

Major Legislative Term Accomplishments



2012 - 2016

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President of the Senate

Oct, 2015

2012-2016

Major Legislative Term Accomplishments

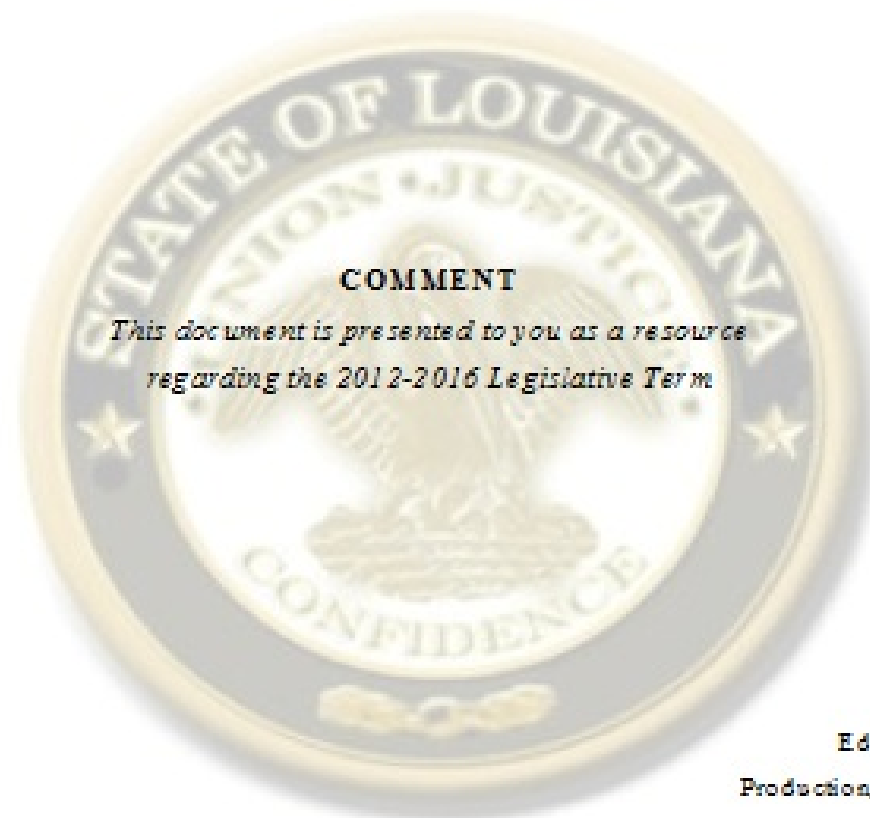


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2012 -2016

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October 22, 2015



AGRICULTURE

AGRICULTURAL BOARDS AND COMMISSIONS

Act 145 of the 2012 Regular Session requires that each license issued by the Louisiana Agricultural Commodities Commission be posted in all warehouse locations. The legislation also repeals the Agriculture Commodity Marketing Law and certain provisions relative to fixed-price contracts and cooperative marketing agreements.

Act 211 of the 2012 Regular Session allows any board or commission within the Louisiana Department of Agriculture and Forestry to require an applicant's social security number on an application for a license, permit, or certificate.

Act 26 of the 2013 Regular Session 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.

AGRICULTURAL DEALER AGREEMENTS

Act 466 of the 2015 Regular Session grants certain dealers a choice of remedy in addition and supplemental to remedies provided in any dealer agreement. The legislation also modifies procedures by which an agent may terminate, cancel, or fail to renew a dealership agreement. Forestry contracts are added to provisions of law regarding the repurchase of farm, industrial, and lawn and garden

equipment by a wholesaler. This legislation is prospective but applies to subsequent amendments and modifications of contracts made after the effective date of the Act.

AGRICULTURE INCENTIVE PROGRAMS

Act 14 of the 2012 Regular Session establishes the Louisiana Organic Certification Cost-Share Rebate Program to encourage organic production in Louisiana. The legislation allows cooperative agreements between the commissioner and organic producers and authorizes the commissioner to promulgate rules. The legislation prohibits the use of the term "organic food" unless the growth and composition of the food meets federal requirements.

Act 429 of the 2015 Regular Session authorizes the establishment of urban agriculture incentive zones for the purpose of entering into contracts with landowners for the use of vacant or blighted lands for agricultural use. The legislation creates procedures, provides for contract requirements, and establishes rules that political subdivisions must follow when imposing fees for the administration of urban agriculture incentive zones.

Act 5 of the 2015 Regular Session expands the type of programs that the Louisiana Agricultural Finance Authority can establish, administer, and supervise for the purposes of promoting the purchase of Louisiana agricultural products beyond only incentive programs.

ANIMALS

Act 204 of the 2012 Regular Session authorizes the Louisiana Board of Animal Health to issue cease and desist orders for violations causing significant damage to animal health. The legislation further provides the board with plenary powers to deal with contagious and infectious diseases.

Act 365 of the 2015 Regular Session requires that an applicant for an initial or renewal kennel license provide the governing body of a parish or municipality with his federal animal dealer's license number and sales tax identification number or provide the reason that such information is not required.

ASSESSMENTS

Act 205 of the 2014 Regular Session retains an assessment of 1¢ per bushel on soybeans and ½¢ per bushel on wheat, corn, and grain sorghum. The legislation also repeals the voting criteria and the referendum vote for imposition and extension of the assessments on soybeans, wheat, corn, and grain sorghum and clarifies the use of funds.

Act 345 of the 2014 Regular Session provides for assessments to be levied and collected of 3¢ per hundredweight on dry rough "paddy" rice and an additional assessment of 2¢ per hundredweight on dry rough "paddy" rice. The legislation repeals all provisions of law related to a referendum for assessment purposes. The legislation further provides that a refund be paid to the producer no later than 60 days after the commissioner receives the producer's application for a refund and requires a two-thirds vote of the legislature to repeal the refund.

Act 216 of the 2014 Regular Session provides for an assessment to be levied and collected of 3¢ per hundredweight on dry rough "paddy" rice and 2.70¢ per hundredweight on "green weight" rice and repeals the levy of additional assessments and referenda for assessment purposes. The legislation further provides that a refund be paid to the producer no later than 60 days after the commissioner receives the producer's application for a refund and requires a two-thirds vote of the legislature to repeal the refund.

Act 219 of the 2014 Regular Session provides for assessments to be levied, imposed, and collected of 1/4 of 1¢ per pound on artificial crawfish bait, 1¢ per pound on crawfish tail meat sold in the state, and 1¢ on bags holding less than 25 pounds of crawfish and 2¢ on bags holding twenty-five or more pounds of crawfish. The legislation also removes the appointment term for members of the Louisiana Crawfish Promotion and Research Board and repeals referenda for assessment purposes.

Act 3 of the 2015 Regular Session increases the amount of sweet potato tax money that the commissioner of agriculture disburses to the Louisiana Sweet Potato Association and the Louisiana Agricultural Experiment Station and modifies the percentages allocated to each entity.

Act 201 of the 2015 Regular Session removes a minimum fee of five dollars and increases the maximum fee to sixteen dollars that the Structural Pest Control Commission is authorized to establish for each reported standard contract and each reported wood destroying insect report.

Act 202 of the 2015 Regular Session increases horticulture professional license fees, nursery stock dealer's permit fees, and cut flower dealer's permit fees issued or renewed by the commissioner of agriculture. The legislation also authorizes the Horticulture Commission to promulgate rules and regulations and increases civil penalties that the commission may assess governing horticulture.

Act 318 of the 2015 Regular Session increases the seed dealer license fee maximum from one hundred dollars to two hundred dollars per license and authorizes the Agricultural Chemistry and Seed Commission to increase the regulatory fee maximum on all seeds sold in Louisiana from twenty cents to thirty cents per one hundred pounds of seed.

Act 428 of the 2015 Regular Session changes the appointing authority, membership, and appointment terms of the Louisiana Beef Industry Council and clarifies the duties and additional powers of the council. All appointments commence on August 17, 2015 with no appointee serving more than two consecutive three-year terms on the council. The legislation also repeals the fifty cent state assessment, removes all provisions related to refunds from the state assessment, and removes the referendum for assessment purposes.

BOLL WEEVIL ERADICATION FUND

Act 157 of the 2012 Regular Session requires that all monies received from the voluntary assessment on cotton producers to offset the cost of boll weevil suppression and eradication programs be transferred directly to the Louisiana Agricultural Finance Authority to provide for the expenses of the program.

DEPARTMENT OF AGRICULTURE AND FORESTRY

Act 152 of the 2012 Regular Session authorizes the commissioner to employ an executive counsel and such assistants as he finds necessary and fix the compensation of each. The legislation requires that the executive counsel and assistants be duly qualified and admitted to practice law in Louisiana.

Act 104 of the 2013 Regular Session 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.

Act 198 of the 2015 Regular Session authorizes the Department of Agriculture and Forestry to issue certifications and registrations and adds the authority for the department and its boards and commissions issuing licenses, permits, certifications, registrations, or certificates to deny, revoke, or not renew such privileges, if the applicant owes any monies.

DRONES IN AGRICULTURE

Act 166 of the 2015 Regular Session authorizes the commissioner to adopt rules for the regulation of unmanned aerial systems used in the course of agricultural commercial operations, except as prohibited by federal law. The legislation requires each operator of an unmanned aerial system used in the course of an agricultural commercial operation to obtain a license from the department. All unmanned aerial systems operated in the course of an agricultural commercial operation must also be registered with the department. The legislation provides for violations, authorizes the commissioner to issue stop orders, and imposes a civil penalty for violations.

FARM TO SCHOOL

Act 167 of the 2015 Regular Session authorizes the Department of Education and any governing authority of a nutrition program to use simplified acquisition procedures for small purchases up to the Federal Small Purchase Threshold, in order to support procurement of local agricultural products and USDA Farm to School initiatives. By allowing schools the freedom to purchase up to the federal threshold for small purchases when procuring local agricultural products, schools may get quotes exclusively from local producers instead of issuing formal bids.

LICENSES AND PERMITS

Act 103 of the 2013 Regular Session 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.

Act 332 of the 2013 Regular Session 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.

Act 110 of the 2014 Regular Session expands current law to require any owner or lessee of farms or preserves engaged in owning, raising, selling, or harvesting imported exotic deer, antelope, elk, farm-raised white tail deer and other exotic cervidae, for any purpose, to apply to the commissioner of agriculture and forestry for a license. The legislation also removes the current fencing height requirement of seven feet and authorizes the commissioner to adopt rules regarding fencing requirements for owners or breeders of imported exotic deer, elk, and antelope.

MEAT PRODUCTS

Act 575 of the 2014 Regular Session provides for changes in the current procurement code preference for meat and meat products produced or manufactured in Louisiana. The legislation expands the preference to apply to meat and meat products that are processed in Louisiana from animals that originated in Louisiana, as evidenced by traceability documentation supplied by the manufacturer.

Act 267 of the 2015 Regular Session provides relative to meat and poultry inspection regulations and clarifies that retail type establishments are exempt from inspections in certain circumstances. The legislation additionally exempts meat and meat food products sold and transported directly to the consumer by a retail store, restaurant, or similar retail type establishment's employees or a common carrier without intervening transfer or storage from inspection requirements.

PEST MANAGEMENT

Act 147 of the 2012 Regular Session requires owners of pesticide businesses and pesticide dealers to keep records for three years accurately reflecting the application, possession and disposition of pesticides. The legislation provides that monies in the Pesticide Fund received from the registration of pharmaceuticals administered to livestock may be used for the expenses of the office of animal health and food safety. The legislation further authorizes the Structural Pest Control Commission to issue subpoenas to compel the attendance of witnesses or produce documents or records.

Act 311 of the 2015 Regular Session requires a certified commercial applicator or a person under the supervision of a certified applicator to apply any herbicide, rodenticide, insecticide, or restricted use pesticide in, on, or around structures or grounds of pre-kindergarten schools. The legislation also requires each city, parish, or other local public school board to submit a single, comprehensive integrated pest management plan for all schools under its jurisdiction.

VETERINARIANS

Act 27 of the 2013 Regular Session provides for a veterinarian exception to the Prescription Monitoring Program. 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.

Act 200 of the 2013 Regular Session 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.

Act 216 of the 2015 Regular Session authorizes the state veterinarian to place any animal used for research in quarantine until a disease risk has abated. The determination to lift a quarantine must be based on validated data derived from evidence-based practices.

CAPITAL OUTLAY

The annual capital outlay act sets priorities for state construction projects and focuses on road improvements, flood control, state and university building maintenance and repairs, economic development projects, health care, state parks improvements, and public safety.

Since 1993, the State Constitution and state law have limited the amount of net state tax supported debt which may be issued by the State in any fiscal year. The State Constitution prohibits the State Bond Commission from approving the issuance of net state tax supported debt if the debt service required by all net state tax supported debt would exceed, in each fiscal year, six percent of the estimate of money to be received by the state general fund and dedicated funds contained in the official forecast adopted by the Revenue Estimating Conference. The general obligation bonds sold by the State for construction projects are included in net state tax supported debt.

Lawmakers have not only abided by the constitutional limit on debt, but have also set an even lower self-imposed annual limit. The self-imposed limit for new cash lines of credit which are funded through the issuance of general obligation bonds of the State, originally set at \$200 million per year, has been annually adjusted for construction inflation, and for Fiscal Year 2015-2016 the self-imposed limit is \$370 million.

Act 23 of the 2012 Regular Session, the Fiscal Year 2012-2013 Capital Outlay Act, appropriated over \$4.28 billion from all funding sources, including the sale of bonds, for the capital outlay program for state government, state institutions, other public entities, and certain non-governmental entities. Included in this total are Federal funds (excluding Federal - Transportation Trust Fund) of \$20.7 million; \$742.2 million from Federal - Transportation Trust Fund (statutory dedication); \$183.6 million from the state Transportation Trust Fund (statutory dedication); \$86.6 million from miscellaneous statutory dedications; \$16.4 million from reappropriated cash; and, \$87.0 million from fees and self-generated revenues.

Of the total amount appropriated in Act 23, \$1,346,475,000 was reappropriated in Priority 1 for projects from Fiscal Year 2011-2012 for which lines of credit were issued but bonds were not sold and thus required reauthorization in Fiscal Year 2012-2013. The authorization for "new" cash lines of credit in Act 23 was \$350 million. Priority 1 contained \$1,540,615,000 in projects and subtracting this amount from the limit for general obligation bonds contained in Act 23 of \$1,696,475,000, only approximately \$155,860,000 was available to fund new projects in Fiscal Year 2012-2013. As Priority 2 contained \$277,535,000 in projects, there was not sufficient authorization to fund all of the projects in Priority 2. No projects in Priority 3 were funded. There was \$1,156,290,000 in Priority 5 projects. Due to the constitutional requirement for the number of readings of a bill in both houses of the legislature, Act 23 constituted both the annual Omnibus Bond Authorization Act and the annual Capital Outlay Act.

During Fiscal Year 2012-2013, the State issued general obligation bonds in the amount of \$300 million to fund projects in the annual Capital Outlay Act.

Act 53 of the 2012 Regular Session, the supplemental appropriation act for Fiscal Year 2011-2012, increased the amount payable for the Non-Federal Aid Eligible Highway Program from the State Highway

Improvement Fund from \$30,400,000 to \$59,693,075.

Act 135 of the 2012 Regular Session, authorized the issuance of State Highway Improvement Revenue Bonds to finance the costs of construction of certain roads which are part of the State highway system and the State Highway Priority Program but are not part of the federal highway system and thus are not eligible for federal highway funding assistance. The bonds are secured from registration and license fees or taxes for certain trucks and trailers as well as the registration and license fees or taxes from school and charity buses, motorcycles, commercial passenger vehicles, road tractors and taxi cabs which are deposited into the State Highway Improvement Fund. Any residual revenues from the registration and license fees or taxes after the payment of debt service are to be deposited into the State Highway Improvement Fund and are dedicated for funding projects for roads which are part of the state highway system but are ineligible for federal highway funding assistance.

Pursuant to the authorization in Act 783 of the 2012 Regular Session, the State Bond Commission on behalf of the State, issued \$198,135,000 of State Highway Improvement Revenue Bonds in Fiscal Year 2013-2014.

Act 54 of the 2013 Regular Session, the supplemental appropriation act for Fiscal Year 2012-2013, appropriated \$25,900,000 from State General Fund (Direct) to the Department of Economic Development for Capital Improvement Projects to meet Economic Development Commitments located statewide. Act 54 also decreased the amount of Transportation Trust Fund - Regular appropriated for the Highway Program from \$121,700,000 to \$99,700,000.

Act 24 of the 2013 Regular Session, the Fiscal Year 2013-2014 Capital Outlay Act, appropriated over \$4.69 billion from all funding sources, including the sale of bonds, for the capital outlay program for state government, state institutions, other public entities and certain non-governmental entities. Included in this total are Federal funds (excluding Federal - Transportation Trust Fund) of \$20.6 million; \$711.1 million from Federal - Transportation Trust Fund (statutory dedication); \$90.8 million from the state Transportation Trust Fund (statutory dedication); \$73.8 million from miscellaneous statutory dedications; \$19.5 million from reappropriated cash; and, \$113.8 million from fees and self-generated revenues.

Of the total amount appropriated in Act 24, \$1,396,475,000 was reappropriated in Priority 1 for projects from Fiscal Year 2012-2013 for which lines of credit were issued but bonds were not sold and thus required reauthorization in Fiscal Year 2013-2014. The authorization for "new" cash lines of credit in Act 24 was \$350 million. Priority 1 contained \$1,721,470,000 in projects and subtracting this amount from the limit for general obligation bonds contained in Act 23 of \$1,746,475,000, only approximately \$25,005,000 of cash line of credit capacity was available for the \$351,125,000 in projects in Priority 2 in Fiscal Year 2013-2014. Act 24 contained \$1,386,390,000 in Priority 5 projects.

During Fiscal Year 2013-2014, the state issued general obligation bonds in the amount of \$496,440,000 to fund projects in the annual Capital Outlay Act.

In Fiscal Year 2013-2014, the State Bond Commission, on behalf of the State, issued Unclaimed Property Special Revenue Bonds in the amount of \$90,595,000 to fund the I-49 North project and in the amount of \$21,080,000 to fund the I-49 South project. The bonds are payable from an annual appropriation

of \$15 million from unclaimed property in the state treasury, of which \$7,500,000 may only be used for debt service for the I-49 North project and the remaining \$7,500,000 may only be used for debt service for the I-49 South project.

Act 360 of the 2013 Regular Session, amended and extended the authority granted in Act 556 of the 2010 Regular Session which authorized the formation of a public, non-profit corporation to finance public facilities to be leased to the Louisiana Community and Technical Colleges System (LCTCS) to be used as "centers of excellence" to provide customized education and training programs for targeted industries. Act 360 authorized the issuance of debt for the construction of an additional twenty-nine projects to be located at various technical and community colleges located throughout the state. Each project requires at least a twelve percent private match. Act 360 further excludes such debt from the definition of net state tax supported debt.

Act 25 of the 2014 Regular Session, the Fiscal Year 2014-2015 Capital Outlay Act, appropriated over \$5.96 billion from all funding sources, including the sale of bonds, for the capital outlay program for state government, state institutions, other public entities and certain non-governmental entities. Included in this total are Federal funds (excluding Federal - Transportation Trust Fund) of \$106.9 million; \$693.5 million from Federal - Transportation Trust Fund (statutory dedication); \$94.7 million from the state Transportation Trust Fund (statutory dedication); \$277.8 million from the Coastal Protection and Restoration Fund; \$53.1 million from miscellaneous statutory dedications; \$13.6 million from reappropriated cash; and, \$112.6 million from fees and self-generated revenues.

Of the total amount appropriated in Act 25, \$1,250,035,000 was reappropriated in Priority 1 for projects from Fiscal Year 2013-2014 for which lines of credit were issued but bonds were not sold and thus required reauthorization in Fiscal Year 2014-2015. The authorization for "new" cash lines of credit in Act 25 was \$355 million. Priority 1 contained \$1,548,346,100 in projects and subtracting this amount from the limit for general obligation bonds contained in Act 25 of \$1,605,035,000, only approximately \$56,688,900 of cash line of credit capacity was available for the \$445,385,800 in projects in Priority 2 in Fiscal Year 2014-2015. Act 25 contained \$1,943,550,000 in Priority 5 projects.

During Fiscal Year 2014-2015, the state issued general obligation bonds in the amount of \$534,980,000 to fund projects in the annual Capital Outlay Act.

Act 574 of the 2014 Regular Session, authorizes an additional exception to the November first deadline for submission of capital outlay requests when the request meets all of the statutory requirements except for time of submission. Act 574 authorizes a capital outlay request to be submitted after the November first deadline if the project is located in a designated disaster area, there is a public need for the project because of a national or state declared disaster, and the project has been approved by the Joint Legislative Committee on Capital Outlay (JLCCO), which approval may occur after February first and which project may have a total project cost of one million dollars or more.

Act 748 of the 2014 Regular Session, provides that the prior approval of the Joint Legislative Committee on the Budget is required for one or more change orders that exceeds in the aggregate, one hundred thousand dollars per month for a project undertaken pursuant to an appropriation in the Capital Outlay Act. Act 748 further provides that the Recovery School District is required to receive the prior

approval of the Joint Legislative Committee on the Budget for one or more change orders that exceeds one hundred thousand dollars in the aggregate per month for a contract for a capital expense project.

Act 701 of the 2014 Regular Session, increases the dollar amount of projects exempt from the capital outlay bill that are for minor repairs, renovation, or construction of buildings or other facilities or the purchase of land, buildings, or other facilities from less than or equal to \$500,000 to less than or equal to \$1,000,000. Act 701 authorizes the construction cost or purchase price of one million dollars to be adjusted annually in accordance with the United States Bureau of Labor Statistic's consumer price index for all urban consumers as published in January of each year. Act 701 also authorizes a state college, university, or higher education facility to enter into a short term loan not to exceed one year for these purposes which short term loans shall not be included in the definition of net state tax supported debt.

