operating a motor vehicle and requires tests administered to driver's license applicants include the applicant's knowledge of distracted driving issues.

Hazardous material routes

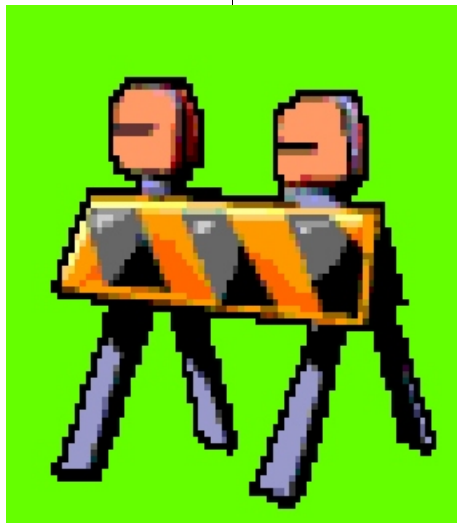
House Bill 186 by Representative H. Burns (Act 18)

Changes the route specified as Interstate 49 between the Caddo-DeSoto parish boundary and its intersection with Interstate 20 to the route specified as Interstate 49 between the Caddo-DeSoto parish boundary and its intersection with the Louisiana-Arkansas boundary.

Senate Bill 214 by Senator G. Smith (Act 28) Prohibits the transport of hazardous materials on that portion of LA 48 designated as Apple Street in Norco, except for carriers making local pickups or deliveries, carriers using the route to reach a local pickup or delivery point, or carriers using the route to reach maintenance or service facilities.

TRANSIT

LA Swift, the commuter bus service instituted after Hurricane Katrina to provide transportation between Baton Rouge and New Orleans for displaced New Orleans residents, terminated on July 31, 2013, due to lack of \$750,000 in local matching funds for a federal grant to continue its service. Efforts are ongoing to find the local match and to restart the service in November 2013.



Wildlife & Fisheries

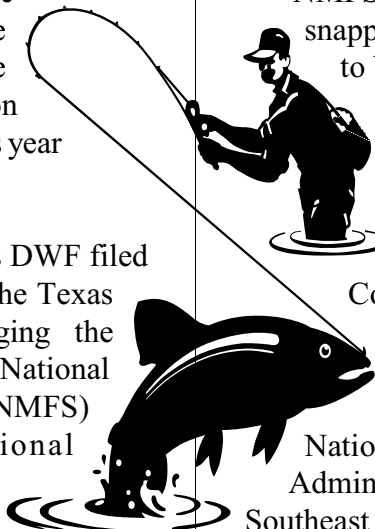
by: Michelle Broussard
(225) 342-0734

The 2013 Regular Legislative Session provided many bills of importance and interest regarding the Louisiana Department of Wildlife and Fisheries (LDWF). Legislation receiving most of the attention this year is summarized below.

The LDWF and the Texas DWF filed a joint lawsuit in April 2013 in the Texas U.S. District Court, challenging the emergency rule enacted by the National Marine Fisheries Service (NMFS) allowing the NMFS regional administrator to significantly reduce the recreational red snapper season in federal waters off the coasts of Louisiana and Texas. This brought Senator Allain to push **Senate Bill 157 (Subject to call - Senate Final Passage)** providing that no person would possess red snapper within the state waters, except in open seasons; and no person would purchase, sell, exchange, or offer for sale or exchange, or possess, import, with intent to sell or exchange red snapper within the state or state water, except in open seasons. The open seasons will be fixed and based on biological and technical data. The opening and closure of the season will be regulated by zone each year and according to the daily take, possession, and red snapper size limits. Violations would have constituted a class 5-B violation.

A judgment was rendered in favor of Louisiana and Texas, declaring the emergency

rule null and void. The ruling means that NMFS must recalculate the 2013 red snapper fishing season in federal waters to be equal in all Gulf states.