Act 557 of the 2014 Regular Session, authorizes the Phase V Convention Center Expansion Project for the Ernest N. Morial - New Orleans Exhibition Hall Authority, including a joint venture between the authority and a private entity for a tourism development plan to enhance the New Orleans Convention Center and install basic infrastructure. Act 557 further authorizes the authority to issue nontraditional tax-exempt bonds and other obligations to finance the expansion projects, and provides for additional bond capacity. Act 557 removes restrictions in prior acts on expenditures, contracts, and debt issuance for hotel projects.

Act 26 of the 2015 Regular Session, the Fiscal Year 2015-2016 Capital Outlay Act, appropriated over \$5.4 billion from all funding sources, including the sale of bonds, for the capital outlay program for state government, state institutions, other public entities and certain non-governmental entities. Included in this total are Federal funds (excluding Federal - Transportation Trust Fund) of \$233.4 million; \$559.4 million from Federal - Transportation Trust Fund (statutory dedication); \$114.3 million from the state Transportation Trust Fund (statutory dedication); \$42.1 million from the Coastal Protection and Restoration Fund; \$78.01 million from miscellaneous statutory dedications; \$12.7 million from reappropriated cash; and, \$156.4 million from fees and self-generated revenues.

Of the total amount appropriated in Act 26, \$1,070,055,000 was reappropriated in Priority 1 for projects from Fiscal Year 2014-2015 for which lines of credit were issued but bonds were not sold and thus required reauthorization in Fiscal Year 2015-2016. The authorization for "new" cash lines of credit in Act 26 is \$370 million. Priority 1 contained \$1,434,220,500 in projects and subtracting this amount from the limit for general obligation bonds contained in Act 26 of \$1,440,055,000, only approximately \$5,834,500 of cash line of credit capacity is available for the \$391,399,658 in projects in Priority 2 in Fiscal Year 2015-2016. Act 26 contains \$2,080,284,000 in Priority 5 projects.

Act 473 of the 2015 Regular Session, is a constitutional amendment that transforms the Budget Stabilization Fund into a Trust, named the Budget and Transportation Stabilization Trust and provides that any revenue that flows into the newly named Trust will now be utilized first to maintain a balance of \$500 million for the Budget Stabilization Sub-fund and its original purposes. Additionally, Act 473 creates the Transportation Stabilization Sub-fund which receives monies in excess of the \$500 million threshold for the Budget Stabilization Sub-fund, provides for a balance of \$500 million in the Sub-fund, and provides that monies in the Sub-fund shall only be used for road projects and DOTD's Intermodal Connector Program. This constitutional amendment is to be presented to the voters at the October 24, 2015 statewide

election.

Act 465 of the 2015 Regular Session, is the companion enabling legislation to Act 473 of the 2015 Regular Session. This Act becomes effective if and when Act 473 of the 2015 Regular Session is adopted at the October 24, 2015 statewide election.

Act 257 of the 2015 Regular Session, as authorized by the Constitution, increases the amount of mineral revenues which constitutes the base of the Budget Stabilization Fund from \$850 million to \$950 million. Mineral revenues below the base are deposited into the state general fund and mineral revenues in excess of the base are deposited into the Budget Stabilization Fund until it reaches its maximum capacity.

Act 275 of the 2015 Regular Session, provides that additional general fund revenues, not to exceed \$100 million, available due to the increase in the base of the Budget Stabilization Fund, shall be deposited into the Transportation Trust Fund to be used for specific transportation related projects, including the Louisiana Transportation Infrastructure Bank. The Act further prohibits such revenues from being used by the office of state police.

Act 431 of the 2015 Regular Session, creates the Louisiana Transportation Infrastructure Bank to fund eligible transportation projects of public entities through the Louisiana Transportation Infrastructure Fund, a revolving loan fund also created in the act, with investments from federal grants, state funds, and other funds generated by the operation of the fund. Act 431 further provides for deposits into the fund, including investment by the state treasurer of other state funds and seven percent of the collections from certain motor vehicle taxes.

Act 471 of the 2015 Regular Session, is a constitutional amendment that would except the investment of public funds to capitalize the Louisiana Transportation Infrastructure Bank from the prohibition against the loan, pledge, or donation to or for any person, association, or corporation, public or private, of the funds, credit, property, or things of value of the state or any of its political subdivisions and the prohibition against the state or any of its political subdivisions from subscribing to or purchasing the stock of a corporation or association or for any private enterprise. This constitutional amendment is to be presented to the voters at the October 24, 2015 election.

Act 380 of the 2015 Regular Session, provides that the limit on the amount of state generated tax deposits into the Transportation Trust Fund (TTF) that can be appropriated to ports, the Parish Transportation Fund, the Statewide Flood Control Program, and the office of state police for traffic control purposes, of twenty percent annually applies to monies deposited into the TTF from all sources, including taxes, penalties, fees, and interest. The office of state police appropriation from the TTF was originally proposed to be \$65 million for Fiscal Year 2015-2016. This act limits the appropriation for Fiscal Year 2015-2016 to state police out of the TTF to \$45 million and limits the executive budget recommendation and appropriation by the legislature from the TTF to the office of state police to \$20 million for Fiscal Year 2016-2017 and \$10 million for Fiscal Year 2017-2018 and each fiscal year thereafter.

Act 28 of the 2015 Regular Session, requires the inclusion of both positive and negative impacts of a proposed flood control project on surrounding parishes to be included in the application for a flood-

control project under the Statewide Flood Control Program.

Act 355 of the 2015 Regular Session, provides for revisions to the Highway Priority Program (Program). Act 355 requires that projects to be included in the program be selected utilizing a prioritization process based on an objective analysis that considers a list of factors relative to the cost of the project and anticipated revenues to be appropriated by the legislature (selection factors). The Act specifies that prior to selecting a project for inclusion in the program based on the selection factors, the Department of Transportation and Development shall screen all projects submitted for inclusion in the Program to determine whether they are consistent with the most recent Statewide Transportation Plan and warrant inclusion in the Program. The department is to identify prospective outcomes of each Program, report them to the legislature, evaluate the actual outcomes of each Program, revise the prospective outcomes of each Program, and report the results of these evaluations to the legislature when it presents a proposed Program of construction to the Joint Highway Priority Construction Committee as required by law beginning with the Program presented for Fiscal Year 2017-2018. These provisions of the Act become effective on March 16, 2016.

Act 438 of the 2015 Regular Session, revises the ballot procedures to obtain consent of the legislature for a capital outlay priority change or scope adjustment if first approved by the Interim Emergency Board.

In Fiscal Year 2015-2016, the State Bond Commission, on behalf of the state, issued Unclaimed Property Special Revenue Bonds in the amount of \$73,820,000 to fund the I-49 South project. The bonds are payable from an annual appropriation from unclaimed property in the state treasury.

CHILDREN, WOMEN & FAMILY

Throughout the 2012-2016 term, Louisiana legislators continued to sponsor legislation to protect women, children, and families. Some of the pertinent pieces of legislation are as follows:

2012 Regular Session

CHILDREN

Protective Measures

Act 840 extends the "right of privacy" to juvenile victims of misdemeanor sex offenses. This act amends the definition of "sex offense" for purposes of protecting the identity of the victims of such offenses to include obscenity, misdemeanor carnal knowledge of a juvenile, and all offenses listed within the statute.

Act 614 and Act 268 criminalizes the failure to report the sexual abuse of a child. Also requires the reporting of child abuse or neglect through the designated state child protection reporting hotline for Department of Children and Family Services (DCFS).

Act 736 provides that the secretary of Department of Environmental Quality (DEQ) shall notify the State Board of Elementary and Secondary Education (BESE), DCFS when a child occupied facility, placed into operation after Aug. 1, 2012, has been notified that the level of lead hazards, lead abatement activities, or any lead testing performed exceeds applicable standards. Further provides that a copy of the notification shall be displayed in a prominent location at the child-occupied facility. Also requires that parents or legal custodians of children enrolled at child-occupied facilities be notified by electronic means, such as email or posting on a website, of all lead abatement activities, lead testing which exceeds applicable standards or lead hazard reduction activities performed at the facility or on its grounds.

Act 599 increases the penalties imposed on child care facilities and child-placing agencies from \$250 to \$1,000 per day for operating without or in violation of a license. Also authorizes, in lieu of revocation, the issuance of a written warning which includes a corrective action plan for certain violations or occurrences which does not pose an imminent threat to the health, safety, rights, or welfare of a child.

Act 430 requires that DCFS' rules and regulations for Class A and Class B day care centers include procedures which allow them to remedy certain deficiencies, immediately upon identification by DCFS, in an onsite inspection, provided that any deficiency which may be remedied in such manner does not constitute a critical violation of licensing standards. Also provides that the La. Advisory Council on Child Care and Early Education shall provide input and guidance to DCFS on all matters pertaining to rules, regulations, and standards for day care centers, including but not limited to those relative to licensure.

Act 223 provides that no person who has been convicted of, or who has pled guilty or nolo contendere to, any sex offense whose victim was under the age of 13 years, shall own, operate, or in any way participate in the governance of child care facilities, or own, operate, or in any way participate in the governance of, or reside in, family child day care homes.

Act 385 requires sex offenders and child predators to provide notification on certain networking websites of their status as sex offenders or child predators.

Act 200 requires a convicted sex offender to provide certain notifications and to register with law enforcement and provide information, including but not limited to every email address, online screen name, or other online identifiers used by the offender to communicate on the Internet. The Act further requires a sex offender to appear in person at the sheriff's office where the offender is currently registered to update information when a change is made to any information previously provided by the offender.

Act 205 redefines the crime of unlawful use of social media by certain sex offenders and provides for the offense of unlawful use of a social networking website. The Act further provides that it shall be unlawful for certain sex offenders who are required to register as a sex offender to use social networking websites and provides that a social networking website shall only include those Internet websites, which has as its primary purpose facilitating social interaction with other users of the website, allows users to create web pages or profiles about themselves that are available to the public or other users, and offers a mechanism for communication among users.

WOMEN

Senate Bill 577 (vetoed) would create the Louisiana Equal Pay Task Force to study and make recommendations relating to equal pay issues in the state of Louisiana, would have provided for the task force to study the extent of wage disparities between men and women in certain public sectors; study factors that cause wage disparities and the consequences; collect data on women's pay; and develop actions, including legislation, which may eliminate and prevent wage disparities requires the task force to make monthly reports detailing its progress to the Senate committees on Labor and Industrial Relations and Finance and House committees on Labor and Industrial Relations and Appropriations, would have required the task force to submit its final report to the legislature and governor by March 1, 2013. The governor's veto message letter advised that the governor vetoed the bill because the implementation of the task force would have cost the Louisiana Workforce Commission at least \$300,000 and no funding for the task force was appropriated by the legislature.

House Concurrent Resolution 174 requires several state agencies, including the Louisiana State University Health Science Center, Health Care Services Division, to study and submit a report on the number of women in their workforces based on age, race, and job category. This resolution requires that information on job classification be submitted along with an analysis of whether the department finds its hiring and promotion practices equitable.

Abortion

Act 685 requires that the fetal heartbeat be made available to, and ultrasound images be displayed for review, by a pregnant woman prior to an abortion. This legislation changes the statutory time for the required ultrasound from two hours before the abortion to twenty-four hours before the abortion.

Act 738 provides for the Pain-Capable Unborn Child Protection Act that the abortion of an unborn child of 20 or more weeks post fertilization age is prohibited, unless the pregnancy is diagnosed as medically futile or, in reasonable medical judgment, the pregnant woman has a condition which so

complicates her medical condition as to necessitate the abortion of her pregnancy to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions.

FAMILIES

Stability and Support for Children

Act 249 allows foster children to remain enrolled in the public school where the child was enrolled at the time he entered foster care, for the duration of his stay in the custody of the state or until he completes the highest grade at that school.

Senate Concurrent Resolution 98 requests that the Louisiana State Law Institute study and make recommendations concerning "net child care costs" under laws for payment of child support and child support guidelines. The report of its findings or recommendation must be submitted to the legislature no later than 2/1/13.

Act 793 provides that death benefits, under the LA Worker's Compensation Law, shall be paid to surviving biological and adopted children of the employee, to be divided equally among them, constituting the sole and exclusive compensation. If there are no surviving children, then the \$75,000 shall be paid to each surviving parent. Regardless of dependency, no payment shall be made to the concubine of neither the deceased employee nor the concubine's children, unless the children are related to the deceased employee by blood or adoption.

Act 99 provides that under the LA Worker's Compensation Law, that if there are no surviving dependents of the deceased employee, the non-dependent children shall divide \$75,000 among themselves equally. Children with a valid child support order from a court of competent jurisdiction against the deceased parent are also considered to be dependents of the deceased employee.

Act 87 clarifies that child support overpayments are excluded from recovery from unemployment compensation benefits.

Act 444 provides procedures by which a previously ordered child support obligation may be transferred to the current caretaker of the child when the current caretaker is not the obligee of the original order.

Act 763 which provides that under extraordinary circumstances, any other relative, by blood or affinity, or a former stepparent or step-grandparent, not granted custody of the child may be granted reasonable visitation rights if the court finds that it is in the best interest of the child.

In determining the child's best interest the court shall consider the following factors:

1. The length and quality of the prior relationship between the child and relative.
2. Whether the child is in need of guidance, enlightenment, or tutelage which can best be provided by the relative.

3. The preference of the child if he is determined to be of sufficient maturity to express a preference.
4. The willingness of the relative to encourage a close relationship between the child and his parent or parents.
5. The mental and physical health of the child and the relative.

Mental and Physical Health for Children and Their Families

In an effort to reduce health care costs, several legislative instruments were offered to encourage preventive care measures (i.e. the delivery and utilization of basic health care services) such as:

House Concurrent Resolution 78 creates a study committee charged with making recommendations with respect to the detection and prevention of cardiac arrest in young athletes and to study the feasibility of requiring all high school and collegiate athletes to be screened for early detection of heart disease. Study findings shall be reported to the legislature by 2/1/13.

Act 421 authorizes University Medical Center (UMC) in Lafayette to enter into a cooperative endeavor with the Lafayette Parish School System (LPSS) to develop a pilot program for coordinated school health and wellness centers to provide primary care services to students and their family members.

Senate Concurrent Resolution 15 requests DHH to promote the department's EarlySteps system with the Louisiana Hospital Association, the Louisiana State Medical Society, and the Optometry Association of Louisiana. The EarlySteps system is designed to support families with the development of their special needs child.

Act 489 authorizes a family psychiatric mental health nurse practitioner or psychologist to execute an emergency certificate for admission to a treatment facility of a minor suffering from mental illness or substance abuse.

Senate Resolution 146 requested the Louisiana Department of Education and the BESE to conduct a survey or study to determine school compliance with the state law regarding vending machines in schools and the requirement of thirty minutes of physical activity in the public schools. The rate of obesity for children has significantly increased in recent years; and, obesity increases the child's risk of numerous health problems and can create emotional and social problems; and, the United States Department of Agriculture relates childhood obesity, in part, to poor nutritional resources available to children which have little or no nutritional value; and the promotion of physical activity as well as consumption of snacks having higher nutritional value during the school day will assist in combating this problem of obesity and changing the attitudes and behavior of students of the health benefits derived from participation in physical activity and consumption of more highly nutritious snacks.

Senate Bill 619 (Pending Senate Education Committee) would have required each city, parish, and other local public school board to adopt and incorporate into its code of conduct a policy prohibiting the harassment, intimidation, and bullying, including cyberbullying, of a student or a school employee by a school employee. Cyberbullying was defined as harassment, intimidation, or bullying of a student on school property by another student using a computer, mobile phone, or other interactive or digital

technology, or harassment, intimidation, or bullying of a student while off school property by another student using any such means when the action or actions were intended to have an effect on the student when the student was on school property.

Act 861 provides for the "Tesa Middlebrook Anti-Bullying Act" to ensure that all schools and school districts have a uniform policy to provide equal protection for all public school students against bullying. The legislation requires the student code of conduct adopted by each local public school board and charter school to specifically address bullying behavior by students. Also requires that training be provided for all school employees, including bus drivers, regarding how to recognize bullying, how to identify students most likely to become victims of bullying, how to use appropriate intervention and remediation techniques and procedures, the procedures by which to report instances of bullying, and information on suicide prevention. The legislation provides for BESE and DOE to develop rules including procedures on student and parental notification, reporting requirements and procedures, investigation of bullying incidents, disciplinary actions, and options for students who are victims of repeated bullying actions.

Early Childhood Education

Act 3 provides for the Early Childhood Education Act which provides for the creation of a comprehensive and integrated network through which to manage and oversee publicly-funded early childhood education programs by July 1, 2013. The goal is to establish performance targets and kindergarten readiness standards, as appropriate, for children through age four and create a uniform assessment and accountability system for publicly-funded early childhood education programs that includes a performance letter grade. Directs BESE to coordinate with DCFS and DHH to align the licensing standards for child care facilities, including participation in the La. Quality Start Child Care Rating System, with the standards established for early childhood education programs.

****Please see Education and Juvenile Justice highlights for additional legislation relating to Children, Women, and Family****

2013 Regular Session

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 healthy 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 **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.

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. Eighty percent 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 DHH 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 state pays nearly 40% of all Medicaid costs. Campaign for Healthcare asked the members to support **Senate Bill 125 (Pending Senate Finance Committee)** which would have provided for the Louisiana Health Care Independence Program and requires reporting of the program outcomes as well as **Senate Bill 246 (Subject to Call Senate Final Passage)** which 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.

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 (Pending Senate and Governmental Affairs Committee) and Act 374** which created 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 midyear 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.

Act 429 provides 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 DCFS 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(Subject to call - House referral) would have provided for a fee to be added to domestic violence convictions in certain courts.

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.

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 care giver for the purpose of having a medical expert chosen by the parents or care giver 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.

Assistance Programs

Senate Concurrent Resolution 42 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 undeserved areas, and to provide access to nutritional programs for mothers and their children beginning in utero and throughout their first year of life.

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 which authorizes a fee schedule known as cost participation for services of the program.

Senate Concurrent Resolution 76 urges and requests the Departments of Education and the DCFS 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 requests the DHH and the DCFS, along with BESE, to study jointly the feasibility of coordinating state mental health and counseling resources for the purpose of providing supports to public school students.

Protective Measures

Senate Concurrent Resolution 5 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 heat strokes. Heatstroke is the leading cause of non-crash, vehicle related deaths for children under the age of fourteen.

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.

Act 225 provides that after the 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.

Act179 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. It also provides definitions for each type of license.

FAMILY

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.

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. The bill 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 (Vetoed) would have provided for surrogacy contracts as follows: (a) Contracts for "genetic surrogacy" shall be absolutely null. Define 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. Define 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.

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, fiscal awareness and financial literacy and 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 urges and requests the DCFS 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.

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.

****Please see Education and Juvenile Justice highlights for additional legislation relating to Children, Women, and Family****

2014 Regular Session

CHILDREN

Act 479 creates an early intervention program in East Baton Rouge Parish that is similar to such programs already in operation in Iberia, St. Mary and St. Martin parishes. Under this program, the district attorney works with local school boards to address behavioral problems or school performance issues related to behavior by providing physical locations in the parish where personnel can work together in a coordinated effort. The program focuses on truancy; is phased in, beginning with grades pre-K through 6th grade; and is funded by a \$25 fine for certain defendants upon criminal convictions. Each year, the district attorney reports statistical data on the effectiveness of each affected parish's program to the appropriate standing committees of the legislature.

In **Senate Concurrent Resolution 134** the legislature voted to request the BESE to examine and consider the status of school suspensions and exclusion, as well as plans to revise the current school discipline policies in response to the "Supportive School Discipline Initiative" launched in 2011 by the U.S. Department of Education and the U.S. Department of Justice. This initiative launched a collaborative project on school discipline practices designed to foster safe, supportive, and productive learning environments while keeping students in school. The role of the initiative has been to coordinate federal actions to provide schools with effective alternatives to exclusionary discipline, such as suspensions and exclusion, while encouraging new emphasis on reducing disproportionate use of such disciplinary actions for students of color and students with disabilities. The resolution calls upon BESE to submit a written report to the House and Senate committees on education, and to the Senate Select committee on Women and Children, no later than March 1, 2015.

Act 581 prohibits smoking within 200 feet of the entrances, exits, or outdoor areas of any public or private elementary or secondary school.

Act 617 prohibits employees of and representatives acting on behalf of abortion providers, and of affiliates of such providers, from delivering instruction or materials on any health topic, including but not limited to human sexuality or family planning, in public elementary or secondary schools or in charter schools receiving state funding.

WOMEN

Act 620 provides for requirements of a physician who performs an abortion to include active admitting privilege at a hospital that is located not further than 30 miles from the location at which the abortion is performed or induced and that provides obstetrical or gynecological health care services, a telephone number by which the pregnant woman may reach the physician or other health care personnel employed by the physician or facility at which the abortion was performed or induced, and the name and telephone number of the hospital nearest to the home of the pregnant woman at which an emergency arising from the abortion would be treated. A violation of these provisions shall be a fine of not more than \$4,000 per violation. The proposed law provides for certain requirements for when any drug or chemical is used for the purpose of inducing an abortion.

Act 565 requires outpatient abortion facilities to post information regarding the National Human Trafficking Resource Center hotline.

Act 569 provides for information on psychological impacts, illegal coercion, abuse, and human trafficking to be delivered to women and minor females prior to abortion.

FAMILY

Senate Bill 96 (pending Senate Health and Welfare Committee) would have provided for a Constitutional amendment to direct the DHH to offer health insurance with essential health benefits to every legal resident of Louisiana whose income is at or below 138% of the federal poverty level, and to allow the legislature to determine whether to continue the program when federal funding falls below 90% of the total program funding.

Act 783 provides for Louisiana First America Next Freedom and Empowerment Act and provides a blueprint to expand access to affordable high quality health care.

Act 484 amends law by replacing registered counselor intern with a provisional license as a provisional professional counselor or a provisional license as a provisional marriage and family counselor.

****Please see Education and Juvenile Justice Highlights for additional legislation relating to Children, Women, and Family****

2015 Regular Session

CHILDREN

Senate Concurrent Resolution 17 directs the DHH to evaluate and report on the health benefits and costs of adding Krabbe disease, also known as globoid cell leukodystrophy, a degenerative disorder that affects the nervous system, to the list of mandatory screening performed on newborns under certain circumstances.

Act 223 provides for annual communications and public information plans to be implemented by the DCFS concerning the Safe Haven Law relative to infant relinquishment which provides a mechanism whereby a parent may relinquish the care of an infant who is not more than 60 days old to the state in safety, anonymity, and without fear of prosecution.

House Concurrent Resolution 162 requests the Commission on Perinatal Care and Prevention of Infant Mortality to study and make recommendations related to the prevention, screening, and treatment of neonatal abstinence syndrome.

Act 248 prohibits suspension or expulsion of students in grades pre-kindergarten through five for certain uniform violations. This also applies to charter schools.

WOMEN

House Concurrent Resolution 169 requests the La. Workforce Commission to notify Louisiana employers, chambers of commerce, and employees of their rights regarding pay discrimination based on gender by making posters available online.

House Concurrent Resolution 168 creates the Task Force on Youth Aging Out of Foster Care to study and explore the public policy and financing options for programs that could assist youth aging out of foster care to achieve successful independence once they reach the age of majority.

FAMILY

Domestic Violence:

Act 456 provides certain accommodations upon reasonable documentation presented by domestic abuse victims who lease residential dwellings. This legislation provides that if a lessee requests early termination of the lease agreement, the lessor shall terminate the lessee's lease agreement early on a mutually agreed upon date within the next 30 days provided that the lessee is a victim of domestic abuse and has completed the specified process to receive an accommodation afforded to victims of domestic abuse.

Act 327 authorizes the establishment of a family justice center in any judicial district to provide multi agency and multidisciplinary support and services to victims of domestic abuse, sexual assault, stalking, cyberstalking, cyberbullying, and human trafficking and to persons protected by the Adult Protective Services Act. This legislation prohibits any family justice center from denying services to any victim on the grounds of the victim's criminal history.

Act 221 changes the law relative to obtaining an immediate divorce as a result of domestic abuse committed during the marriage. It specifies that the abuse must have occurred during the marriage or when a protective order was issued during the marriage. This legislation also provides that the court may assess attorney fees and costs against the perpetrator of abuse in an action for divorce and in incidental actions thereafter, which shall be a separate obligation of the perpetrator, when an immediate divorce is granted. Lastly, this legislation provides that a hearing is not required when there was a protective order or injunction issued to protect one spouse or child from abuse.

Act 353 prohibits a parish or municipality from enacting ordinances that authorize the eviction of a tenant or the termination or suspension of a rental agreement signed by a tenant as result of the tenant, or someone acting on behalf of the tenant, contacting law enforcement or other emergency officials to request assistance with a domestic abuse incident or other crime.

Sexual Assault

Act 172 provides relative to sexual assault on college campuses. This legislation requires public postsecondary education management boards to conduct annual anonymous sexual assault climate surveys on each of their campuses and to provide the procedures that each campus must following in reporting the incidents of abuse and information ascertained by the climate surveys.

Act 242 provides relative to sexual assault protective orders. This legislation enacts the Protection for Victims of Sexual Assault Act and expresses legislative intent to make sexual assault victims eligible for the same services, benefits, and assistance available to persons under the Domestic Abuse, Assistance Act, Protection from Dating Violence Act, and the Protection from Stalking Act.

Act 229 creates standards and procedures for the examination and treatment of victims of a sexually-oriented criminal offense and the subsequent billing for the services rendered as a result of the offense. This legislation requires the coroner or his designee to examine all alleged victims of rape, carnal knowledge, sexual battery, and crime against nature or any sexually-oriented criminal offense. It also removes the requirement that the case be under police investigation.

Act 440 expands the crimes of domestic abuse battery and domestic abuse aggravated assault to include family members as possible victims. This legislation also amends present law to provide that a prior conviction of domestic abuse battery also includes a conviction under the laws of any state or ordinance that prohibits the intentional use of force or violence committed against a family member and expands the crime of stalking to specifically include written threats. I also increases the maximum term of imprisonment from six months to one year for a third or subsequent conviction for the crime of violation of protective orders that does not involve a battery or crime of violence against the person protected by the protective order and increases the maximum term of imprisonment from six months to one year and increases the minimum mandatory sentence from 14 days to 30 days for a second conviction that involves a battery or crime of violence against the person protected by the protective order. Lastly, it expands the present law prohibition on the possession of firearms for the duration of a permanent injunction or protective order to any person against whom a protective order or permanent injunction was issued pursuant to the Protection from Stalking Act, or as a condition of release on bail for an offense against a family or household member or dating partner.

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CIVIL LAW & PROCEDURE

JUDGES, NOTARIES, JUSTICE OF PEACE

Act 180, (2015) authorizes the judges of two new judgeships to serve as duty judges and have the same authority as other judges of the court acting as a duty judge. Under present law, the first two judgeships that become vacant in the Domestic Relations Division of the Orleans Civil District Court are abolished and two new judgeships with limited jurisdiction for family and domestic relations matters were created.

Present law provides that any person who resides in a parish with a population of less than 40,000, and who has passed the uniform statewide examination, except for any performance assessment component, during examinations administered between December 1, 2009 and August 1, 2016, may be provisionally appointed to the office of notary public in and for that parish upon fulfillment of all requirements provided by law and upon meeting all other qualifications necessary to be appointed to the office of notary public in this state. Present law expires on August 1, 2016, and any commission granted pursuant to present law also expires on that date, except if the notary has, subsequent to issuance of a commission, passed all components of the examination provided by present law on or before August 1, 2016.

Act 181, (2015) deletes the August 1, 2016 termination date within which to take the notary examination and repeals the August 1, 2016 sunset provision.

Present law provides that any person who qualifies to run for the office of justice of the peace or constable after 2008 shall not have attained the age of 70 years by the date of qualification, and further provides that any justice of the peace or constable who attains 70 years of age while serving a term of office shall be allowed to complete that term of office.

Act 71, (2015) exempts persons who are serving or already elected to serve as constable or justice of the peace on Aug. 15, 2006, from all age requirements to serve or run for their offices in the future.

DIVORCE, DOMESTIC VIOLENCE, TUTORSHIP, CHILD IN NEED OF CARE

Act 221, (2015) changes the law relative to domestic abuse committed during the marriage. Present law grounds for immediate divorce include:

- (1) Living separate and apart for a specific period of time provided by present law.
- (2) Adultery.
- (3) The commission of a felony and a sentence of death or imprisonment at hard labor.
- (4) Physical or sexual abuse of the spouse seeking divorce or a child of one of the spouses.

- (5) After a contradictory hearing or consent decree, a protective order or an injunction was issued against the other spouse to protect the spouse seeking the divorce or a child of one of the spouses from abuse.

Act 221 specifies that the domestic abuse occurred during the marriage or when a protective order was issued during the marriage. It further provides for legislative intent with respect to the grounds for an immediate divorce involving abuse or the issuance of a protective order.

Additionally, **Act 221** provides that notwithstanding present law (that attorney fees and costs in a divorce action are community obligations), the court may assess attorney fees and costs against the perpetrator of abuse in an action for divorce and in incidental actions thereafter, which shall be a separate obligation of the perpetrator, when an immediate divorce is granted in the following two cases:

- (1) Physical or sexual abuse of the spouse seeking divorce or a child of one of the spouses.
- (2) The issuance of a protective order or an injunction against the other spouse to protect the spouse seeking the divorce or a child of one of the spouses from abuse.

Lastly, present law provides that a hearing is not required when there is a demand for divorce upon the grounds that the spouses have been living separate and apart for the applicable time periods required. **Act 221** extends present law to a demand for divorce when there was a protective order or injunction issued to protect one spouse or child from abuse.

Act 315, (2014) authorizes exemplary damages to be awarded in suits between certain household members arising from acts of domestic abuse when the injuries are caused by a wanton and reckless disregard for the rights and safety of the household member through acts of domestic abuse resulting in serious bodily injury or severe emotional and mental distress. **Act 315** further provides that if the court finds an action alleging domestic abuse is frivolous or fraudulent, it shall award costs of court, reasonable attorney fees, and other related costs to the defendant and other sanctions and relief requested under CCP Article 863.

Act 316, (2015) adds the following as grounds for immediate divorce:

- (1) When a spouse or child has been physically or sexually abused by the other spouse.
- (2) When a protective order or injunction has been issued against the other spouse.

Act 316 also deletes the following as grounds for divorce after 180 days have passed:

- (1) When a spouse or child has been physically or sexually abused by the other spouse.
- (2) When a protective order or injunction has been issued against the other spouse.

Act 316 retains prior law which authorizes the court to award final spousal support and provides a list of considerations for the court in determining the amount of the final award and limits a final award to an amount not greater than one-third of the obligor's net income. It also requires the court to consider the existence, effect, and duration of domestic abuse during the marriage in determining a final award

amount.

It provides for rights to seek other remedies. However, if a party is awarded final spousal support, that party shall be barred from asserting any claims related to the domestic abuse considered by the court in awarding final spousal support. **Act 316** requires the court to award final spousal support when the court finds that the spouse seeking divorce was the victim of domestic abuse committed by the other spouse during the marriage. Further it authorizes the court to award a final award in an amount greater than one-third of the obligor's net income when the final award is made.

The act requires the court to consider all criminal convictions of the obligor spouse committed against the obligee spouse during the course of the marriage in determining whether the obligee was the victim of acts of domestic abuse of the obligor. In the absence of a criminal conviction, the court may order an evaluation of both parties which may be used to assist the court in determining the existence and nature of the alleged domestic abuse. Such evaluation shall be conducted by an independent mental health professional who is an expert in the field of domestic abuse.

Act 333, (2014) amends the definition of a "treatment program" as used in the Post-Separation Violence Relief Act to include a treatment program administered by an individual qualified by education, training, or experience in domestic violence treatment and approved by the court. **Act 333** requires one or more parents to complete a treatment program prior to awarding custody or allowing visitation when there is a history of family violence. The treatment program must be conducted by a licensed mental health professional. **Act 333** expands the definition to include any other similar treatment program administered by an individual qualified by education, training, or experience in domestic violence treatment and approved by the court.

Act 260, (2015) provides for parental authority of married persons, obligations of children, parents, and other ascendants, and provisional custody by mandate. **Act 260** revises present law to provide that a married father and a mother share parental authority over their minor child, unless modified in accordance with law, until the child attains the age of majority or is emancipated, or upon termination of the marriage of the parents of the child. As long as the child remains under the authority of his father and mother, he is bound to obey them in everything which is not contrary to good morals and the laws. An unemancipated minor cannot quit the parental house without the permission of his father and mother, who have the right to correct him, provided it be done in a reasonable manner. The father and mother have a right to appoint tutors to their children and may delegate a part of their authority to teachers and other persons.

Present law provides for the parental administration of a child's estate by the father and in some cases by the mother, during their marriage, until the child attains the age of majority or is emancipated. **Act 260** provides that each parent has the right and the obligation to administer the property of their unemancipated minor child in accordance with law, until the termination of parental authority. Parents have during marriage a usufruct over the property of their unemancipated minor child. **Act 260** provides for the rights and obligations of parents who administer the property of their unemancipated minor child. Present law provides that a child has no right to sue either parent for a marriage settlement or other advancement. However, **Act 260** provides that an unemancipated minor child may not sue any person having parental authority over him. It further provides that the father is the proper plaintiff to sue

to enforce a right of an unemancipated minor and provides for exceptions to present law. All persons having parental authority of an unemancipated minor must join as proper plaintiffs to sue to enforce a right of an unemancipated minor and provides for exceptions to this rule.

Present law provides that when married, a father or the mother under specific circumstances, may use the same forms and procedures as a tutor to sell or mortgage the property of a minor, or compromise a claim of the minor, or take any step affecting the interest of the minor. **Act 260** provides that the parents shall seek court approval to act for a minor and provides exceptions to this rule. **Act 260** also provides that an ascendant having parental authority shall be considered a parent.

Present law provides for provisional custody by mandate. **Act 260** revises present law of provisional custody by mandate to provide for separate rules for persons having parental authority and for tutors.

Act 189, (2014) provides relative to the certificate of inventory in tutorship proceedings and its effectiveness against third parties. Presently, a natural tutor is not be required to furnish bond, but shall record in the mortgage records of the parish of his domicile a certificate of the clerk setting forth the date of birth of the minor, the last four digits of the social security number of the tutor, and the total value of the minor's property according to the inventory or detailed descriptive list filed in the tutorship proceeding. If the minor has no assets, then no certificate need be filed until he acquires assets.

The certificate must be recorded in the mortgage records of every other parish in the state in which the tutor owns immovable property and the recordation operates as a legal mortgage for the amount of the certificate in favor of the minor on all the immovable property of the tutor. **Act 189** provides that if the certificate recorded is in the amount of zero dollars, it shall not create a legal mortgage, and that if the certificate does not contain the required information and, it will not be effective against third parties.

Act 354, (2015) provides relative to legal representation for children and indigent parents in child protection cases and establishes the Louisiana Child Representation System under the oversight of the Louisiana Supreme Court. It requires that the supreme court, through such program as it may designate, provide child representation services to each court exercising jurisdiction over abuse and neglect cases in accordance with a service delivery plan developed by the program and approved by the supreme court. The attorney for the child shall have the authority to represent the child at all stages of the proceedings, and to do all of the following:

- (1) Accompany the child and be present for all court appearances, school hearings, and educational and other meetings related to the child.
- (2) View and copy the child's medical, dental, psychological, psychiatric, educational, or counseling records.

Act 354 provides that a parent of a child who is the subject of a Child In Need of Care (CINC) proceeding may waive the right to counsel if he has been instructed by the court about his rights and the possible consequences of waiver. Before accepting a waiver of counsel, the court must ensure that the

parent is 18 years of age or older and is informed of all of the following:

- (1) The Dept. of Children and Family Services (DCFS) cannot provide legal advice to the parent or represent the parent's interest.
- (2) The child's attorney cannot provide legal advice to the parent and does not represent the parent's interest.
- (3) A proceeding brought under prior law and new law may ultimately result in a termination of parental rights and a complete and permanent separation of the parent from the child.
- (4) If he is unable to afford an attorney, one will be provided by the Indigent Parents' Representation Program.

An order setting a continued custody hearing provide for appointment of counsel for the child and notice to the child representation program. Upon the filing of a petition for commencement of a CINC proceeding, the court shall provide notice and a copy of the petition to the child representation program. After a child has been adjudicated to be in need of care, DCFS may submit a case plan along with the case review report to the court and all counsel of record recommending guardianship. The program providing legal representation to a child in CINC proceedings and the program representing the indigent parents in those proceedings also provide representation in guardianship proceedings. A copy of any motion to modify a guardianship order be personally served on the parents, and that the court promptly notify the programs representing the child and indigent parents, respectively, in CINC proceedings.

Within 10 days after filing of a petition relative to continuing contact with a child, an attorney for the child and an attorney for the parent as parties are authorized to file in the court in which the adoption is pending an agreement for continuing contact. A juvenile court may only establish such rules on the condition that applicable procedures are not otherwise provided through rules promulgated by the Louisiana Supreme Court. Local rules of juvenile courts be made available to the public by filing a copy with the Judicial Council of the supreme court and with the clerk of court.

Act 134, (2014) provides for the calculation of net child care costs as it applies to the basic child support obligation. It allows the definition of child care costs to include the reasonable child care expenses incurred by either parent while receiving job training or education necessary to obtain employment or enhance earning potential when calculating the basic child support obligation. **Act 134** also retains present law which provides worksheets for calculating total child support obligation. However, **Act 134** provides worksheets for the calculation of total child support obligation including the application of the new definition of child care costs.

Act 383, (2014) retains prior law provides for certain restrictions when the court considers allowing visitation of a minor child with a parent who has a history of perpetrating family violence or who has sexually abused his or her child or children. Additionally, **Act 383** adds that, when the court is considering the supervised visitation of a minor child with an incarcerated parent, the court shall consider the best interest of the child, including but not limited to the following factors:

- (1) Factors set forth in Civil Code Article 136(D).
- (2) The mental and physical health and safety of the child.
- (3) The love, affection and other emotional ties between the child and the incarcerated parent.

- (4) The length of time that the child had lived with the parent prior to the parent's incarceration.
- (5) The opinion of the child who is 12 years of age or older regarding visitation at the incarceration facility.
- (6) The desirability of maintaining the continuity of the relationship between the child and the incarcerated parent.
- (7) The willingness of the child's custodial parent, caretaker or legal guardian, or other relatives of the child, to voluntarily take the child to the incarcerated parent's place of incarceration for the supervised visitation.
- (8) The effect upon the child of supervised visitation in the place of incarceration and the feasibility, if any, of alternative or additional use of technology for visitation pursuant to R.S. 9:357.
- (9) Other testimony or evidence as the court may consider applicable.

Act 383 also retains prior law provides for certain restrictions on visitation when a parent has subjected his or her child to physical abuse, sexual abuse or exploitation, or has permitted such abuse or exploitation of the child. Further **Act 383** adds that when visitation between an incarcerated parent and a child has been prohibited by the court and the court subsequently authorizes restricted visitation, then as part of such visitation, the court shall include such restrictions, conditions and safeguards as are necessary to protect the mental and physical health of the child and minimize risk of harm to the child.

CHILD SUPPORT, SPOUSAL SUPPORT

Act 616, (2014) provides for consideration of any interim allowance or final child support order in determining an award for interim or final spousal support. Civil Code Article 112 authorizes the court to award final spousal support and provides certain factors to consider in determining the amount and duration, including financial obligations of the parties. Civil Code Article 113 authorizes the court to award interim spousal support when a demand for final spousal support is pending and provides factors to consider. **Act 616** adds any interim allowance or final child support obligations as factors to consider in awarding interim spousal support.

JUDGMENTS, EXPROPRIATION

Act 144, (2014) requires a judgment to contain the typewritten or printed name of the judge rendering the judgment. Prior law required a final judgment to be signed by the judge. **House Bill 46** requires the judgment to contain the typewritten or printed name of the judge rendering the judgment, but prohibits the invalidation of a judgment that does not contain the typewritten or printed name of the judge.

Act 625, (2014) provides that a judgment determining the validity or extent of a taking in an expropriation proceeding shall be a final judgment for purposes of an immediate appeal, provides for the delays in which to request a jury trial, and provides for the effects of an appeal. Currently any defendant desiring to contest the validity of the taking in an expropriation proceeding on the ground that the property was not expropriated for a public use may file a motion to dismiss the suit within ten days from the date the notice was served on him, and that failure to file the motion within the time provided or to serve a copy thereof on the plaintiff constitutes a waiver of all defenses to the suit except claims for compensation. **Act 625** specifies that the failure to file the motion to dismiss within 10 days of service of the notice constitutes a waiver of all defenses. If a motion to dismiss is timely filed, the court shall set the hearing within 30 days

and render a decision within five days, and provides that a judgment rendered determining the validity of the taking shall be designated as a final judgment for the purpose of an immediate appeal.

In a proceeding where an entire lot, block or tract of land is expropriated, any defendant may apply for a trial to determine the market value of the property expropriated if the defendant files an answer within 30 days from the date he is served with the notice. If the defendant desires a trial by jury, he shall file his demand for a jury trial within 30 days from the date he is served with the notice required and provides that failure to demand a jury within the time provided constitutes a waiver of the right to a jury trial. Where a portion of a lot, block or tract of land is expropriated, any defendant may apply for a trial to determine the just and adequate compensation to which he is entitled if he files an answer within one year from the date he is notified in writing by the plaintiff that it has finally accepted the construction of the facility for which the property was expropriated.

Act 625 requires notice by certified mail, and provides that if the defendant desires a trial by jury, he shall include a demand for a jury trial in his answer or separate pleading demanding a jury trial, which shall be filed within the time allowed to file an answer. Failure to demand a jury within the time provided constitutes a waiver of the right to a jury trial. No appeal in any expropriation suit shall operate to prevent or delay the vesting of title in the plaintiff. A suspensive appeal is available in an expropriation proceeding. The judgment determining the validity or the extent of the taking shall be subject to a devolutive appeal, the delays for taking such an appeal commences upon the signing of that judgment, and the appellate court must consider an appeal of a judgment rendered on an expedited basis.

Prior law allowed a party at any time more than 30 days before the date of trial, without any admission of liability, to serve upon an adverse party an offer of judgment to settle all claims between them. **Act 557, (2012)** changes the time period to 20 days before date of trial.

JURISDICTIONAL AMOUNT IN DISPUTE, COURT COSTS

Act 68, (2013) 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. **Act 68** increases the civil jurisdictional amount in dispute in the City Court of Shreveport from \$25,000 to \$35,000.

Senate Bill 349 (assigned to Senate Judiciary A Committee) (2012) would have provided that a trial by jury shall not be available in suits where the amount of no individual's cause of action exceeds that amount equal to an amount in controversy as set forth in 28 U.S.C. 1332(a) concerning diversity jurisdiction in federal civil cases, exclusive of interest and costs revising present law which provides that a trial by jury shall not be available in suits where the amount of no individual's cause of action exceeds \$50,000 exclusive of interest and costs.

Act 99, (2015) authorizes an increase in court costs for the Opelousas City Court. **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.

Act 382, (2013) 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. **Act 382** 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.

Act 162 (2013) provides for additional court costs and establishment of fees in the Orleans Parish Juvenile Court. **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.

Act 162 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.

JUDGES SALARIES

Act 381, (2013) 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.

SERVICE OF PROCESS

Act 544, (2012) adds certified mail as an option for secretary of state's service of process in certain instances and removes the requirement of requesting a return receipt. **Act 544** also provides that the acceptance by an owner of a public carrier vehicle of a certificate issued by a municipality or parish shall be deemed appointment, by such owner, of the secretary of state to be his true and lawful attorney for service of process in any action or proceeding involving such owner by reason of the ownership, operation, maintenance or use of such vehicle upon any street. Such service of process upon the secretary of state has the same legal force as if served on the owner personally. Lastly, **Act 544** provides for any process or pleadings served upon the secretary of state to be by duplicate copies, one copy of which is to be forwarded by the secretary of state to public carrier vehicle owners who are out of state by registered mail or commercial courier.