Senate Resolution 25 by Senator Allain (Sent to Sec of State) was coauthored by thirty other senators to memorialize the U.S. Congress and the secretary of U.S. Department of Commerce to take such action as necessary to require regional administrators of the National Oceanic and Atmospheric Administration (NOAA) Fisheries Service Southeast Regional office and respective scientists to attend a meeting of the Louisiana Senate Committee on Natural Resources, to provide information on the red snapper season.

In May 2013, the LDWF made changes in the recreational red snapper season and bag limits, to limit the season cited for federal waters by the NOAA. Louisiana's recreational red snapper season first opened March 23, 2013 for weekends only, with a recreational bag limit of three fish per person per day with a 16-inch length. On June 25, 2013, the season will revert to weekends only, i.e., Friday, Saturday and Sunday except on Memorial Day and Labor Day when Monday is classified as a weekend day as well.

With increased complaints and concerns, **Senate Concurrent Resolution 82**

by **Senator Smith (Sent to Sec of State)**, requests the LDWF to perform a study to determine how local authorities can regulate air boat noise. The study should review the dangers of air boat noise, abatement, approaches and enforcement options for local governments. The study should examine and create regulations of air boat noise in order to reduce residential irritants, and preserve lakes and rivers where fishermen work and live.

Legislation producing as many opponents as supporters, the intent of **Senate Bill 184 by Senator Long (Subject to Call - Senate Final Passage)** was to change present law by providing that the Louisiana Seafood and Promotion and Marketing Board would act independently from the secretary of the LDWF with no exceptions. The Board would also have had a separate budget and domiciled in New Orleans.

Senate Bill 211 by Senator Long (Pending Senate Finance) would have included the creation of the Beginning Farmer and Fisherman Income Tax Credit Program to promote farmers, livestock producers, and fishermen to enter the farming and fishing industries in the state. Incentives would have been established by the Louisiana farmers and commercial fishermen who mentors qualified beginning farmers and fishermen; and those selling or leasing capital agricultural assets or their fishing assets to qualified beginning farmers and fishermen. The income tax credit of up to 5% of the purchase price would have been provided to an established Louisiana farmer. It would have also allowed up to 10% of the annual lease price or value of shared agreements with farmers who entered into leases or shared agreements for the use of agricultural assets. Had it passed, it would

have limited the amount of the income tax credit issued by the Department of Revenue not to exceed \$400,000 annually.

Major interest rose around **House Bill 32 by Representative Thibaut (Pending House Appropriations)** that would have dedicated a portion of mineral income from False River to operations, management, and improvements including aquatic weed management. Had it passed, it would have dedicated 10% of the state's leases, royalties, bonuses, and right-of-ways from activity on False River water bottoms, and would not have exceeded \$100,000 in any year, after constitutional allocations.

House Bill 236 (Act 35) by Representative Leopold increases the penalties for violating laws that regulate oysters harvested during health closures and health time restrictions. The penalties for such violations are changed from a class two violation punishable by first, second and third offense ranging from \$100 to \$750 to a class six violation, punishable for each offense, with a fine ranging from \$900 to \$950 or imprisonment for less than 120 days or both, and forfeiture of any oysters and related items seized.

To address ongoing problems brought on by Giant Salvinia, **House Concurrent Resolution 159 by Representative P. Williams (Sent to Sec of State)** requests the LDWF to study Giant Salvinia that is found in nearly every public water body in Louisiana and continues to spread to other areas of the state. Control and eventual removal of this evasive plant is a must if Louisiana is to productively maintain waterways. Examinations of diverse ways to exterminate

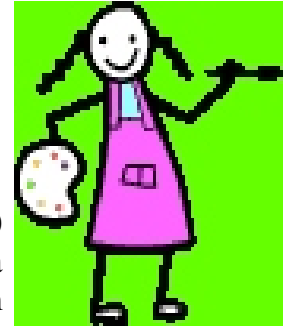
Great Salvinia should be routinely performed especially since herbicide applications only affect the top layer of this kariba weed.