Present law provides that in all suits filed against the state of Louisiana or a state agency, citation and service may be obtained by citation and service on the attorney general of Louisiana, or on any employee in his office above the age of sixteen years, or any other proper officer or person, depending upon the identity of the named defendant and in accordance with state law, and on the department, board, commission, or agency head or person, depending upon the identity of the named defendant and in accordance with state law, and on the department, board, commission, or agency head or person, depending upon the identity of the named defendant and the identity of the named board, commission, department, agency, or officer through which or through whom suit is to be filed against. **Act 770, (2012)** adds that service shall be requested upon the attorney general within 90 days of filing suit. This shall be sufficient to comply with the requirements of present law concerning timely request for service and failure to make such timely request. However, the duty of the defendant served through the attorney general to answer the suit or file other responsive pleadings does not commence to run until the additional service required upon the department, board, commission, or agency head has been made.

Act 666, (2012) provides relative to the manner in which justice of the peace courts may make service of citation or other process. Such service may be made by the court by certified mail, with return receipt requested, when the costs for service are posted with the court. **Act 666** provides that if the properly addressed certified mail return receipt reply form is signed by the addressee who is the defendant, service shall be considered personal service. If such return receipt reply form is signed by a person other than the defendant, such service shall be considered domiciliary service.

Under prior law the purchaser who had been evicted from property sold under a writ of fieri facias had a right of reimbursement against the judgment debtor and the seizing creditor. If the judgment was obtained against both, the purchaser had to execute the judgment first against the judgment debtor and then against the seizing creditor, if his judgment remained unsatisfied. **Act 19, (2012)** limits the purchaser's right of reimbursement in an eviction proceeding to the value received by the seizing creditor from the sheriff's sale of the property.

EVICCTIONS

Present law in Code of Civil Procedure sets forth judicial procedures relative to evictions of tenants and occupants. Provides for trial by rule and rendition of a judgment of eviction. Further provides that an

appeal may be taken under certain circumstances if the appeal is applied for within 24 hours after the rendition of the judgment of eviction. **Senate Bill 393 (House Civil Law & Procedure Committee) (2012)** would have added that a party may make a written request or motion for a new trial on certain grounds, if the new trial is applied for within 24 hours after the rendition of the judgment of eviction. Would have provided that an appeal under present law may be taken if applied for within 24 hours after the rendition of the judgment of eviction, or within 24 hours after the denial of a motion for new trial if such motion is made. **Senate Bill 393** would have required, in the case of a judgment of eviction rendered against an unrepresented defendant appearing at trial, that the court shall advise him of his right to seek a new trial and to appeal.

DISCOVERY

Act 664, (2012) provides that, upon motion of the district attorney in a criminal proceeding, a court having jurisdiction over any related pending civil action or proceeding may, in the interests of justice and for good cause shown after a contradictory hearing, stay all or a portion of discovery sought in the civil action or proceeding. Requires the contradictory hearing to be held by the court in the civil action within 30 days of the filing of the motion for stay. Further provides that good cause shall include, but is not limited to, a finding by the court that such discovery will adversely affect the ability of the district attorney to conduct a related criminal investigation or the prosecution of a related felony criminal case.

Act 664 further provides that a party to the stayed discovery proceeding may move to have the stay subsequently lifted for good cause. Within 30 days of disposition in the trial court, the district attorney shall file an ex parte motion consenting to terminating the stay. Further provides that the time during which the civil proceeding is stayed pursuant to proposed law shall not be used to compute the three-year abandonment period of the civil matter. **Act 664** does not apply to petitions or proceedings for divorce, custody, child support, visitation, and protective orders.

CONTRADICTORY HEARINGS, SUMMARY JUDGMENTS

Act 194, (2012) deletes the requirement of written consent of each section or division of the court in order to consolidate actions pending in the same court authorizes waiver of the contradictory hearing, required in present law, upon consent of all of the parties. Present law provides that when two or more separate actions are pending in the same court, the section or division of the court in which the first filed action is pending may order consolidation of the actions for trial after a contradictory hearing, and upon a finding that common issues of fact and law predominate. If a trial date has been set in any of the subsequently filed actions that have not yet been consolidated, then the written consent of each section or division of the court is required.

A judgment on a motion for summary judgment is rendered if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to material fact, and that mover is entitled to judgment as a matter of law. **Act 257, (2012)** deletes the reference to "pleadings, depositions, answers to interrogatories and admissions" showing no genuine issue as to material fact in a summary judgment proceeding being those "pleadings, depositions, answers to interrogatories or admissions" "on file". **Act 257** also requires that when the court rules on a motion for summary judgment, it must consider only evidence admitted for purposes of the motion for summary

judgment. when the court determines that a party is not negligent, not at fault, or not the cause of the injury or harm alleged, then that party may not be considered in any subsequent allocation of fault.

Further, **Act 257** requires when a court grants a motion for summary judgment that a party is not negligent, not at fault, or not the cause of the injury or harm alleged, then that party shall not be considered in any subsequent allocation of fault. When the court grants a motion for summary judgment that a party is not negligent, not at fault, or not the cause of the injury or harm alleged, then evidence shall not be admitted at trial to establish the fault of that party or nonparty, nor shall the issue of that party or nonparty's fault be either submitted to the jury or included on the jury verdict form. Lastly, **Act 257** requires the court to specify in its judgment that a party or nonparty has been determined to be not at fault and that the party or nonparty is prohibited from being considered in any subsequent allocation of fault, and provides that proposed law shall not apply if the court fails to specify the applicability of proposed law.

STUDIES

The legislature has enacted numerous statutes providing various entities with civil liability immunity including the state, state agencies, or political subdivisions of the state. Parties involved in litigation have asserted immunity granted to them by law through the peremptory exception of no cause of action, as an affirmative defense, and motions for summary judgment. Court have been inconsistent in determining whether immunity is properly raised in any of these procedural tools. Therefore, **House Concurrent Resolution 13, (2012)** urges and requests the Louisiana State Law Institute to study Louisiana's existing laws governing peremptory exceptions and immunity and to make specific recommendations as to whether immunity should be added as a peremptory exception. The recommendation is to be submitted to the legislature on or before January 1, 2013.

House Concurrent Resolution 76, (2012) requests the Louisiana State Law Institute to study procedures for the filing of liens for unpaid wages and to make recommendations in the form of specific proposed legislation to the legislature on or before January 1, 2014. The resolution provides in pertinent part that the state of Louisiana suffers when employers fail to pay payroll taxes associated with the unpaid wages and fail to make contributions to the unemployment insurance and workers' compensation systems, diminishing state and local government revenues. Certain unpaid wages would have yielded approximately \$50,000 in taxes to the state which represents a fraction of total unpaid wages. The total unpaid revenues for the entire state is unknown but it could be many times this amount. **House Concurrent Resolution 76, (2012)** provides that unpaid wages are bad for business because law-abiding businesses and employers must compete with businesses that do not pay their fair share, leaving an unfair playing field for honest business people. Local business suffers when workers and their families have no money to spend. Moreover, the resolution provides that communities suffer when working families are forced to rely on public assistance or charities to survive or are forced to leave their homes to seek other work because of unpaid wages.

House Concurrent Resolution 81, (2012) requests the Louisiana State Law Institute to study jury trial procedures in order to create an expedited or summary jury trial and report its findings and recommendations in the form of specific proposed legislation to the legislature on or before January 1, 2014. **House Concurrent Resolution 81** provides that courts have struggled to design procedures to provide litigants with speedy, inexpensive, and fair resolutions to civil cases. Litigants frequently desire

to try their cases before a jury, but choose not to due to the increased costs and delays involved in impaneling either a six-person or twelve person jury. The expedited or summary jury trial is based on a federal model with key features such as short, time-limited trials, relaxed rules of evidence, smaller juries, fewer witnesses testifying, and more control given to the attorneys who participate by mutual consent. Lastly, the resolution provides that expedited or summary jury trial procedures modeled after successful procedures employed in other states and enacted in this state could result in more efficient use of our judicial resources and provide greater access to juries by civil litigants.

House Concurrent Resolution 93, (2012) requests the Louisiana State Law Institute to study creating procedures that would enable a surety to take possession of collateral in certain circumstances and to report its findings on or after January 1, 2014. The resolution provides that many people obligate themselves as surety of debts for the purchase of movables. The purchased movables are the primary collateral of the debt incurred. If the principal obligor of the debt fails or refuses to make required payments, the surety is then required to make the payments in order to prevent default on the debt and seizure of the collateral. While the surety is making payments on the debt, he frequently does not have possession or control of the collateral. The principal obligor who has failed or refused to make payments retains possession and control of the movable and may cause damage to or destruction of the movable. **House Concurrent Resolution 93** provides that it would be beneficial to the surety, in addition to his rights of subrogation and reimbursement, if he were able to take possession of the movable in order to protect his interest in the collateral before it is damaged or destroyed.

House Concurrent Resolution 126, (2012) recognizes the first of May through the fourteenth of June, 2012, as National Military Appreciation Month. During National Military Appreciation Month, all members of the military are celebrated, including those who are members or staff of the legislature. The freedom and security that citizens of the United States enjoy today are direct results of the blood shed and continued vigilance of the United States Armed Forces. In 2004, the United States Congress passed a resolution proclaiming National Military Appreciation Month and calling all Americans to remember those who gave their lives in defense of freedom and to honor the men and women of all of the armed forces who have served and are now serving their country, together with their families. The months of May and June have been selected for this display of patriotism because during these months, the nation celebrates Victory in Europe (VE) Day, Military Spouse Day, Loyalty Day, Armed Forces Day/Week, National Day of Prayer, Memorial Day, Navy Day, Army Day, and Flag Day.

House Concurrent Resolution 131, (2012) requests the Louisiana State Law Institute to study the testamentary disposition of the right to bring a survival action pursuant to Civil Code Article 2315.1 and to report its findings and recommendations in the form of specific proposed legislation to the legislature on or before January 1, 2013. Civil Code Article 2315.1 provides a survival action in favor of certain classes of survivors to the exclusion of others. This survival action is heritable. Mandatory transfer of a survival action to the favored class under Civil Code Article 2315.1 may conflict with the decedent's testamentary wishes when the decedent has been estranged from the favored class for a considerable length of time. Testamentary disposal of a survival action may result in a more equitable distribution of a decedent's assets.

House Concurrent Resolution 134, (2012) requests the Louisiana State Law Institute to study procedures relative to the abandonment of civil actions and to report its findings and recommendations to

the legislature on or before January 1, 2014. The policy underlying dismissal of abandoned actions is prevention of protracted litigation filed for the purpose of harassment or without a serious intent to pursue the claim. Code of Civil Procedure Article 561 provides for the dismissal of cases in which a plaintiff's inaction demonstrates abandonment of his action. Inaction by a judgment creditor may sometimes be due to his inability to serve a sophisticated judgment debtor who is intentionally avoiding service of process. **House Concurrent Resolution 134** provides that it is inherently unfair to allow a sophisticated judgment debtor to avoid service of process with the intent of having the action declared abandoned and dismissed by the court.

House Concurrent Resolution 140, (2012) requests the Louisiana State Law Institute to study the potential impact of creating a child support calculation system in cases of "dual paternity" on other areas of the law and to report its findings and recommendations in the form of specific proposed legislation at least 60 prior to the convening of the 2013 Regular Session. Pursuant to the provisions of R.S. 9:315.16, the child support guidelines were reviewed by the Child Support Review Committee. The committee considered the subject matter of the application of the guidelines to instances of dual paternity, now legislatively provided for in Articles 197 and 198 of the Civil Code. The resolution provides that issues presented by "dual paternity" extend beyond child support to such areas of the law as parental authority, tutorship, alimentary obligation owed by ascendants to descendants over the age of eighteen, wrongful death and survival actions, immunity from suit, bars to suit, and successions. Therefore, since the charge of the Child Support Review Committee is to study the child support guidelines and make recommendations for modification and the charge of the Marriage and Persons Committee is to consider all other areas of the law impacted by "dual paternity", the review and consideration of both committees is desirable.

Senate Concurrent Resolution 26, (2012) requests the Louisiana State Law Institute to study the issue of heirship property and develop recommendations for facilitating the ability of family members to receive title to immovable property when successive generations of their family have failed to file succession proceedings; and to develop recommendations to facilitate more equitable and economically efficient distribution of immovable property. a significant percentage of Louisiana families have immovable property which has been passed down from generation to generation without the filing of succession proceedings. Surviving family members often do not have merchantable title to their immovable property because they have not completed the recognized formalities of succession procedure. **Senate Concurrent Resolution 26** provides that citizens without significant economic means are less likely to seek estate planning services or have the funds to complete the successions of their deceased relatives which would restore their titles to a merchantable status. **Senate Concurrent Resolution 26** also provides that there is a need to review present law to determine whether changes should be made to facilitate, encourage, and promote merchantability of immovable property owned after the death of family members. The Louisiana State Law Institute shall report its findings and recommendations to the legislature on or before January 1, 2014.

Senate Concurrent Resolution 36, (2012) requests the Louisiana State Law Institute to study inclusion of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA) in Louisiana law. **Senate Concurrent Resolution 36** provides that Louisiana should provide the highest quality in services, personal care and protection, and legal assistance for our state's senior citizens, those who are physically and mentally disabled, and others under guardianship. The resolution also provides that

many of these persons need the services of a tutor, guardian or conservator to be able to handle their personal and legal affairs. With a population that is both aging and mobile, there is a demonstrated need for assistance for this population in transferring or recognizing an existing guardianship or conservatorship across state line.

The Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA) was drafted and approved in 2007 by the National Conference of Commissioners for Uniform State Laws, specifically to address jurisdictional, transfer and enforcement issues relating to adult guardianships and protective proceedings. The UAGPPJA is designed to help resolve jurisdictional disputes, transfer guardianship cases between states, and provide recognition and enforcement of guardianship or protective orders across state lines by facilitating communication and cooperation between courts of different jurisdictions concerning guardianship or protective proceedings. The UAGPPJA has been endorsed by Louisiana's Elder Law Task Force, the American Bar Association, the National Academy of Elder Law Attorneys, the National College of Probate Judges, the Conferences of Chief Justices and State Court Administrators, the National Guardianship Association and the Alzheimer's Association.

Louisiana presently provides for its guardianship procedure through its interdiction and tutorship articles and statutes, which are currently scattered throughout the Louisiana Civil Code, the Louisiana Code of Civil Procedure, and the Louisiana Revised Statutes of 1950. The purpose of an act such as the UAGPPJA is to provide uniformity of terminology and structure so that a person's guardianship and protective proceedings maybe recognized and transferred as near-seamlessly as possible across state lines, while respecting the existing structure of Louisiana's current articles addressing interdiction or guardianship.

COASTAL RESTORATION

Overview. During the 2012-2016 legislative term, the state continued to suffer from the aftermath of multiple natural and manmade disasters that had occurred in previous years, but was fortunately spared any new events on a similar scale. In 2012, the legislature approved a 50 year and \$50 billion comprehensive master plan by the Coastal Protection and Restoration Authority to restore and sustain the coastal area. This comprehensive master plan will be reviewed again by the legislature in 2017. In 2015, Louisiana received a portion of the \$18.7 billion settlement by BP for liability arising from the Deepwater Horizon drilling rig oil spill. BP and other parties have also paid billions of dollars for private claims arising from the spill.

Previous years of hurricanes. In August of 2005, Hurricane Katrina resulted in catastrophic damage, untold casualties, and mass homelessness in the New Orleans area and along the Mississippi Gulf Coast. In September of 2005, Hurricane Rita caused devastation and flooding in extreme southeast Texas and southwest Louisiana. The weather disasters continued with destruction in Louisiana arising from Hurricane Humberto in 2007, Hurricanes Gustav and Ike in 2008, Tropical Storm Ida in 2009, Tropical Storm Bonnie in 2010, and the Mississippi River flooding and Tropical Storm Lee in 2011. In 2012, Hurricane Isaac made landfall near Port Fourchon but quickly weakened into a tropical storm, then depression.

In 2015, the NOAA stated:

"Hurricane Katrina was the costliest and one of the deadliest hurricanes to strike the United States in recorded history. Katrina's destruction wasn't limited to just Louisiana and Mississippi with damage reported as far east as the Florida Panhandle due to the large wind field and storm surge associated with the hurricane. In all, Hurricane Katrina was responsible for 1,833 fatalities and caused \$108 billion in damage [unadjusted 2005 dollars]."

Aftermath of the BP oil spill. On April 20, 2010, in the Gulf of Mexico about 40 miles off the Louisiana coast, the Deepwater Horizon drilling rig exploded and burned. Eleven people were killed and seventeen were injured. The tragic loss of life and injuries were, unfortunately, just the beginning of what would become the largest oil spill in U.S. history and an ecological, economic, and environmental catastrophe for Louisiana. Millions of barrels of oil escaped from the damaged wellhead, much more oil than released during the infamous Exxon Valdez spill. Still trying to recover from the disastrous effects of hurricanes, Louisiana residents, businesses, state agencies and coastal parishes found themselves facing a new and unprecedented threat from the oil spill. The oil spill directly impacted the people, communities, economies, and businesses of Louisiana, and its coastal ecology, ecosystems, environment, wildlife and marine life. The long term effects of the BP oil spill continue to be a point of dispute.

Fulfilling its statutory obligations as a "responsible party" under the Oil Pollution Act of 1990, BP created a \$20 billion fund and the Gulf Coast Claims Facility was instituted for individuals and businesses to file claims for costs and damages incurred as a result of the oil spill. In September of 2015, it was reported that over 360,000 claims had been filed. Payment of claims to persons and businesses harmed by the spill totaled more than \$5.6 billion, with about \$3.1 billion of that amount paid to cover business economic losses. Another \$1.5 billion was paid through the Seafood Compensation Program for commercial fisherman, vessel owners and others in the seafood industry, and \$278.3 million paid to vessels

hired to work during the oil spill cleanup.

The above amounts are separate from the \$18.7 billion settlement reached by BP in 2015 with the federal government, five Gulf Coast states and more than 400 local entities. The settlement was for certain environmental and other government claims. In 2015, it was announced that Louisiana would receive over \$5 billion from this settlement and about \$787 million from Clean Water Act penalties. Monies will go to both state and local entities. The Coastal Protection and Restoration Authority has developed a tentative list of projects that could be funded by this money, including wetland-building sediment diversions from the Mississippi and Atchafalaya rivers, marsh creation projects using sediment moved by pipeline from rivers and the Gulf of Mexico, and the rebuilding of nine barrier islands and four coastal ridges.

The 50-year and \$50-billion master plan for coastal restoration. Over a period of several years, the Coastal Protection and Restoration Authority developed a comprehensive master plan addressing action to restore, protect, and sustain Louisiana's coast. Based upon scientific and engineering principles, the plan envisioned a 50-year and \$50-billion series of projects. This comprehensive master plan was adopted by the Legislature in 2012, and is now undergoing review and revision for legislative reconsideration in 2017 as required by law.

The need for such advance planning and long-term action arises from the extraordinary crisis created by ongoing land loss in Louisiana coastal areas. As the Coastal Protection and Restoration Authority states on its website (<http://coastal.la.gov>):

"Louisiana is in the midst of a land loss crisis that has claimed nearly 1,900 square miles of land since the 1930s, and a scientific analysis confirmed that without action, we could lose another 1,750 square miles.

Given the importance of so many of south Louisiana's assets — our waterways, natural resources, unique culture, and wetlands — the effects of this additional land loss and the increased risk of flooding would be catastrophic. We must take bold action now before it's too late.

Barrier islands, marshes, and swamps throughout our coast reduce incoming storm surge, helping to reduce flooding impacts. If we continue to lose these habitats, the vulnerability of communities and infrastructure will increase substantially.

In addition, our flood protection systems will become more vulnerable as the land around them erodes. Without action, our estimated damage from flooding will increase from an average of \$2.4 billion annually to an average of approximately \$23.4 billion annually".

"Every day Louisiana citizens are affected by our land loss catastrophe. Whether it's a family forced to leave a cherished community to move out of harm's way, a local businesses that has trouble obtaining insurance, or investments that lose value because of uncertainty about the future of our landscape, Louisiana's land loss disaster takes a heavy toll."

"Land loss in Louisiana is caused by many different factors, both natural and man-made. Levees and floodgates on the Mississippi River have successfully provided national flood control and

economic benefits. But these forms of river management have also channeled the Mississippi River and its tributaries into the Gulf of Mexico, depriving the coastal ecosystem of the fresh water and sediment it needs to survive."

"Dredging canals for oil and gas exploration and pipelines provided our nation with critical energy supplies, but these activities also took a toll on the landscape, weakening marshes and allowing salt water to spread higher into coastal basins. Sea level rise, subsidence, storms, and invasive species add further stress."

"The value of Louisiana's coast to both our state and nation cannot be overstated. Louisiana is America's third-largest producer of petroleum and second-largest producer of natural gas. More than 25% of the nation's waterborne exports are shipped through Louisiana's five major ports. Louisiana is among the top ten states in the production of sugar cane (2nd), sweet potatoes (2nd), rice (3rd), cotton (5th) and pecans (5th). Louisiana's commercial fishing industry produces 25% of all the seafood in America. Louisiana is the third-leading state in petroleum refining. Louisiana tourism is a \$9.5 billion dollar industry that produces more than \$200 million annually in local taxes. Louisiana produces 25% of the nation's petrochemicals, with a total value of chemical shipments at more than \$14 billion a year. From hunting and fishing to nature trails and swamp treks, outdoor enthusiasts come from far and wide to enjoy Louisiana's bounty."

The National Wetlands Research Center of the U.S. Geological Survey described potential effects of coastal land loss in Louisiana as follows: (http://www.nwrc.usgs.gov/releases/pr03_004.htm)

"That means by 2050 one third of coastal Louisiana will have vanished into the Gulf of Mexico. Nationally, Louisiana currently experiences about 90 percent of the total coastal marsh loss in the continental United States."

"The impacts on human populations, the oil and gas infrastructure, fisheries and the seafood industry, and wildlife will be considerable if coastal wetlands continue to disappear."

"Louisiana wetlands are also natural protection for the oil and gas production facilities and pipelines delivering fuel to heat the homes and power the cars of about a quarter of the United States. Without wetlands as a buffer, storms could devastate the U.S. energy security because coastal Louisiana is the home of the U.S. Strategic Petroleum Reserve Sites, a necessity during national emergencies, as well as thousands of miles of pipelines and numerous refineries.

Coastal Louisiana wetlands are termed "America's Wetlands" because of their great environmental and societal value. They make up the seventh largest delta on Earth and are the heart of an intricate ecosystem some scientists say is on the verge of collapse. They contain over 40 percent of the U.S. tidal marshes and support the largest commercial fishery in the lower 48 states. These wetlands provide wintering habitat for millions of waterfowl and migratory birds as well as home for several endangered and threatened species. Coastal Louisiana contains 10 national wildlife refuges and one national park encompassing more than 500 square miles, some of which have wetland loss affecting their capacity to support fish and wildlife."

In 2011, the U.S. Geological Survey released a study showing that Louisiana's coastline has been losing wetlands at a rate of 16.57 square miles a year during the past 25 years, *equal to the loss of a football field of coast every hour*. See <http://www.nwrc.usgs.gov/topics/landloss.htm>

The Southeast Louisiana Flood Protection Authority – East Case. The Southeast Louisiana Flood Protection Authority was created by statute in 2006 to further “regional coordination of flood protection.”

In 2013, the Board of Commissioners of the Southeast Louisiana Flood Protection Authority—East, individually and as the board governing the Orleans Levee District, the Lake Borgne Basin Levee District, and the East Jefferson Levee District, filed suit in Orleans parish civil district court against more than 96 oil and gas companies. Briefly summarized, the suit alleged that the defendants' oil and gas operations in certain coastal areas over a period of decades had led to coastal erosion, making the area more vulnerable to severe weather and flooding. The operations alleged to have caused this damage included the dredging of a network of canals to access oil and gas wells and transport their products and by-products, and also other oil and gas activities such as road dumps, ring levees, drilling activities, fluid withdrawal, seismic surveys, marsh buggies, spoil disposal/dispersal, watercraft navigation, impoundments, and propwashing/maintenance dredging.

On motion of the defendants, the lawsuit was removed from state civil district court to the United States District Court of the Eastern District of Louisiana. An unsuccessful attempt was made by the plaintiff to move the suit back into state court. The defendants moved to dismiss the suit, and their motion was granted by the Court on February 13, 2015.

The court's decision was described as follows in 62 La. B.J. 473 (*Louisiana Bar Journal* - April/May, 2015):

"Bd. of Comm'rs of the S.E. La. Flood Protection Authority-E. v. Tenn. Gas Pipeline Co., _____ F.Supp.3d _____, 2015 WL 631348, Civ. No. 13-cv-05410 (E.D. La. Feb. 13, 2015).

On Feb. 13, 2015, Judge Nannette Jolivette Brown dismissed the “Levee Board Lawsuit” in its entirety because plaintiff failed to state a claim upon which relief could be granted.

This case was filed by the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East (plaintiff) on July 24, 2013, in state court in New Orleans. Defendants removed the case to federal court on June 27, 2014. On Sept. 5, 2014, defendants filed a motion to dismiss pursuant to Federal Rule of Civil Procedure Rule 12(b)(6), arguing that plaintiff failed to state a claim based upon the allegations in its petition. Oral argument was heard on Nov. 12, 2014, and supplemental briefs were filed.

Through this lawsuit, plaintiff sought to hold practically the entire oil and gas industry accountable for alleged damages to the “Buffer Zone.” The lawsuit was originally filed against 96 oil and gas companies; 88 companies remained at the time of the dismissal. Plaintiff asserted that defendants allegedly caused damage to Louisiana's wetlands by conducting certain dredging and maintenance activities in the Buffer Zone. Defendants, however, maintained that those activities were lawfully conducted pursuant to various permits issued by the State of Louisiana and the federal government.

In dismissing the suit, Judge Brown found that no federal or state law provided any recourse by which plaintiff could successfully bring its lawsuit. Judge Brown rejected plaintiff's arguments, ruling that the levees were too far from, or too indirectly affected by, the alleged damage. Judge Brown also said the plaintiff had no right to sue under any of the permits issued by the State of Louisiana or the U.S. Army Corps of Engineers because those permits sanctioned the operations conducted by defendants.

Moreover, Judge Brown did not find that any of the federal laws that plaintiff contended defendants had violated were intended to create a legal duty in favor of plaintiff. Simply put, the court stated "oil and gas companies do not have a duty under Louisiana law to protect members of the public 'from the results of coastal erosion allegedly caused by [pipeline] operators that were physically and proximately remote from plaintiffs or their property.'"

Regarding the natural servitude of drainage, the court found that plaintiff did not state a claim because a servitude of drainage cannot exist between nonadjacent estates with respect to coastal storm surge. The court refused to extend articles 655-656 of the Louisiana Civil Code to fit the circumstances presented by plaintiff here. The court felt the expansion of such laws was better left to the Louisiana Legislature.

Regarding the nuisance claims, Judge Brown held that they also failed because plaintiff did not allege that it was a neighbor to any property of any defendants. Plaintiff did not allege any physical proximity of the servient and dominant estates. Thus, its claim under article 667 of the Civil Code could not survive.

As to plaintiffs third-party-beneficiary claims viz. the dredging permits authorized by the Corps of Engineers, the court held that (1) a permit is not a contract under federal common law and (2) even if permits were contracts, plaintiff could not establish that it was an intended beneficiary, which is required by federal common law."

On February 24, 2015, the plaintiff filed an appeal with the Fifth Circuit Court of Appeals.

In response to the filing of the above lawsuit, in 2014 the Legislature by Act 544 (see below) added R.S. 49:214.36(O) which purported to prevent the Authority from pursuing its claims in the lawsuit. The validity of the act was challenged in the 19th Judicial District Court, and in December of 2014 the trial court held the act unconstitutional. An appeal was filed with the Louisiana Supreme Court. Act 544 was not discussed in the decision of the eastern district court in 2015. The provisions of the Act appear to exclude numerous lawsuits filed by Jefferson and Plaquemines parishes seeking to enforce the coastal-use permits issued in their geographical jurisdictions.

2012 Regular Session -

Act 464 authorized the Coastal Protection and Restoration Authority to provide engineering assistance and services to the Teche-Vermilion Fresh Water District.

Act 47 revised the membership and powers and duties of the Ground Water Resources Commission and renames it the Water Resources Commission.

Senate Concurrent Resolution 46 approved a landmark 50-year comprehensive master plan for integrated coastal protection in Louisiana (see discussion above). The cost was estimated to be \$50 billion dollars.

Act 487 authorized the use of salvage material in coastal protection and restoration projects. When, in the opinion of the secretary of DOTD or his designee, it is in the best interest of the state, he may order any materials deemed of no salvage value recovered from the reconstruction or repair of any state road or bridge, or from any other work performed by the department to be disposed of by transfer to the Office of Coastal Protection and Restoration to be utilized for coastal protection and restoration projects.

Act 588 redrew the line for the coastal zone boundary. As pointed out by the Department of Natural Resources on its website, the boundary changes affect 10 of the 20 existing coastal parishes. No new parishes were added and no parishes previously in the coastal zone were removed. The Louisiana coastal zone now includes additional area in eight parishes (Calcasieu, Cameron, Iberia, St. Mary, St. Martin, Assumption, Terrebonne and Lafourche). The coastal zone area was reduced in 2 parishes (Livingston and Tangipahoa). No changes were made in the coastal zone boundaries of the remaining 10 parishes.

Act 805 provided that monies received from violations of certain federal and state laws associated with the Deepwater Horizon oil spill be deposited into the Coastal Protection and Restoration Fund.

Act 601 provided for the respective responsibilities of the Department of Transportation and Development and the Coastal Protection and Restoration Authority in the coastal area.

2013 Regular Session -

Act 63 provided 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

Act 106 provided with respect to the Southeast Louisiana Flood Protection Authorities, and procedures regarding nominating committee and vacancies.

Numerous resolutions memorialized Congress to amend the Biggert-Waters Act and mandate revision of FEMA flood-risk maps. (**Senate Concurrent Resolution 91, Senate Resolution 114, House Concurrent Resolution 60, House Concurrent Resolution 141, House Concurrent Resolution 177**).

2014 Regular Session -

Legislation involving coastal activities and coastal restoration costs and efforts were involved in two significant issues during the 2014 Regular Session. The first was **Act 544** seeking to halt or limit litigation filed by the Southeast Louisiana Flood Protection Authority-East against 96 oil and gas

companies arising from certain coastal activities. The second was the introduction of several legislative instruments failing to pass providing for funding of coastal protection and restoration projects arising from monies received as a result of the BP Deepwater Horizon oil spill in 2010, and subsequent passage of the federal Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 ("RESTORE" Act) providing for distribution of fine monies from companies involved in the Deepwater Horizon oil spill. In other matters, the Coastal Louisiana Levee Consortium was revived by **Act 387** as an advisory body to the state Coastal Protection and Restoration Authority ("CPRA").

As discussed above, **Act 544** enacted *R.S. 49:214.36(O)* to read as follows:

"§214.36. Enforcement; injunction; penalties and fines

* * *

O.(1) Except as provided in this Subpart, no state or local governmental entity shall have, nor may pursue, any right or cause of action arising from any activity subject to permitting under R.S. 49:214.21 et seq., 33 U.S.C. 1344 or 33 U.S.C. 408 in the coastal area as defined by R.S. 49:214.2, or arising from or related to any use as defined by R.S. 49:214.23(13), regardless of the date such use or activity occurred.

(2) Any monies received by any state or local governmental entity arising from or related to a state or federal permit issued pursuant to R.S. 49:214.21 et seq., 33 U.S.C. 1344 or 33 U.S.C. 408, a violation thereof, or enforcement thereof, or for damages or other relief arising from or related to any of the foregoing, or for damages or other relief arising from or related to any use as defined by R.S. 49:214.23(13) shall be used for integrated coastal protection, including coastal restoration, hurricane protection, and improving the resiliency of the coastal area.

(3) Nothing in this Section shall constitute a waiver of sovereign immunity under the Eleventh Amendment of the United States Constitution.

(4) Nothing in this Section shall prevent or preclude any person or any state or local governmental entity from enforcing contractual rights or from pursuing any administrative remedy otherwise authorized by law arising from or related to a state or federal permit issued in the coastal area pursuant to R.S. 49:214.21 et seq., 33 U.S.C. 1344 or 33 U.S.C. 408.

(5) Nothing in this Section shall alter the rights of any governmental entity, except a local or regional flood protection authority, for claims related to sixteenth section school lands or claims for damage to property owned or leased by such governmental entity."

The Act became effective on June 6, 2014, and further provided in Section 2 that "The provisions of this Act shall be applicable to all claims existing or actions pending on the Act's effective date and all claims arising or actions filed on or after that date."

Senate Resolution 171 requested the Louisiana State Law Institute to create a Water Code Committee.

2015 Regular Session -

Act 69 authorized the state, Coastal Protection and Restoration Authority, or any political subdivision to use its own resources for satisfying any mitigation requirements resulting from or related to an integrated coastal protection project as approved by the Coastal Protection and Restoration Authority Board.

Act 604 renamed state entities responsible for coastal protection and restoration.

House Concurrent Resolution 144 requested the Governor's Advisory Commission on Coastal Restoration and Protection to review funding sources for the 2012 Comprehensive Master Plan.

COMMERCE & CONSUMER PROTECTION

With the nation in the grips of a prolonged recession as the 2012-2015 legislative term began and Louisiana with an unemployment rate consistently below the national average, commerce was not the primary focus of any of the sessions this term. However, important issues, including the regulation of banks and banking institutions and the regulation and licensing of numerous professionals, were the topic of legislation in the Senate this term. Several other general commerce issues were considered, as well.

2012 SESSION

Act 30 provides that, with respect to all state banks, all amounts loaned on an unsecured basis up to the limit in current law shall be added to all amounts loaned on a secured basis and the total thereof not exceed one half of the state banks's capital stock and surplus. Also provides a new, more stringent definition for "fully secured" and authorizes the Office of Financial Institutions to promulgate rules regarding the new law.

Act 31 provides relative to naval architects and naval engineers and the Louisiana Professional Engineering and Land Surveying Board. Grandfathers in certain persons currently practicing as naval architects and naval engineers and requirements for licensing of persons with certain educational qualifications as naval architects and naval engineers. The grandfather provisions sunset on December 31, 2015.

Act 323 provides with respect to the use of a power of attorney in a federally insured financial institutional setting, stating that when presented with an original or a certified true copy of a power of attorney stating specifically what access is due the holder of the power, the financial institution may rely on the authority designated in the power of attorney.

Act 234 provides that beginning January 1, 2013, for a period of one year, the commissioner of financial institutions shall compile information and data from licenses concerning the operation, function, and customers of deferred presentment transactions and small loan businesses; particularly, the number of loans issued quarterly, the location of each licensee's business and the number of loans issued quarterly, and the number of checks returned unpaid and the fee paid by the licensee.

Act 29 provides relative to immovable property owned by a bank and that bank acquired such property from a failed or failing bank, an annual qualified appraisal shall be obtained for all property valued at more than \$250,000. (Raised value from \$100,000)

Act 35 relative to state banks and the privileged nature of documents associated with any self-evaluation, self-assessment, self-testing, or self-correction, adding to the privileged category any of these documents those prepared by a third party service provider. States that such documents shall not be admissible as evidence except in certain limited situations.

Act 163 of establishes an exemption from the subject matter exam for licensed arborists who apply for a landscape, grading, and beautification building contractor's license to perform particular arborist work.

Act 193 provides relative to home improvement contracting in the specific area of repairs and replacement of a roof system, including the covering, insulation, and ventilation of roofs. Act provides for agreements to be in writing for all such jobs in excess of \$7500 and not more than \$75,000.

Act 308 Provides that the Board of Professional Geoscientists shall remove "fossil fuels" from the definition of "geoscience", and provides that no person employed or acting as a petroleum geologist shall be required to be licensed or certified by the Board.

Act 625 exempts the Louisiana Board of Pharmacy and the Louisiana Board of Medical Examiners from limitations on disciplinary hearings by professional or occupational boards and commissions.

Act 357 eliminates the requirements of using written documents to meet certain qualifications and notifications by those practicing as pharmacists in Louisiana, clearing the way for out-of-state pharmacists to practice in Louisiana on the basis of reciprocity.

Act 434 clarifies the provisions of the law regarding the updating of a professional license after the conversion of a domestic business entity and the Act further provides that the updated license, certificate, or permit of a professional have an effective date retroactive to the effective date of the merger as stated on the certificate of merger.

2013 SESSION

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 of administration or letters of an independent administrator pursuant to the order of a court.

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.

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.

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

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".

Act 141 changes the minimums required in the establishment of Enterprise Zones relative to multi-family residential housing and transit-oriented developments.

2014 SESSION

Act 418 provides exemptions to civil liability, stipulates prohibited activities, and revises the qualifications and requirements for athletic trainers. Generally, this bill modernizes the more than 30 year old original act.

Act 136 and Act 137 define a "licensed specialist in school psychology" and "the practice of a licensed specialist in school psychology". The Board of Examiners of Psychologists will charge a fee for license as a specialist in school psychology and provides for an annual renewal fee.

Act 120 moves the domicile of the Louisiana State Board of Practical Nurse Examiners was moved from New Orleans to Jefferson Parish.

Act 67 Provides that the Louisiana Cemetery Board is granted the authority to levy fines for violation of current law by either a natural or a juridical person. The fines are not to exceed one thousand dollars for a non-willful violation and not to exceed \$10,000 dollars for a willful violation.

Act 88 deals with the operation of cemeteries, annual reports, and accounting with respect to cemetery trusts.

Act 224 requires the registration of Regulation A securities, ending a previous exemption, pursuant to Louisiana Securities Law.

Act 165 creates the "Personal Online Account Privacy Protection Act". This legislation presents definitions for terms used in the act, limits the applicability of the legislation to "a personal online account" which does not include any account that is used for either business purposes of the employer or educational institution or to engage in business-related communications. The act also states that an employer is not prohibited or restricted from requiring an employee to provide a personal e-mail to facilitate communication with the employee, in the event that the employer's system fails.

Act 122 re-establishes the Department of Public Services.

Act 123 provides for the recreation of the offices and boards within the office of the governor.

2015 SESSION

Act 319 deals with licensing fees for money transmitters and raises the fees for application, investigation and renewal for money transmission agents who transmit money or sell checks.

Act 207 deals with licensing fees for lenders licensed to make consumer loans and raises the fees for the application, survey, and licensing for a lender to be allowed to offer consumer loans.

Act 324 Licensing fees for mortgage lenders, mortgage brokers, mortgage services, and mortgage originators, as provided for in R.S. 6:1088.2(A), are each increased by one hundred dollars.

Act 165 enacts the Kelsey Smith Act to require mobile service device providers (cell phones, generally) to provide device location information to law enforcement in certain circumstances.

Act 155 deals with relationships between local customer banks and the First National Bankers' Bank. Generally, banks allow their liquid assets (money) to remain on their books overnight, making no money for the customer bank's shareholders. However, this legislation allows these local customer banks to deposit their excess liquidity with the FNBB, who will, on behalf of these customer banks, purchase funds in other, upstream banks. Because FNBB has large amounts of assets to invest, they purchase shares in the upstream banks, spreading the risk for any one customer bank, very widely. This allows the small, customer banks to increase their assets overnight, with little risk because their investment is spread across so many upstream banks. This entire process allows the smaller local customer banks to increase their assets with minimal risk. This legislation allows this type of relationship between the local customer banks and the FNBB. While this is a very technical bill and it deals with the intricacies of banks lending to one another, Louisiana citizens who own shares in local banks could potentially benefit.

Act 83 deals with provisions that can be included in the articles of incorporation of a bank. The articles of incorporation may contain a provision that if the bank is unable to locate a shareholder who is entitled to dividends or redemption price, the shares will revert to the bank in full ownership. The articles of incorporation would also provide that the officers of the bank shall not be held liable for such a loss to the shareholder, unless a breach of loyalty or a transaction occurred in which the officer received an improper personal benefit. Anyone purchasing such shares would have notice because the provisions are contained in the articles of incorporation which would be provided to anyone purchasing stock.

Act 361 authorizes the Department of Economic Development to establish a uniform fee schedule for economic development incentive and financial assistance programs by rule and provides for the recovery of costs associated with certain administrative functions. The legislation also provides ranges of acceptable amounts for the fees to be enacted by rule.

Act 170 authorizes a manufacturer of motor vehicles to allow a fleet owner, defined as a person or entity who is authorized by a manufacturer to perform warranty repairs on vehicles that it owns or rents. This legislation also authorizes an emergency services company or emergency services related company to perform warranty repairs on its vehicles, including emergency repairs. The manufacturer who grants these vehicle owners such allowances shall notify the dealer in the same area where the fleet owner or emergency services company operates.

Act 161 moves the regulation of home service contract providers from the Department of Insurance to the office of the secretary of state.

CONSTITUTIONAL AMENDMENTS

During the period 2012 - 2015, fourteen amendments were adopted by the voters and four proposals are to voted on in the fall of 2015.

LEGISLATIVE SESSIONS

Language in the constitution restricting the subject matter items in legislative sessions held in odd-numbered years is changed in **Act 472 of the 2015 Regular Session** (*subject to voter approval at election on October 24, 2015*). This change provides more general authority to legislate with regard to taxes and rebates in these legislative sessions removing restrictions that the legislature can only "levy or authorize a new tax" and "legislate with regard to tax exemptions, exclusions, deductions, reductions, repeals, or credits".

BOARDS & COMMISSIONS

Under the constitution the following 15 member boards have two members from each congressional district and one from the state at large: the Board of Regents, the LSU, SU, and University of La. boards of supervisors, and the Board of Supervisors of Community and Technical Colleges. Beginning January 3, 2013 after the decennial reapportionment of members of congress, vacancies, occurring on one of these boards from which there are two or more members, are to be filled as follows: appointment shall be made of an individual from a congressional district having less than two members; after the respective board membership includes two members from each congressional district, then the next vacancy is to be filled by appointment from the state at large. **Act 870 of the 2012 Regular Session.**

The State Civil Service Commission and the State Police Commission each have seven appointed members with not more than one from each congressional district. **Act 870** retains the seven appointed members and requires at least appointment of one member from each congressional district. After the decennial congressional reapportionment, any vacancy occurring on the civil service or state police commission is to be filled from a congressional district from which there is no commission member and once the membership includes a person from each congressional district, then the vacancy may be filled by a member appointed from the state at large.

PROPERTY TAXES

Orleans Parish

In addition to property taxes authorized for Orleans Parish, **Act 870 of the 2014 Regular Session** authorizes the parish governing authority to increase from five to 10 mills the maximum millage which may be levied for fire protection and increases from five to 10 mills the maximum millage which may be levied for police protection. The additional revenue generated is not to displace, replace, or supplant funding by the city of New Orleans for fire and police protection for calendar 2013 nor the level of funding below the 2013 level in a subsequent calendar year. The additional tax may only be levied if approved by a majority of the electors in Orleans Parish. A separate similar paragraph in the constitution provides for property in Orleans Parish.

Tax Sales

Property sold at a tax sale may be redeemed by the delinquent owner within three years of the tax sale by payment of the price, including costs, a five percent penalty, and interest of one percent per month until the redemption. Beginning January 1, 2015, **Act 436 of the 2013 Regular Session**, reduces this three year period to eighteen months for vacant residential or commercial property located in any parish other than the parish of Orleans, and the property is declared blighted or abandoned as defined by law on January 1, 2013.

AD VALOREM TAX EXEMPTIONS

In addition to the homestead exemption, only property listed in Article VII, Section 21 of our constitution is exempt from payment of ad valorem taxes.

Homestead Exemption

Article VII, Section 20 of the constitution provides an exemption from payment of ad valorem taxes on the first \$7,500 of the assessed valuation of a homestead. An additional exemption on the next \$7,500 of assessed valuation is provided if the homestead is owned and occupied by a veteran with a service-connected disability rating of 100% by the U.S. Department of Veterans Affairs and applies to the surviving spouse of the veteran if the exemption was in effect prior to the death of the veteran and the surviving spouse remains the owner of the property. This exemption for veterans is subject to voter approval of an ordinance adopted by the parish governing authority.