Senate Concurrent Resolution 126 by Senator Alario (Sent to Sec of State) commends Colonel Winton Vidrine on his retirement from LDWF after a distinguished 43 year career, including 24 years as chief of the LDWF enforcement division. Colonel Vidrine became well known for numerous accomplishments including his day and night campaign to apprehend night hunters, fish shockers, poachers, and local outlaws operating in the swamps, forests and water bodies of Louisiana. Along with instituting major division reform, he greatly improved agent capabilities with heavy emphasis on education and training. He established a Maritime Special Response Team to handle disasters such as hurricane and oil spill destruction. Among the receipt of many awards, Colonel Vidrine acquired the coveted 1990 Special Olympic Award, given for the LDWF's continued support of the event.

Jeff Mayne, originally a student worker to Colonel Vidrine, will replace him as the new colonel.

Women & Children

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The Senate Select Committee on Women and Children met on Wednesday, April 17, 2013 during the 2013 Legislative Session. Advocates from various organizations and non-profit organizations were present to discuss concerns with state funded programs, healthcare access, domestic abuse, and pay equity.

HEALTH CARE

The American Cancer Society Louisiana Breast and Cervical Health Program

The Louisiana Breast and Cervical Health Program (LBCHP) was at risk of receiving a \$700,000 state funding decrease which would have amounted to a \$2.8 million decrease over all because the state funds are matched with federal funds. The LBCHP helps low-income, uninsured, and undeserved women gain access to life-saving tests for breast and cervical cancer. Although the funds were cut out of the Executive version of the Budget, the funds were restored back to HB 1 to state funding amount for FY13 through a line item amendment to Schedule 19 authored by Representative Helena Moreno.

Susan G. Komen

A representative from Susan G. Komen testified before the Senate Committee to stress the importance of the restoration of funds to the LBCHP. Stating that "breast cancer is the second leading cause of cancer deaths among women today. Further stating that, "an

estimated 3,630 women in Louisiana will be diagnosed with breast cancer and 220 will be diagnosed with cervical cancer. Approximately 650 Louisiana women are expected to die from breast cancer in 2013.

March of Dimes

The March of Dimes presented testimony to the committee that 62,379 babies are born each year, 9,400 babies are born prematurely, and 1,890 are born with a birth defect. Also they presented that the average medical cost for a health baby is \$4,320.00 while the average cost for a premature baby is \$55,025.00. Preventing premature birth in Louisiana could mean an annual savings up to \$485 million dollars.

The March of Dimes asked the committees support of: **House Bill 322 by Representative Thierry (Act 407)** which requires all newborns in Louisiana to be screened for critical congenital heart disease. This is the most common cause of infant mortality due to birth defects.

House Bill 451 by Representative Barrow (Act 159) which increases accessibility to the Pertussis vaccine by requiring hospital personnel to offer the vaccination to parents of newborns. Pertussis, or whooping cough is highly contagious and potentially fatal in

infants too young to be vaccinated. 80% of babies catch the disease from family members.

Campaign for Healthcare for Everyone-Louisiana

The Campaign for Healthcare for Everyone-Louisiana presented information on Medicaid expansion stating that "a recent financial analysis by the state Department of Health and Hospitals estimates that Medicaid expansion could save Louisiana as much as \$368 million over the next decade. The government will cover 100% of expansion costs for the first three years, with the state contributing a small portion after the three year period but no more than 10%. Currently, the stat pays nearly 40% of all Medicaid costs.

Campaign for Healthcare asked the members to support **Senate Bill 125 by Senator Peterson (Pending Senate Finance)** would have provided for the Louisiana Health Care Independence Program and requires reporting of the program outcomes as well as **Senate Bill 246 by Senator Nevers (Subject to Call Senate Final Passage)** would have provided for the dedication of revenues realized from the expansion of health insurance coverage pursuant to the Affordable Care Act.

There were also other bills submitted by both the House and Senate that addressed the issue of Health Care that are pertinent to women and children.