Act 875 of the 2012 Regular Session removes the requirement for the surviving spouse to retain the homestead exemption only if the exemption was in effect prior to the veteran's death. The Act allows the surviving spouse to retain the homestead exemption as long as he or she remains the owner of the property and whether or not the exemption was in effect on the property prior to the death of the veteran.

In addition to the requirement for a service-connected disability rating of 100%, **Act 433 of the 2013 Regular Session** clarifies that a veteran with a service-connected disability rating of 100% unemployability or totally disabled by the U.S. Department of Veterans Affairs is eligible for the exemption. **Act 433** further provides that if parish voters had approved the ordinance granting the homestead exemption, then the clarified exemption is to be applied without an additional election.

Land or property owned by another state

While public lands and other public property used for a public purpose is exempt from ad valorem taxes, land or property owned by another state or a political subdivision of another state is not exempt from ad valorem taxes in this state under **Act 470 of the 2015 Regular Session** (*subject to voter approval at election on October 24, 2015*).

Targeted Non-Manufacturing Businesses

Act 871 of the 2012 Regular Session grants a tax exemption to property owned or leased by, and used by, a targeted non-manufacturing business in the operation of its facility, including buildings, improvements, equipment, and other property necessary or beneficial to the operation, according to a program and pursuant to contracts of exemption which contain terms and conditions as provided by law. The authority to execute this contract is available only in parishes which have agreed to participate, in the manner provided by law.

This exemption does not apply to the first \$10,000 of assessed valuation of the property or 10% of its fair market value, whichever is greater, nor does it apply to land underlying the facility and other property pertaining to the facility or to inventories, consumables, and property eligible for the manufacturing exemption provided elsewhere in the constitution.

A "*targeted non-manufacturing business*" is defined to mean that at least 50% of the business' total annual sales from a site or sites in the state is to out-of-state customers or buyers, or to in-state customers or buyers but the product or service is resold by the purchaser to an out-of-state customer or buyer for ultimate use, or to the federal government, or any combination thereof. The legislature is authorized to provide for the inclusion of sales by affiliates when appropriate in making the 50% determination.

RIGHT TO BEAR ARMS

The right of citizens to keep and bear arms is specifically retained as a fundamental right under **Act 874 of the 2012 Regular Session**. However, **Act 874** adds language in the constitution that any restriction on this right is subject to strict scrutiny by the courts when determining if this fundamental right has been infringed upon.

LOCAL OR SPECIAL LAWS

Special Districts

Notice of legislation to create of a special district having the primary purpose to aid in crime prevention and for providing increased presence of law enforcement personnel in the district is to be advertised in the official journal of the locality in which the special district is to be located. **Act 876 of the 2012 Regular Session** requires that this notice be published on *three* separate days in the official journal of the respective locality without cost to the state - the last publication date to be at least 30 days prior to introduction of the bill.

This notice regarding creation of special district is to state the substance of the contemplated law, specifically disclose whether the governing authority of the district is to be authorized to impose and collect a parcel fee within the district, whether the parcel fee can be imposed or increased without an election, and the maximum amount of the parcel fee if a maximum amount is set forth in the contemplated law.

RETIREMENT

Forfeiture of Benefits of Convicted Felons

Receipt of public retirement benefits is expressly conditioned, under **Act 868 of the 2012 Regular Session** upon the rendition of honorable service by a public official or employee. **Act 868** authorizes the legislature to provide for forfeiture of all or part of public retirement benefits by any person who holds or held any public office or employment and who is convicted of a felony associated with and committed during his service in public office or employment. The legislature may apply all or a part of any forfeited benefits to the unfunded accrued liability of the respective public system, plan, or fund.

This forfeiture provision applies only apply to persons employed, re-employed, or elected on or after January 1, 2013 and only apply benefits earned on or after January 1, 2013.

Retirement Legislation

Act 872 of the 2012 Regular Session requires that any bill to effect any change in laws relating to any retirement system for public employees be prefiled no later than five o'clock in the evening of the forty-fifth calendar day prior to the first day of a regular session.

STATE MONIESState Infrastructure Bank

Act 471 of the 2015 Regular Session (*subject to voter approval at election on October 24, 2015*) - would authorize public funds to be invested to capitalize a state infrastructure bank and the loan, pledge, or guarantee of public funds by a state infrastructure bank solely for transportation projects.

Special Fund Adjustments

Act 873 of the 2012 Regular Session protects the Medicaid Trust Fund for the Elderly from provisions in the constitution allowing the governor to reduce appropriations or allocations or make adjustments to monies in the Fund when a deficit is projected.

SPECIAL FUNDSArtificial Reef Development Fund

The Artificial Reef Development Fund is created as a special fund in the state treasury by **Act 434 of the 2013 Regular Session** 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 (Department) 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) Authorizes the Department to use an amount not to exceed 10% of the monies deposited to the Fund each year and 10% of the interest income to the Fund to provide funding in association with the wild seafood certification program, particularly in support of wild-caught shrimp, established by the Department. 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) Authorizes the Department to use an amount not to exceed 10% of the monies deposited to the Fund each year and 10% of the interest income credited to the Fund each year to provide funding for inshore fisheries habitat enhancement projects, particularly in support of the Artificial Reef Development Program established by Department. This funding may be used for grants to nonprofit conservation organizations working in cooperation with the Department.

All unexpended and unencumbered monies in the Artificial Reef Development Fund at the end of the fiscal year are to remain in the Fund and be invested by the treasurer with all interest earnings deposited back into the Fund. Requires the treasurer to prepare and submit to the Department 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 **Act 438 of the 2013 Regular Session** as a special fund to receive all proceeds from the assessment collected pursuant to the Hospital Stabilization Formula. Monies in the Fund are invested in the same manner as monies in the state general fund with all interest earned on investment earnings 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 is to 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.

In addition **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 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 is to 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) 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) 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) 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) 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.

Act 438 prohibits collection of any additional assessment and also terminates any assessment 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.

Act 438 requires that the treasurer return any monies collected after the date of termination of an assessment to the hospital from which it was collected.

Requires that the legislature 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 to be 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 to be approved by 2/3 of the members of the Joint Legislative Committee on the Budget, or its successor.

Louisiana Medical Assistance Trust Fund

Act 439 of the 2013 Regular Session creates the Louisiana Medical Assistance Trust Fund and requires 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.

Authorizes the treasurer to establish separate accounts within the Fund for each health care provider group in which fees are collected 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.

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

Act 439 of the 2013 Regular Session 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.

Requires that the legislature 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 of the 2013 Regular Session 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 to be 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 to be approved by 2/3 of the members of the Joint Legislative Committee on the Budget, or its successor.

Budget and Transportation Stabilization Trust

Act 473 of the 2015 Regular Session (*subject to voter approval at election on October 24, 2015*)-renames the Budget Stabilization Fund as the Budget and the Transportation Stabilization Trust and provides for deposits into the Trust and creates the Budget Stabilization Subfund and the Transportation Stabilization Subfund in the Trust

Requires that at the beginning of each fiscal year, mineral revenues are to be allocated and deposited into the subfunds as follows:

- (1) Beginning in Fiscal Year 2015-2016, mineral revenues in excess of the base be deposited in the Budget Stabilization Subfund until the balance in the fund equals and shall be maintained in the amount of \$500 million.
- (2) Once the balance in the Budget Stabilization Subfund equals \$500 million, mineral revenues are to be deposited into the Transportation Stabilization Subfund at the beginning of the next fiscal year until the balance in the Transportation Stabilization Subfund equals and shall be maintained in the amount of \$500 million. Thereafter, any excess mineral revenues shall be deposited into the state general fund. The legislature may appropriate additional monies into either the Budget Stabilization Subfund or the Transportation Stabilization Subfund.

Requires that Transportation Stabilization Subfund monies be appropriated by the legislature solely and exclusively for planning, design, construction, and maintenance connected with the state highway program, and that at least 20% of the funds appropriated from the Transportation Stabilization Subfund be used only for the Louisiana Intermodal Connector Program.

- (3) Prohibits the deposit of mineral revenues in any fiscal year in which money in the fund is appropriated for use or incorporated into the official forecast or in the ensuing fiscal year, except by specific legislative appropriation.

CORRECTIONS

2012 Regular Session

CRIMINAL RECORDS

To assist in the continual upgrade of the Department of Public Safety and Corrections (DPS&C) computer network, **Act 532**, modifies the Integrated Criminal Justice Information System (ICJIS) which consists in part of the Corrections and Justice Unified Network (CAJUN) operated by DPS&C.

The upgrade renames one component of the system from the Corrections and Justice Unified Network (CAJUN) to the Corrections Offender Management System. It further renames another component of the system from the Juvenile Information Records Management System (JIRMS) to the Juvenile Electronic Tracking System (JETS).

Act 634, modifies the current law that authorizes any person who has been arrested for a misdemeanor or felony offense to request that the arrest record be expunged if the time limitation for prosecution of the offense has expired and no prosecution has been instituted, if prosecution has been instituted and the proceedings have been finally disposed of by dismissal, if a motion to quash has been sustained, or if the person has been acquitted. If the court finds that such person is entitled to an expungement of his record, it will order all records of such arrest and disposition be destroyed and that any custodian of such records file a sworn affidavit to the effect that the destruction has taken place; however, prohibits expungement or destruction of sex offenses or DWI convictions.

Current law further provides that DPS&C may maintain a confidential, nonpublic record of such arrest and disposition. This information may be released, confidentially, for use by the following organizations:

- * Law Enforcement Agencies and Criminal Justice Agencies.
- * The Louisiana State Board of Medical Examiners.
- * The Louisiana State Board of Nursing.
- * The Louisiana State Board of Examiners of Psychologists.
- * The Emergency Medical Services Certification Commission.
- * Louisiana Attorney Disciplinary Board Office of Disciplinary Counsel.
- * The Louisiana Supreme Court Committee on Bar Admissions.

The Act adds the Louisiana Department of Insurance to the list of those organizations authorized to receive and use these confidential, nonpublic records of arrest.

Along the same lines, **Act 776**, modifies the procedure of expungement and destruction of criminal records of arrests and convictions. Presently, a court is prohibited from ordering the destruction of any record of the arrest and prosecution of any person convicted of a felony, including a conviction dismissed pursuant to C.Cr.P. Art. 893 and 894.

The Act authorizes the expungement of the record of a felony conviction of any person if all of the following conditions are met:

- * The person was convicted of a nonviolent first offense felony for distribution, dispensing, or possession with intent to produce, manufacture, distribute, or dispense amphetamine, methamphetamine, cocaine, oxycodone or methadone when the amounts involved of such substances were 28 grams or less.
- * The person was committed to DPS&C and successfully completed the intensive incarceration program (IMPACT).
- * The person has not been convicted of any other offense since completion of his sentence.
- * The person has no criminal charge pending against him.
- * A minimum of 10 years has passed since completion of his sentence.
- * The person has not received a prior expungement of a felony pursuant to C.Cr.P. Art. 893.

Relative to law enforcement, **Senate Bill 452 (Pending House & Governmental Affairs Committee)**, would alter existing law relative to certain records or information held by law enforcement agencies and communication districts not being subject to disclosure. The bill would authorize the disclosure of the booking photograph of any person arrested for an alleged offense.

CORRECTIONS

Relative to executions, **Act 172**, provides certain protections for those persons requested to attend or those persons participating in the execution of a death sentence and provides for the confidentiality of the identities of certain attendees. Currently, the presence of certain persons at the execution of a death sentence including the operator of the electric chair was required.

The Act removes the requirement that the operator of an electric chair be present at every execution of a death sentence. Furthermore, any person who is requested to attend an execution would not be required to attend, and the refusal to attend would not be used in any disciplinary action or negative job performance citation against such person.

Relative to confinement, **Act 171**, provides for restitution for expenses incurred for an escape or attempted escape from any facility an offender is legally assigned.

Currently, restitution may be obtained by corrections services from an offender for expenses incurred by DPS&C or any other law enforcement agency in any escape or attempt to escape from the custody of any facility of the department. The amount of restitution will be the actual costs incurred, including but not limited to property damage, staff transportation and lodging, salaries for the duration of the chase, and costs of return of the offender.

The Act provides that restitution may be obtained for an escape or attempted escape from any place where the offender is legally confined, specifically applicable to all penal, correctional, community rehabilitation centers, transitional work programs, hospitals, clinics, and any and all programs where offenders are legally assigned.

PROBATION/PAROLE

Addressing the problem of prison overcrowding, **Act 241**, provides for a comprehensive revision of the current laws relative to parole, including the following changes:

- * Requires reporting to the parole officer no later than 48 hours after being placed on parole.
- * Specifies that the parolee avoid bars and casinos and refrain from the use of illegal drugs or alcohol.
- * Removes provision specifying a supervision fee of \$63 and replaces it with the requirement that a person released on parole shall pay supervision fees set by DPS&C as provided by law.
- * Removes requirement that parolee perform at least 100 hours of unpaid community service.
- * Removes requirement that parolee devote himself to an approved reading program.
- * Removes provision regarding additional conditions of parole.

The Act provides that if parole is revoked for any reason, all good time earned or any additional credits earned or which could have been earned on that portion of the sentence served prior to the granting of parole will be forfeited, and the parolee will serve the remainder of the sentence as of the date of release on parole.

Also attempting to manage overcrowding, **Act 173**, provides that an individual housed at a local parish facility awaiting trial who has not yet been convicted or who has not been sentenced to the custody of the department may be housed in a facility under the control of the department if all of the following occur:

- * The sheriff requests that the individual be housed by the department.
- * The secretary of the department agrees to the transfer.
- * The individual has been determined by the sheriff to be dangerous, an escape risk, or afflicted with a physical or mental disorder warranting housing by the department.

The Act provides that the sheriff or the governing authority of those parishes in which the governing authority operates the local parish facility shall reimburse the department at the rate of \$24.39 per day for keeping and feeding the individual in the department facility and will also reimburse the department for the cost of extraordinary medical expenses incurred for the individual. Furthermore, individuals housed in a facility under the control of the department at the request of the sheriff shall be housed separate and apart from offenders who have been sentenced to confinement at hard labor.

Considering the cost of confinement, **Act 181**, authorizes the earning of additional good time by certain habitual offenders for participation in certain rehabilitation and treatment programs. Currently, the secretary of DPS&C, through the adoption of rules and regulations for local jail facilities and state correctional institutions, encourages voluntary participation by inmates in certified treatment and rehabilitation programs, including but not limited to basic education, job skills training, values development, faith-based initiatives, therapeutic programs, and treatment programs.

Furthermore, when funds are provided, such educational programs will be available at each penal or correctional institution under the jurisdiction of the department. The rules and regulations may include provisions for furloughs or the awarding of good time for offenders who are otherwise eligible. Offenders may be awarded up to 90 days good time for satisfactory participation in each approved program, but no offender will receive more than 250 days total good time for program participation. Certain habitual offenders would be prohibited from earning good time diminution of sentence.

The Act allows a habitual offender, in the custody of DPS&C, who was not convicted of a sex offense or a crime of violence, to earn additional good time for participation in certified treatment and rehabilitation programs.

RISK REVIEW

Act 123 repeals the statutory authority for the La. Risk Review Panel.

Currently, the risk review panel evaluates the risk of danger to society posed by each person convicted of a crime who is confined in a prison facility if released from confinement.

The following persons are excluded from this evaluation by the panel:

- * A person convicted of a crime of violence.
- * A person convicted of a sex offense when the victim is under the age of 18 at the time of commission of the offense.
- * Certain controlled dangerous substance violations.
- * A person sentenced as a habitual offender where one or more of the crimes for which the person was convicted is a crime of violence.

The Act repeals this panel.

2013 Regular Session

JUVENILE JUSTICE

Continuing its drive to better serve the youth of Louisiana, **Senate Concurrent Resolution 56**, 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**, 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**, 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.

2014 Regular Session

PROBATION/PAROLE

In an attempt to reduce prison overcrowding, **Senate Bill 205 (Pending Senate Judiciary B Committee)** would amend the current law that provides that a person convicted of a crime of violence and not otherwise ineligible for parole must serve at least 85% of the sentence imposed, before being eligible for parole.

The bill would provide that a person convicted of a first time crime of violence and not otherwise ineligible for parole will serve at least 65% of the sentence imposed, before being eligible for parole and a person convicted of a second time crime of violence and not otherwise ineligible for parole will serve at least 75% percent of the sentence imposed, before being eligible for parole, provided these persons meet the criteria set forth in the bill.

Furthermore, a person convicted of a first or second crime of violence would be eligible for parole in accordance with current law provided that the following conditions are met:

1. The offender has not committed any disciplinary offenses in 12 consecutive months prior to the parole eligibility date.
2. The offender has completed the mandatory minimum of one hundred hours of pre-release programming in accordance with the provisions of current law if such programming is available at the facility where the offender is incarcerated.
3. The offender has completed substance abuse treatment as applicable.
4. The offender has obtained a GED credential, unless the offender has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED credential due to a learning disability. If the offender is deemed incapable of obtaining a GED credential, the offender will complete one of the alternative programs outlined in proposed law.
5. The offender has obtained a low-risk level designation determined by a validated risk assessment instrument approved by the secretary of the Department of Public Safety and Corrections.

The bill would provide that, except a person sentenced as a serial sexual offender as defined by current law, unless eligible for parole at an earlier date, any person serving a sentence who has been convicted of an offense defined by current law will be eligible for transitional parole consideration pursuant to serving 25 years in actual custody and reaching the age of 45, if all of the following conditions are met:

1. The offender has not committed any disciplinary offenses in 12 consecutive months prior to the transitional parole eligibility date.
2. The offender has completed the mandatory minimum of 100 hours of pre-release programming in accordance with the provisions of current law if such programming is available at the facility where the offender is incarcerated.
3. The offender has completed substance abuse treatment as applicable.
4. The offender has completed sex offender treatment as applicable.
5. The offender has obtained a GED credential, unless the offender has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED credential due to a learning disability. If the offender is deemed incapable of obtaining a GED credential, the offender will complete one of the alternative programs outlined in proposed law.
6. The offender has obtained a low-risk level designation determined by a validated risk assessment instrument approved by the secretary of the Department of Public Safety and Corrections.
7. The offender agrees to electronic monitoring for the duration of his time in the transitional parole program or parole term or until such time the Office of Probation and Parole deems it proper that the offender be removed from electronic monitoring. The costs of electronic monitoring will be paid by the offender.

8. The offender has displayed significant participation in the certified treatment and rehabilitation programs available at the institution where he is housed.

Moreover, the bill would provide that when an offender becomes eligible for transitional parole, the committee on parole would conduct a hearing in the same manner as a regular parole hearing. Upon a unanimous recommendation by the committee, it would be ordered that the offender be placed in a work release facility, half-way house, or other transitional housing or facility as appropriate for that particular offender's case, for a period not to exceed three years. The committee would place any additional conditions upon the offender as deemed necessary during the transitional parole period. An offender may be revoked from the transitional parole program in the same manner as regular parole.

The bill would also provide that after the offender has completed the time in the transitional parole facility or housing, he would reappear before the committee. If it is determined by a majority of the committee that the offender has conducted himself in a satisfactory manner and has substantially complied with the conditions set forth for his transition period, the committee would order that the offender be placed on parole supervision. If it is determined that the offender has not conducted himself in a satisfactory manner and has not substantially complied with the conditions set forth for his transition period, the committee would order the offender remanded to the Department of Corrections to serve the remainder of his sentence. The board would render specific findings of fact in support of its decision.

When the offender is released to parole supervision by the committee, the committee would require the offender to comply with the following conditions of parole supervision in addition to any other conditions of parole ordered by the committee:

1. Be subject to multiple monthly visits with his supervising officers without prior notice.
2. Abide by any curfew set by his supervising officers.
3. Perform at least 500 hours of unpaid community service work during the period of parole supervision.
4. Refrain from using or possessing any controlled dangerous substance or alcoholic beverage and submit, at his own expense, to screening, evaluation, and treatment for controlled dangerous substance or alcohol abuse as directed by his supervising officers.
5. Remain on electronic monitoring for the duration of his parole term or until such time the Office of Probation and Parole deems it proper that the offender be removed from electronic monitoring. The costs of electronic monitoring will be paid by the offender.

Under current law, any person sentenced to the custody of the Department of Public Safety and Corrections may, upon referral by the department, be considered for medical parole by the committee. Medical parole consideration will be in addition to any other parole for which an inmate may be eligible, but will not be available to any inmate who is awaiting execution or who has a contagious disease. The bill would remove the requirement that a person eligible for medical parole be referred by the Department

of Public Safety and Corrections and allows that person to apply to the Board of Parole directly, and the Board would verify with the Department if the applicant qualifies under the provisions of current law.

The bill would also delete a current law provision that provides that a medical parole will not be available to any inmate serving time for the violation of first degree murder; or second degree murder.

NOTARIES

With an eye towards streamlining services, **Act 171** provides that specially designated commissioned officers of the office of the state fire marshal have the power to administer oaths and receive sworn statements, in connection with their official duties.

2015 Regular Session

TRANSPORTATION

Senate Concurrent Resolution 1 (Pending Senate Transportation, Highways, and Public Works Committee) would make certain revisions to the general regulations applicable to the operation of private driving schools. The resolution would require the adoption of the following rules:

- * Require a driving school to have an established business location where it operates and where records are kept.
- * Remove rule that allows schools licensed by June 30, 2012, to maintain records at an owner's residence.
- * Remove rule that allows schools to rent temporary space from hotels or other facilities to conduct classes.

The resolution would direct the secretary of the Senate to transmit copies of the resolution to the office of the state register and the deputy secretary of the Department of Public Safety and Corrections, public safety services and further directs the office of the state register to print the amendments to rules in the La. Administrative Code and to transmit a copy of the revised rules to the deputy secretary of the Department of Public Safety and Corrections, public safety services.

Addressing a growing population in Louisiana, **House Resolution 121**, requests the Department of Public Safety and Corrections, public safety services, to conduct a study relative to the production of a combination mobility impaired specialty prestige license plate. The resolution requires the department to prepare a written report detailing the results of the study by Feb. 1, 2016 and would further require that the report be submitted to the House Committee on Transportation, Highways and Public Works and the Senate Committee on Transportation, Highways and Public Works.