Senate Bill 90 by Senator Mills (Act 259) which provides for certain requirements which must be met by a physician who performs an abortion. Provides when any drug or chemical is used for the purpose of inducing an abortion the physician who prescribed the drug or chemical shall be in the same room and in the

physical presence of the pregnant woman when the drug or chemical is initially administered, dispensed, or otherwise provided to the pregnant woman.

PAY EQUITY

American Association of University Women

The American Association of University Women presented research to the committee that women in Louisiana earn .69 cents to the dollar that men earn for the same jobs. A state median annual earnings and earnings ratio for full-time, year-round workers ages 16 and older by gender in 2011 showed that men earned \$46,313.00 while women earned \$ 31,844.00. The advocates expressed that women make up nearly half of the U.S. labor force, and a growing number of women are the breadwinners in their families, therefore, when women are not paid fairly, not only do they suffer, but so do their families.

The AAUW encouraged the committee to support **Senate Bill 68 by Senator Peterson (Pending Senate and Governmental Affairs) and Senate Bill 153 by Senator Murray (Act 374)** which Creates the Equal Pay for Women Act.

CRIME

Domestic Violence

Louisiana Coalition Against Domestic Violence

The Louisiana Coalition Against Domestic Violence (LCADV) rendered testimony that Louisiana has the 4th highest rate of female homicide in the nation and that women in Louisiana are at a rate of 40% higher than the

national average. The Executive Budget sought to cut \$1.4 million dollars from the Domestic Violence Program's Funding through HB1 which would have caused the LCADV to close shelters, reduce outreach and prevention services. The domestic violence programs lost \$998,000 in mid year budget cuts. Fortunately, the funds were restored to HB1 through the Department of Children and Family Services Schedule 10.

There were also bills submitted by both the House and Senate that addressed the issue of crime that are pertinent to women and children.

Senate Bill 88 by Senator Broome (Act 429) relative to victims of human trafficking, provides that where the property to be forfeited is related to human trafficking or trafficking of children for sexual purposes, the proceeds of the public sale or auction shall be applied first to any restitution granted to the victim, after the costs of the public sale or auction, court costs, and fees related to seizure and storage have been satisfied.

Any remaining proceeds shall be distributed in the following manner:

- (1) 25% to the seizing agency or agencies allocated among the seizing agencies in proportion to their participation in the management of the investigation, seizure, and forfeiture.
- (2) 25% to the prosecuting agency.
- (3) 50% to the Exploited Children's Special Fund.

Proposed law creates the Exploited Children's Special Fund. Appropriations by the legislature and all monetary assessments paid and interest accrued on funds collected as provided in proposed law shall be deposited into the fund.

Subject to appropriation by the legislature, monies in the fund shall be used for providing services and treatment administered by the Department of Children and Family Services such as securing residential housing, health services, and social services, to sexually exploited children. The department may also use the funds for grants or to provide services for sexually exploited children.

Senate Bill 251 by Senator Morrell (Subject to call - House referral) which would have provided for a fee to be added to domestic violence convictions in certain courts.

Senate Bill 70 by Senator Kostelka (Act 289) which provides relative to the crime of domestic abuse battery by burning, if the domestic abuse battery is committed by burning of the victim that results in serious bodily injury, the offense shall be classified as a crime of violence under present law and the offender shall be imprisoned at hard labor for not less than five nor more than 50 years without benefit of probation, parole, or suspension of sentence.

Child Abuse

Senate Bill 109 by Senator Morrish (Act 225) provides relative to examinations of a suspected child abuse victim. when the department receives a report from a health care practitioner of abuse or neglect of a child

who is not in the custody of the state, upon request of the child's parent or caretaker, the department shall provide copies of all medical information pertaining to the child's condition to the child's parents or caregiver for the purpose of having a medical expert chosen by the parents or caregiver conduct an independent review of the information provided. Further requires any report generated by the independent review to be submitted to Department of Children and Family Services and considered in assigning a level of risk. Further authorizes the parents or caretaker of a child to execute an affidavit requesting further examination and authorizes the court to order the additional physical evaluation of child or other children in the household when the court has conducted a contradictory hearing and has found that good cause exists.