REFERRAL FACILITIES

In an attempt to slow prison overcrowding, **Act 447**, addresses the existing law relative to judicial agency referral residential facilities, including pretrial diversion facilities, not otherwise required to be licensed by the Dept. of Health and Hospitals or the Dept. of Children and Family Services, that provide housing or temporary residence for individuals who have been arrested for the commission of a crime. Furthermore, the Act addresses the existing law that provides for referral of arrestees to these facilities by any judicial agency, including the district attorney's office.

The Act removes specific reference to the district attorney's office and further define a "judicial agency" as the district court and officers thereof, including the district judge, the prosecutor and district attorneys. No sheriff or sheriff's department of any parish would be deemed to be a judicial agency. The Act further provides that judicial agency referral residential facilities cannot participate in sheriffs' work release programs nor can they receive funding from the state.

Any facility is prohibited, including a pretrial diversion facility, that provides housing or temporary residence for individuals who have been arrested for the commission of a crime who are referred by any judicial agency, from being located within 1,000 feet of any property used by any school or any child day care center.

CRIMINAL JUSTICE

Attempting to address the ever growing prison population, **House Concurrent Resolution 82** directs the creation of the La. Justice Reinvestment Task Force comprising fourteen members to evaluate, analyze, and undertake a comprehensive review of the state's adult criminal justice system and, using a data-driven approach, develop sentencing and corrections policy recommendations for legislative consideration to reduce the prison population, provide better use of resources, and reduce recidivism.

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CRIMES / CRIMINAL PROCEDURE

The 2012-2015 Legislative Term saw the creation of several new crimes and major changes to existing criminal laws, including marijuana penalties and DWI laws, and an emphasis on issues of domestic abuse and sex offenses, along with many other areas of criminal law and procedure.

NEW CRIMES AND CHANGES TO EXISTING CRIMES

The 2012-2015 Legislative Term saw the creation of a number of new crimes to deal with various issues that came to the attention of the legislature on both a state and national level, as well as changes to existing crimes to address pertinent issues that arose after their creation.

2012

The Penn State child molestation scandal saw proposals in several states to address the prevention and reporting of sexual abuse of students. **Act 614** provides that certain "mandatory reporters" can be fined up to \$500 or imprisoned for up to six months for knowingly and willfully failing to report the abuse or neglect of a child. Further, any person 18 years of age or older who witnesses the sexual abuse of a child and knowingly or willfully fails to report to law enforcement or the Department of Public Safety and Corrections can be fined up to \$10,000 or imprisoned for up to five years.

Act 616 makes it a crime for any person to employ or otherwise utilize any juvenile to distribute or possess with the intent to distribute heroin, methamphetamine, or cocaine, and further makes it a crime for any person to entice, coerce, aid, or permit any juvenile to be on the premises or in any motor vehicle where the distribution or possession with intent to distribute of heroin, methamphetamine, or cocaine is being committed.

In the wake of the verdict in the Casey Anthony case, and the circumstances surrounding the disappearance and death of her daughter Caylee, many states have considered their own versions of "Caylee's Law." **Act 477** provides that a child's caretaker must report to an appropriate authority that a child is missing within 26 hours when the child is over the age of 13 years, and within 14 hours when the child is 13 or younger. Among other penalties, if the child is found dead or determined to be dead, then the offender is to be imprisoned at hard labor for between two and fifty years and fined up to \$50,000.

Act 638 makes it unlawful for any person having knowledge of the commission of any homicide, rape, or sexual abuse of a child to fail to report or disclose such information to a law enforcement agency or district attorney.

Act 839 makes it unlawful for any person to knowingly create, design, manufacture, sell, purchase, lease, install, update, repair, service, transfer, use, or possess or otherwise make available any automated sales suppression device ("zapper") or phantom-ware. These devices and software can be used to falsify the records of electronic cash registers, including transaction data and transaction reports, in order to avoid payment of collected sales taxes to the state.

Act 375 creates the crime of online impersonation, making it unlawful for any person, with the intent to harm, intimidate, threaten, or defraud, to intentionally impersonate another actual person, without the consent of that person, in order to open an e-mail account, any other type of account, or a profile on a social networking website or other Internet website, or to post or send one or more messages on or through a social networking website or other Internet website.

2013

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. This changed the law that did not formerly provide that a body of water could serve as a barrier on one or more sides of the property.

Act 240 amends the penalty provision in the current law regarding attempted theft so that when the amount attempted to be taken or misappropriated is between \$500 and \$5,000, the person is to be imprisoned for not more than one year, fined not more than \$500, or both.

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.

2014

Act 105 prohibits the manufacture, importation, sale, or offer for sale of a counterfeit air bag, a nonfunctional air bag, or any other object intended to fulfill the function of an air bag that does not meet all applicable federal safety regulations for a vehicle of that make, model, and year. It also provides that no person can knowingly sell, install, or reinstall a device in a motor vehicle that causes the diagnostic system of the vehicle to indicate inaccurately that the vehicle is equipped with a functional air bag.

Act 682 creates the crime of solar tax credit fraud, making it unlawful for any person who has received money from a contract for the sale, installation, maintenance, or repair of a solar electric system or solar thermal system to claim a tax credit against taxes owed to the state if the person has either failed to perform or complete the installation of the system or failed to maintain or repair the system under the terms of the contract, or fails to maintain or repair the system under the terms of the contract subsequent to claiming the tax credit.

Act 395 changes the definition of "chicken" for purposes of the crime of cockfighting to mean any game fowl or rooster, whether domestic or feral, that is normally used in a cockfight. The act also provides that possessing, manufacturing, buying, selling, or trading cockfighting paraphernalia, such as spurs, gaffs, knives, leather training spur covers, and other items normally used in cockfighting with the intent that they will be used in a cockfight, together with evidence that the paraphernalia is being used or intended for use in the unlawful training of a chicken to fight and the possession of any such chicken, is admissible as

evidence of a violation of the law. However, the act makes clear that this new provision of law cannot be construed to prohibit the possessing, buying, selling, or trading of any spurs, gaffs, knives, leather training spur covers, or any other item normally used in cockfighting that is at least five years old and has historical value.

Act 255 amends the crime of theft to provide additional grades of theft based on the value of the item stolen, and repeals certain theft statutes relative to livestock, animals, crawfish, timber, alligators, rental motor vehicles, motor vehicle fuel, used building components, and copper taken from a religious building, cemetery, or graveyard. These repealed crimes specific to the thing stolen are now all covered by the crime of "theft."

2015

Act 65 reenacts the provisions of law regarding theft of livestock and theft of timber that were repealed by Act No. 255 of the 2014 Regular Session. For the crime of theft of livestock, it provides penalties including a fine of \$5,000, imprisonment with or without hard labor for not more than ten years, or both. For the crime of theft of timber, it provides penalties that are dependent upon the value of the timber taken.

Act 137 retains current law relative to the crime of illegal possession of stolen things, but adds that no person, e.g. a seller of automotive parts, is exempt from prosecution under that law for any act committed with fraudulent, willful, or criminal knowledge even if that person obtained a signed statement of ownership executed by a purported owner of the property conveyed. This act was aimed primarily at "chop shop" owners who know or have reason to believe that automobile parts they are buying were stolen.

CONTROLLED DANGEROUS SUBSTANCES AND OTHER DRUGS

During the 2012-2015 Legislative Term, a number of drugs and other substances were added to the schedules of controlled dangerous substances, as well as penalties increased for certain offenses.

2012

Act 355 added "Mitragyna speciosa" to the list of prohibited plants.

Act 345 added phenazepam to the list of Schedule I controlled dangerous substances.

Act 315 added Ezogabine to the list of Schedule V controlled dangerous substances.

2013

Act 7 adds twenty-seven hallucinogenic substances to the list of Schedule I controlled dangerous substances.

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."

2014

Act 368 increases the maximum term of imprisonment at hard labor for a second or subsequent conviction for the manufacture, distribution, or possession with intent to distribute heroin from 50 years to 99 years, at least ten years of which must be served without benefit of probation or suspension of sentence.

Act 512 repeals the statute relative to the crime of drug-traffic loitering. "Drug-traffic loitering" is defined as the remaining in a public place in a manner and under circumstances manifesting the purpose to engage in unlawful conduct in violation certain provisions of the Uniform Controlled Dangerous Substances Law. This provision had been declared unconstitutionally vague by the Louisiana Supreme Court.

Act 289 and **Act 265** repeals the private residence exception for the application of enhanced penalties for drug violations that occur in drug free zones. Prior law provided enhanced penalties for a violation of the Uniform Controlled Dangerous Substances Law occurring in a "drug free zone," e.g., on school property, property of a drug treatment facility, religious building property, public housing authority property, day care center property, or within two-thousand feet of any such property. Prior law also provided an exception for violations that occur within two-thousand feet of such property if the violation occurs entirely within a private residence in which no person seventeen years of age or younger was present. This act repealed that exception so that enhanced penalties apply for violations within a drug free zone even if those violations occur entirely within a private residence where no minor is present.

Act 392 provides immunity from prosecution for those who provide emergency assistance to persons requiring such assistance because of alcohol consumption or drug overdoses.

2015

Act 295 reduces the penalties for possession of marijuana and certain related substances in certain amounts. While prior law provided for a first offense fine of up to \$500, six months in jail, or both, and made subsequent convictions felony offenses. This act provides that on a first conviction for the possession of 14 grams or less of marijuana, tetrahydrocannabinol, or chemical derivatives thereof, the offender is to be fined up to \$300, imprisoned in parish jail for not more than fifteen days, or both. For possession of more than 14 grams of these substances, but less than two and one-half pounds, the offender is to be fined, or imprisoned, or both, the same as under prior law. These acts also provide a one-time two-year cleansing period for a first conviction. The law relative to the possession of synthetic cannabinoids remains the same.

DWI

2012

Act 571 requires 30 days of mandatory jail time for persons convicted of second offense operating a vehicle while intoxicated.

2013

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 act 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 is to be imprisoned at hard labor for not less than 10 nor more than 30 years, and at least three years of the sentence is to be imposed without benefit of probation, parole, or suspension of sentence.

2014

The 2014 Regular Session saw a major revision of DWI laws. **Act 385** restructures and streamlines law relative to the crime of operating a vehicle while intoxicated. The act divides the existing DWI statute into its component parts by placing penalties for first, second, third, fourth and subsequent offenses into separate statutes. The bill also increases fines and jail time for certain convictions and adds mandatory minimum fines and jail sentences for others. It also revises present provisions and adds new provisions relative to probation, community service, drug treatment programs, and the required use of ignition interlock devices. Third degree feticide has been added to the list of crimes constituting a prior conviction of DWI.

FIREARMS AND OTHER WEAPONS

2012

Act 302 excludes from the definition of illegal carrying of weapons the following kinds of knife: (1) any knife that may be opened with one hand by manual pressure applied to the blade or any projection of the blade and (2) any knife that may be opened by means of inertia produced by the hand, wrist, or other movement, provided the knife has either a detent or other structure that provides resistance that must be overcome in opening the blade or a spring load toward the closed position.

Act 320 changes the elements of the crime of aggravated assault with a firearm so that discharge of a firearm is not required, but merely that the offense is committed with a firearm, and increases the penalties to a fine of not more than \$10,000, or imprisonment with or without hard labor for not more than 10 years, or both.

2013

Efforts in Congress in late 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 firearms issues.

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.

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. **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.

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.

2014

Act 147 creates an exception to the crime of possession of a firearm in alcoholic beverage outlets for certain law enforcement officers and retired and auxiliary law enforcement officers, judges and district attorneys, and concealed handgun permit holders, when the possession occurs on the premises of certain restaurants.

2015

Act 176 exempts the legislative auditor and designated investigative auditors from the crime of illegal carrying of weapons when those officials are qualified annually in the use of firearms by the Peace Officer Standards and Training Council (P.O.S.T.). Similarly, **Act 288** exempts retired district attorneys and retired assistant district attorneys from the crime of illegal carrying of weapons, provided they are P.O.S.T. certified. However, this exception does not apply to any retired district attorneys or retired assistant district attorneys who has entered a plea of guilty or nolo contendere to, or been found guilty of, a felony offense.

DOMESTIC VIOLENCE2012

Act 535 creates the crime of domestic abuse aggravated assault, which is an assault with a dangerous weapon committed by one household member upon another household member. This crime would be a companion to the current law crime of domestic abuse battery, and would increase the penalty over what is presently available for aggravated assault.

2013

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.

2014

Act 195 provides that any person against whom the court has issued a protective order relative to domestic abuse is prohibited from possessing a firearm for the duration of the protective order, if the protective order includes a finding that the person who is subject to the protective order represents a credible threat to the physical safety of a family member or household member, and if the protective order informs the person subject to it that the person is prohibited from possessing a firearm.

2015

Act 151 prohibits the expungement of a conviction for the crime of domestic abuse battery.

Act 440 expands the crimes of domestic abuse battery and domestic abuse aggravated assault to include the intentional use of force or violence or assault with a dangerous weapon, respectively, by one family member against another family member, whether or not those family members live in the same household.

Act 327 authorizes the establishment of a family justice center in any judicial district to provide multi-agency and multi-disciplinary support and services to victims of domestic abuse, sexual assault, stalking, cyberstalking, cyberbullying, and human trafficking, as well as to persons protected by the Adult Protective Services Act pursuant to current law.

Act 439 authorizes, but does not require, that there be a contradictory bail hearing when a defendant is charged with the commission of domestic abuse battery, violation of protective orders, stalking, or any felony offense involving the use or threatened use of force or a deadly weapon upon the defendant's household member, family member, or dating partner.

SEX OFFENSES2012

Act 693 makes it unlawful for a sex offender, when the victim was under the age of 13 years, to be physically present in or on public library property, and prohibits loitering by a sex offender within 1000 feet of public library property.

(**Act 42** prohibits a sex offender from (1) establishing a residence or physically residing within three miles of the victim of the offense for which he was convicted, (2) knowingly being physically present within 300 feet of the victim of the offense for which he was convicted, or (3) communicating

with the victim of the offense for which he was convicted or an immediate family member of the victim, unless the victim consents to such communication in writing.

Act 205 makes it unlawful for registered sex offenders to use "social networking websites," and removed a provision that allows the sex offender to get permission to use social networking websites from his probation or parole officer or the court of original jurisdiction.

2013

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 600,000 to 820,000 men, women, and children are trafficked across international borders each year, and of those, approximately 80% are women and girls and up to 50% are minors. **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. Monies in the fund are to 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.

2014

In an attempt to alleviate the stigma to family members and victims of persons charged with incest and aggravated incest, **Act 602** and **Act 177** repeal the named crimes of "incest" and "aggravated incest" and place all of the elements and penalties for those crimes under the existing crimes of "crime against nature" and "aggravated crime against nature," respectively. By doing this, when the name of an individual charged with incest or aggravated incest becomes public, it is not readily apparent who the possible victim or victims might be.

Act 531 provides that when acts of obscenity, as defined and criminalized by present law, occur within 2,000 feet of a school, within 24 hours of receiving the report of the incident the law enforcement agency acting in response to the incident must notify the principal or headmaster of the school that the incident occurred. It further requires the principal or headmaster, within twenty-four hours of receiving notice of the incident from law enforcement, to notify the parents of all students enrolled at the school.

2015

Act 256 and **Act 184** renames the crimes of aggravated rape, forcible rape, and simple rape to "first degree rape," "second degree rape," and "third degree rape," respectively. Senate Bill 117 also creates the crime of misdemeanor sexual battery, defined as the intentional touching of the breasts or buttocks of the victim by the offender using any instrumentality or any part of the body of the offender, directly or through clothing, or the intentional touching of the breasts or buttocks of the offender by the victim using any instrumentality or any part of the body of the victim, directly or through clothing, when the offender acts without the consent of the victim. All of the elements of the renamed grades of rape remain essentially the same.

Act 242 creates the sexual assault protective order (SAPO) to provide "fast track" protections for victims of all types of sexual assaults, not only those arising out of a domestic or shared household situation.

Act 187 creates the crime of unlawful distribution of material harmful to minors through the Internet, carrying a fine of up to \$10,000.

PRIVACY AND PRIVACY-RELATED CRIMES

2015

Act 173 increases the penalties for the crime of illegal use of a tracking device. Current law provides that a violation is to be punished by a fine of between \$100 and \$500, up to six months in prison, or both. This act increases the penalties for a violation as follows: For the first offense, a fine of between \$500 and \$1,000, up to six months in prison, or both; for a second offense, a fine of between \$750 and \$1,500, imprisonment for between thirty days and six months, or both; and for the third offense and subsequent offenses, a fine between \$1,000 and \$2,000, or imprisonment for between sixty days and one year, or both.

Act 49 authorizes the attorney general and certain investigators to use electronic surveillance equipment pursuant to a court order. Formerly, the law only authorized the use of such equipment by commissioned officers of state police, full-time commissioned police officers of a municipality, and sheriffs and deputy sheriffs.

Act 231 creates the crime of non-consensual disclosure of a private image, which occurs when the person making the disclosure: (1) intentionally discloses an image of another person who is seventeen years of age or older, who is identifiable from the image or information displayed in connection with the image, and whose intimate parts are exposed in whole or in part; (2) obtained the image under circumstances that a reasonable person would know or understand that the image was to remain private; (3) knew or should have known that the person in the image has not consented to the disclosure of the image; and (4) has the intent to harass or cause emotional distress to the person in the image, or knew or should have known that the disclosure could harass or cause emotional distress to the person in the image. Penalties for this offense include a fine of up to \$10,000, imprisonment for up to 2 years, or both.

UNMANNED AIRCRAFT A.K.A. "DRONES"

2014

Two bills during the 2014 Regular Session attempted to regulate the relatively new area of unmanned aircraft, commonly referred to as "drones." Neither bill was able to make it entirely through the legislative process, although one of the two did find new life in abbreviated form as an amendment to another bill.

Utilizing the clever acronym "D.R.O.N.E." (Deterrence of Reconnaissance Over Noncriminal Entities), **Senate Bill 330 (involuntarily deferred in House Committee on Administration of Criminal Justice)** would have created the crime of illegal use of unmanned aircraft to capture images and wireless data, making it illegal to use an unmanned aircraft to capture an image of an individual or privately owned immovable property with the intent to conduct surveillance on the individual or property, or to capture a wireless data transmission for any purpose not authorized by the sender or recipient of the transmission. It would have also been illegal to possess or distribute an image or data captured in violation of this proposed law.

Senate Bill 356 (involuntarily deferred in House Committee on Administration of Criminal Justice) would have prohibited the use of unmanned aircraft to conduct surveillance of, gather evidence or collect information about, or photographically or electronically record a specifically targeted critical infrastructure without the prior written consent of the owner. "Critical infrastructure" was defined to include any systems, facilities, or assets vital to national defense or security, economic security, public health or safety, and state, regional, and national infrastructure, such as gas and oil production, storage, or delivery systems; water supply and treatment systems; telecommunications networks; electrical power generation or delivery systems; financing and banking systems; emergency services; and transportation systems and services.

Portions of Senate Bill 356 were amended into **Act 661** so as to create the crime of unlawful use of an unmanned aircraft system, essentially prohibiting the types of activities that would have been prohibited by Senate Bill 356.

CRIMINAL PROCEDURE AND SENTENCING

2012

Act 842 provides for exceptions to grand jury secrecy, including disclosure to other prosecutorial entities and experts of material that is favorable to the defendant, and any statement of a witness that is inconsistent with the witness's grand jury testimony.

2013

Act 29 provides for special consideration to be given to veterans who are convicted of a crime. Among other things, if the defendant is determined to be a current 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.

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 act 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.

Act 261 creates 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, is not to be released again by the court on the defendant's own recognizance.

2014

In response to the well-publicized arrest of a school teacher for allegedly committing a battery on a student over an un-tucked shirt, **Act 670** prohibits any judge or other magistrate from issuing a warrant of arrest for a school employee who commits a misdemeanor act on school property, or at a school-sanctioned event, during the course and scope of his employment, but instead authorizes the issuance of a summons under such circumstances.

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CULTURE, RECREATION & TOURISM

CULTURE

2015 REGULAR SESSION

Act 263 changes the composition and terms of the Board of Directors of the Louisiana State Museum. Under the provisions of the Act, the total number of members stays at twenty, but the number of at-large members decreases so that the Friends of the Cabildo, the Louisiana Museum Foundation, and the Friends of the Capitol Park Museum may have more representation. The terms of the members will be staggered rather concurrent with that of the lieutenant governor.

The board will also have more input on policy matters and in the appointment of the museum director. The Lt. governor will choose the museum director from a list of three candidates selected by a search committee appointed by the board. The director's pay from the state may also be supplemented by the board or affiliated museum foundations. The Act also provides for an exception to the Ethics Code in order to allow for the director's supplementary pay.

2014 REGULAR SESSION

Act 552 declares that fox pen hunting is part of the folklife heritage of the state and, as such, should be preserved in order to help maintain the folklife culture. Fox pen hunting involves fenced-in preserves where hunting dogs are trained to pursue foxes.

2013 REGULAR SESSION

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.

2012 REGULAR SESSION

Act 202 provides that the official working language of the Council for the Development of French in Louisiana (CODOFIL) and its employees shall be French. The Act authorizes the council to identify itself as "Office of Francophone Affairs" in English or "Agence des Affaires Francophones" in French, to reflect its educational, social, economic development, and diplomatic missions. CODOFIL is an office within the Dept. of Culture, Recreation and Tourism (DCRT) established to preserve, promote, and develop La.'s French and Creole culture, heritage, and language.

Act 338 provides that the lieutenant governor will perform all duties, functions and responsibilities of the secretary of culture, recreation and tourism, in lieu of appointing a secretary of culture, recreation and tourism, at the discretion of the lieutenant governor.

RECREATION

2012

Act 322 re-creates the DCRT for four more years it was to begin to terminate its operations July 1, 2012 and all legislative authority for such entities were to cease as of July 1, 2013 this law changes the date to July 1, 2017 and the date to begin to terminate its operations on July 1, 2016.

Act 326 provides for the distribution and sale of marine products, motorcycles, all-terrain vehicles, and recreational vehicles and further defines those definitions.

Act 661 allows golf carts to be driven by licensed and insured drivers on the roadways of Palmetto Island State Park.

Act 338 authorizes the lieutenant governor to perform the duties, functions and responsibilities of the secretary of culture, recreation and tourism. It states that a secretary may be appointed instead of shall and if no secretary is appointed the lieutenant governor will carry out the functions.

Act 751 provides relative to product shows this bill removes recreational products from present law and authorizes shows where recreational products are displayed and promoted for sale and provides that no final sale and delivery of a recreational product shall occur at such show except by a licensed Louisiana dealer. Provides for certain criteria to be met. It also adds definitions and clarifies the following terms: "Fairs or Festivals", "National show", "Nonresident or non-Louisiana", "Producer", "Rally", "Regional show", and "Show or recreational product show". Adds requirement that non-Louisiana recreational products dealers, distributors, and manufacturers submit a registration fee of \$100 to the La. Motor Vehicle Commission. It exempts any rally or display of recreational products which is a part of a bona fide fair or festival held in this state.

Senate Concurrent Resolution 76 commemorates the Louisiana Bicentennial of statehood and recognizes the many exciting events throughout the year-long celebration.

Senate Resolution 32 establishes the Major Event Funding Study Committee for the purpose of determining the feasibility of establishing trust funds to support the hosting of major events in Louisiana.

2013

Senate Concurrent Resolution 120 establishes the Transformation Village Task Force to study the feasibility of reopening the closed amusement park in New Orleans.

HUNTING and FISHING

Fishing

Act 334 provides relative to a possession limit for crappie taken from Toledo Bend Reservoir on a recreational fishing license.

Senate Resolution 25 requests 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 requests the Louisiana High School Athletic Association to establish and sanction the competitive sport of tournament bass fishing.

Recreational Licenses

House Bill 245 (died on House calendar) would have provided for the issuance of nonresident recreational hunting and fishing licenses at the same cost as resident licenses.

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 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 (pending Senate Education Committee) would have requested 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

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 directs the Department of Education to study public school compliance with state law regarding physical activity in schools.

Extracurricular

Senate Concurrent Resolution 22 requests the Louisiana High School Athletic Association to establish and sanction the competitive sport of tournament bass fishing.

SEAFOOD

Act 228 transfers the Louisiana Seafood Promotion and Marketing Board to the Department of Culture, Recreation and Tourism.

SPECIAL DISTRICTS

Act 124 provides relative to the Evangeline-Ville Platte Recreation District.

2014**AIRCRAFT/AVIATION**

The use of private airplanes are used for both recreation and business **House Bill 823 (pending House Committee)** would have provided limitation on liability for owners of private airstrips.

ANIMALS/HORSES

House Concurrent Resolution 155 (pending House Committee) would have requested a study to evaluate the need for laws and regulations relative to the riding of horses on public roads.

CONVENTION FACILITIES

Act 557 provides with respect to the Ernest N. Morial New Orleans Exhibition Hall Authority.

CRIME/BATTERY

Act 815 amends penalties for the crime of battery of a school or recreation athletic contest official.

FISCAL CONTROLS

Act 725 moves the Cecil J. Picard Educational and Recreational Center from the Dept. of Education to the office of juvenile justice.

FISHING

Act 553 assigns management responsibility for sustainability of freshwater and saltwater fisheries to the Wildlife and Fisheries Commission.

Act 336 provides for possession limits for certain species of bass caught in saltwater areas of the state.

Act 89 removes provisions relative to the exhibit of a specific ship by the Kenner Naval Museum.

House Bill 1044 (pending House Committee) would have created within the Department of Wildlife and Fisheries the Louisiana Catch and Cook Program.

Act 804 imposes an additional fee on the sale of saltwater fishing licenses and dedicates the revenues.

Act 577 provides within the Department of Wildlife and Fisheries for the Louisiana Catch and Cook Program.

Act 389 provides for the possession limits of crappie on Lake D'Arbonne.

HUNTING

Act 229 provides for the use of sound suppressors in hunting.

Act 56 provides relative to fees for hunting and fishing licenses paid by surviving spouses of members of the military killed in action.

Act 429 reduces the time required to qualify as a resident for hunting and fishing licenses.

Act 222 provides for reduced hunting and fishing license fees for certain retired members of the U.S. Armed Forces.

2015**RECREATIONAL VEHICLES**

Act 122 authorizes the use of "utility terrain vehicles" on certain roads.

Youth Organizations

Act 437 limits liability of certain facilities operated by nonprofit youth organizations.

TAX/TAX CREDITS

Act 234 approves by parish voters this act authorizes the Sabine Parish Tourist and Recreation Commission to levy additional occupancy taxes on hotel and motel rooms, and camping facilities.

Act 141 requires LED to engage independent auditors to prepare production expenditure verification reports for motion picture investor tax credits; sworn affidavits of those submitting information for the reports; regulates and limits expenditures between related parties and subjects them to review by the state inspector general.

Museums

Act 263 provides relative to the Louisiana State Museum Board of Directors and museum director.

COMMENDATIONSMusic

Senate Concurrent Resolution 15 commends Milton Vanicor for eighty years of passion, devotion, and commitment to Cajun Music.

Elementary Extracurricular

Senate Concurrent Resolution 84 commends the students, and faculty of the Lafayette Parish School System for their first-overall placement in the Louisiana Governor's Games 23rd Annual Elementary State Championship Fitness Meet.

University Extracurricular

Senate Resolution 15 congratulates the University of Louisiana at Monroe water ski team for its national championship win at the 26th National Collegiate Water Ski Association Conference.

Senate Resolution 56 congratulates the University of Louisiana at Monroe cheer leading team for their fourth place national ranking at the 2015 Universal Cheerleaders Association National Competition.

Act 678 provides for a special season for Louisiana residents who have been honorably discharged from the U.S. Armed Forces.

Act 378 allows the use of a firearm sound suppressor while hunting certain wild quadrupeds.

Act 295 provides for the sale or purchase of wild birds and wild quadrupeds.

LEGIS POWERS/FUNCTIONS

Senate Concurrent Resolution 136 reactivates the Ancient Mounds Heritage Area and Trails Advisory Commission.

PERMITS

Act 777 requires the issuance of certain alcoholic beverage permits to commercial film theaters.

TOURISM

Tourism continues to be a strength for the state thanks to Louisiana's unique culture and the determined efforts of many people. Along with statewide issues, legislators passed a number of bills affecting tourism districts across the state and the tax collections generated.

2012 Regular Session**CRT SECRETARY**

Under the provisions of **Act 338**, the lieutenant governor is authorized to appoint a secretary of the Department of Culture, Recreation and tourism (CRT); prior law required the lieutenant governor to appoint a secretary. The legislation further provides that if a secretary is not appointed, the lieutenant governor would perform the duties, functions and responsibilities of the secretary.

THE FRENCH CONNECTION

Louisiana's French heritage is well known the world over and is part of the attraction for visitors from other states and other nations. Lawmakers considered several pieces of legislation in the 2012 Regular Session both to honor and preserve that heritage and to promote tourism.

Providing an official state map in the French language and uniform bilingual highway signage could encourage the preservation of our French heritage and provide important services to both French speaking visitors and residents. The Uniform Bilingual Signage and Map Task Force was created through

House Concurrent Resolution 23. The resolution directs the task force to study, evaluate, analyze and review the feasibility of producing an official state map in the French language and uniform bilingual highway signage.

The Council for the Development of French in Louisiana (CODOFIL) is statutorily charged with preserving, promoting and developing Louisiana's French and Creole culture, heritage and language. Among its purposes is to oversee developing and expanding tourism activities designed to promote our French culture, heritage and language. **Act 202** requires that the official working language of CODOFIL and its employees shall be French, and it authorizes CODOFIL to identify itself as "Office of Francophone Affairs" in English or "Agence des Affaires Francophones" in French.

Planning the establishment of an international language immersion school at the University of Louisiana at Lafayette is the goal of an exploratory committee created by **Act 851**. Among other things, the committee is to determine the curriculum to be offered, including French as the primary immersion language, and the feasibility of opening the school by the beginning of the 2014-2015 school year. Requires the submission of a written report and implementation plan to the Senate and House committees on education by March 31, 2013.

SCENIC RIVER

Bayou Teche, a 135-mile waterway flowing from Port Barre to Morgan City, was once the main course of the Mississippi River and is of great cultural and historic significance in South Louisiana. **House Concurrent Resolution 49** requested the Department of Wildlife and Fisheries to study the possibility of including Bayou Teche in the Historic and Scenic Rivers program. Inclusion of the waterway into the program would increase acknowledgment of Bayou Teche for its historic and cultural value and help to increase tourism on the bayou and in communities along the bayou.

LOCAL TOURISM

The Tangipahoa Parish Tourist and Film Commission was renamed the *Tangipahoa Parish Tourist Commission* under the provisions of **Act 313**.

Visit Baton Rouge became the new name of the Baton Rouge Area Convention and Visitors Bureau as provided by **Act 256**.

Monies in the St. Martin Parish Enterprise Fund, subject to annual appropriation by the legislature, are to be used by the St. Martin Parish Tourist Commission for tourism purposes. **Act 367** provided that the monies in the fund shall be used by the St. Martin Parish government for tourism and economic development purposes.

Changes in the levying of hotel occupancy taxes and the allocation of hotel occupancy tax revenues collected by the Vermilion Parish Tourist Commission are contained within **Act 673**. The 3% hotel occupancy tax that was levied and the previous allocation of the tax revenues were to terminate December 31, 2012, under the provisions of Act 673. Effective January 1, 2013, the tourist commission could then, subject to approval of the voters in the parish, levy a 2% hotel occupancy tax. The bill required one-half of the revenues generated to be used for tourism promotion and one-half for youth recreation purposes in the parish.

2013 Regular Session

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 travel destination and provide for several purposes, including tourism, **Act 410** authorized 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 was established to preserve the culture of the village and promote tourism for the village by **Act 128**. The commission was to be established in Lafourche Parish, and its membership and powers and duties are provided for in the act.

HOTEL OCCUPANCY TAXES

The Houma Area Convention and Visitors Bureau has levied a 4% hotel occupancy tax. **Act 237** increased 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 **Act 243**. Any increase is subject to the approval of a majority of the electors in the district. The hotel occupancy tax previously authorized is 2%.

The city of Youngsville was authorized to levy a 4% hotel occupancy tax within the city limits as provided in **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 was previously dedicated to the Ascension Parish Visitor Enterprise Fund and was to be used for tourism purposes only in Ascension Parish. **Act 131** provided 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 established 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 required the task force to report its findings to the legislature by March 1, 2014.

The Department of Wildlife and Fisheries was 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**. The inclusion of the bayou into the program would increase acknowledgment of Bayou Teche for its cultural and historic value and would help to increase recreation and tourism on the bayou and in its communities.

2014 Regular Session

NEW ORLEANS CONVENTION CENTER EXPANSION

Pursuant to the provisions of **Act 557**, the Ernest N. Morial New Orleans Exhibition Hall Authority was authorized to move forward with its fifth phase of expansion. The bill provided for the Authority to begin a tourism development plan to enhance the Convention Center and install basic infrastructure to facilitate private development, including lodging facilities, on property owned by the Authority. The law allows the Convention Center to begin Phase V, enter into contracts for various projects and services for hotels, and to issue tax free bonds for private development projects related to the Convention Center.

HOTEL OCCUPANCY TAXES

The city of Scott was authorized to levy and collect a hotel occupancy tax, not to exceed five percent, under the provisions of **Act 757**. It requires the governing authority of the city to impose the tax by ordinance or resolution, but only after a majority of the electors of the city approve the tax. The proceeds of the tax will be used to fund the construction, maintenance, and operation of a 4-H facility, a multipurpose community center, or a park, or for economic development, recreation, and tourism.

The city of Carencro was authorized to levy and collect a hotel occupancy tax, not to exceed four percent, under **Act 788**. It requires the governing authority of the city to impose the tax by ordinance or resolution, but only after a majority of the electors of the city approve the tax. The proceeds of the tax will be used to fund economic development, promotion of tourism, and related infrastructure in the city.

The Shreveport-Bossier Convention and Tourist Bureau previously could levy a hotel occupancy tax, not to exceed 4.5%. **Act 674** authorized the Bureau to increase its hotel occupancy tax by two percent, subject to approval of the voters of Caddo and Bossier parishes. The authority to levy the tax will terminate on June 30, 2039. The proceeds of the new tax will be used by the Shreveport-Bossier Sports Commission for the operation and promotion of sporting goals and activities, as it relates to sports tourism; by the Independence Bowl Foundation for promotion of Division I football events; and by the Ark-La-Tex Regional Air Service Alliance to incentivize air flights, air carriers, and air fare.

DEVELOPMENT DISTRICT

The Morgan City Development District was created by **Act 247** with several objectives, including planning land use and development to foster tourism and economic development, among others. The five commissioners governing the district shall be appointed by the mayor of Morgan City and confirmed by the city council. The district is authorized to levy taxes, subject to voter approval, and issue debt.

2015 Regular Session

JEFFERSON PARISH TOURISM ASSESSMENT

To facilitate the collection and use of private sector originated supplementary funds to market and promote greater Jefferson Parish as a travel destination and provide for several purposes, including tourism, **Act 266** authorizes the levy of an optional hotel assessment by a tourism organization upon its hotel members. The assessment can be up to one and three quarters percent of the daily room charge and is to be treated as a surcharge to hotel guests. Any such assessment has 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. Further requires that the organization be subject to audit by the legislative auditor.

HOTEL OCCUPANCY TAXES

The Sabine Parish Tourism and Recreation Commission is currently allowed by law to levy a 3% hotel occupancy tax. **Act 234** authorizes the Commission to levy an additional 2%, the avails to be used for recreational and tourism marketing. Any increase in the tax would be subject to the approval of a majority of the electors in Sabine Parish.

The town of Duson (situated in Acadia and Lafayette parishes) is authorized to levy and collect a 4% hotel occupancy tax, subject to voter approval, under the provisions of **Act 53**. The proceeds of the tax may be used to fund economic development, the promotion of tourism, and related infrastructure within the town.

The avails of the state sales tax on hotel rooms collected in Winn Parish has been deposited into the Winn Parish Tourism Fund to be appropriated by the legislature to the Winnfield Museum Board. Under the provisions of **Act 293**, 80% of the monies will be appropriated to the Greater Winn Parish Development Corporation for the Louisiana Political Museum and Hall of Fame and 20% of the monies will be appropriated to the Winn Chamber of Commerce and Tourism to support tourism and economic development in Winn Parish.

The Grant Parish Economic Development Fund was created by **Act 39**. Into the fund will be deposited the avails of the 3.97% hotel occupancy tax, which shall be used exclusively for promoting tourism in Grant Parish.

LOCAL TOURISM

Monies in the St. James Parish Enterprise Fund are subject to annual appropriation by the legislature and have been available exclusively for the St. James Convention Facility and other multipurpose buildings, including an agricultural arena and farmer's market. **Act 182** retains the present uses and further specifies that monies in the fund will be available for use by the governing authority of St. James Parish to promote tourism and economic development related activities and for maintenance and repair, parking areas, and for the St. James Parish Tourist Information Welcome Center.

Past law provided that the Acadia Parish Convention and Visitors Commission shall be governed by a board of seven directors to be appointed by the governing authority of the parish. As proposed by **Act 60**, the tourist commission will be governed by a board of eleven directors appointed by the governing authority of Acadia Parish.

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ECONOMIC DEVELOPMENT

2015 REGULAR SESSION

Department of Economic Development

In an effort to secure more national sporting events and other major events for the state, the Louisiana Legislature enacted **Act 12**, which created the Major Events Incentive Program. This Act allows the Department of Economic Development to enter into a contract with a local organizing committee, endorsing parish, or endorsing municipality to recruit, solicit, or acquire for the state, qualifying events that have a significant positive economic impact in Louisiana.

Act 141 was enacted to protect the integrity of the motion picture investor tax credit program. This Act requires the Department of Economic Development to engage an independent certified public accountant or tax attorney to prepare a production expenditure verification report on an applicant's cost report of expenditures or claimed expenditures.

Act 412 requires the Department of Economic Development to engage and assign an independent certified public accountant or tax attorney to prepare any required expense or expenditure verification report on an applicant's cost report of expenditures or claimed expenditures for specific programs. Pursuant to this Act, the secretary of the department is authorized to establish and collect a fee to cover the administrative costs of the report.

Act 361 authorizes the secretary of the Department of Economic Development to establish and collect fees and recover costs from any person applying for financial incentives or assistance. The department is required to establish the fees by rule and may include in the rule provisions for the reduction or waiver of fees and advance deposit for costs. These fees are nonrefundable, unless otherwise provided.

Economic Development Districts

Act 282 changes the name of the Vermilion Parish Economic Development District to the Vermilion Economic Development District, increases membership to fifteen, and changes the appointment process of the members. This Act reduces the number of members appointed by the Vermilion Parish Police Jury from nine to five and provides that each governing authority in the incorporated areas of Vermilion Parish shall appoint one member.

Act 376 authorizes the Algiers Development District, for the purposes of facilitating development within the district, to exercise all powers granted by law to local governmental subdivisions to approve the creation of nonprofit economic development corporations within the district.

Act 420 creates the New Orleans Exhibiting Hall Authority Economic Growth and Development District. This district shall provide for cooperative economic and community development among the district, city, state, and property owners in the district, enhance the development of and improvement to the property within the district, and promote economic growth, safety, and development.

Hotel Occupancy Tax

Act 265 authorizes Jefferson Parish to levy an optional hotel assessment by a tourism organization upon its hotel members.

Act 53 allows the governing authority of Duson to levy and collect a four percent tax upon the paid occupancy of hotel rooms located within Duson. The tax money collected shall be used to fund economic development, promote tourism, and for related infrastructure projects.

2014 REGULAR SESSION

Department of Economic Development

The Department of Economic Development was statutorily recreated by **Act 509**.

Act 704 requires a detailed analysis be performed by the Department of Economic Development for all economic and financial reports for projects in excess of ten million dollars. As part of the analysis, the department must assess whether the project would occur if not for the proposed state funding.

Economic Development Districts

Many areas of the state have local economic development districts or commissions to stimulate and promote economic growth in the area.

Act 247 created the Morgan City Development District and **Act 834** created the St. Bernard Parish Economic Development Commission.

Multimodal Commerce

Act 719 creates the office of multimodal commerce within the Department of Transportation and Development. The office will be operational on July 1, 2016. This new office will focus on the coordination of development of programs relating to aviation, commercial trucking, local mass transit, railroad expansion and development, and port and water transportation systems.

An advisory commission was established to develop an operational plan for the office of multimodal commerce. The plan is subject to legislative approval.

2013 REGULAR SESSION

Tax Credits

Act 178 strengthens the certification process for the motion picture investor tax credit. This Act provides the state and motion picture industry with predictability and reliability regarding the issuance of credits.

Act 428 limits eligibility for the solar energy tax credit program to systems in compliance with the requirements of the American Recovery and Reinvestment Act, reduces the solar energy systems tax credit for leased systems, and sunsets the program on January 1, 2018.

Act 265 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 within the state.

2012 REGULAR SESSION

Department of Economic Development

Acts 57 exempts proprietary and trade secret information submitted to the Department of Economic Development for economic development purposes from the public records law.

Act 180 removes the sunset period for the confidentiality of information submitted to the Department of Economic Development for economic development negotiations.

Act 687 creates the office of international commerce, which is located within the Department of Economic Development. This office shall serve as the authority on behalf of the state to advance the state's international commerce economic sector.

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K-12 EDUCATION

ACCOUNTABILITY

Act 483 of the 2014 Regular Session requires BESE to give International Baccalaureate, Advanced Placement, and dual enrollment courses, and any related examinations equal status and recognition for purposes of determining school performance scores and letter grades.

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. **Act 330 of the 2013 Regular Session** created 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.

Act 729 of the 2014 Regular Session requires the chartering authority, at the time a initial charter school proposal or application is submitted, to notify each legislator in whose district a proposed charter school is to be located that the application has been submitted. Provides that the notification is limited to the date the proposal or application was submitted, the chartering authority to which the proposal or application was submitted, the type of charter school the chartering group seeks to operate, and the location of the proposed charter school. Additionally requires the chartering authority to notify each legislator in whose district the proposed charter school is to be located whether such proposal or application was accepted or denied. Does not apply to applications for renewal of a charter.

Act 467 of the 2015 Regular Session requires charter schools to enroll special education students (other than gifted and talented) in numbers proportional to the enrollment of such students in the local school district in which the charter school is located. Currently, this requirement only applies to at-risk students eligible for the free and reduced lunch program and many charter schools are not enrolling significant numbers of special education students.

The minimum foundation program formula generates extra funding for students with special needs through allocation weights based on student needs and characteristics, including students with disabilities. The extra funds generated through these weights are included in the MFP funds distributed to schools and school districts that enroll these special needs students.

Charter schools currently receive the average per pupil amount in the school district in which a school is located, which includes the extra special education money generated. Thus, charter schools that do not enroll a proportional number of special education students, receive special education funding, but without providing a commensurate level of special education services. **Act 467** provides that charter schools will receive funding based upon the amount generated through the formula, including the special education weight, instead of receiving the district average per pupil amount. If charter schools enroll special education students, they will also receive the extra special education funding provided through the formula for these students. Otherwise, they will not.

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.

Act 179 of the 2013 Regular Session revamped the way in which child day care centers are licensed and designated, and provided for 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 of the 2013 Regular Session** requested 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.

Act 644 of the 2014 Regular Session made numerous changes to fold the LA 4 Program into the Early Childhood Network created pursuant to Act 3 of the 2012 R.S. and requires increased collaboration between participating school systems and other governmentally funded providers of early childhood education that serve children residing within the system's jurisdiction of the system, including Head Start and other federal programs, in providing the LA 4 program. Requires BESE assess all funding streams in order to facilitate diverse delivery and fulfill demand to the greatest extent possible.

Act 868 of the 2014 Regular Session transferred the authority to license day care centers from the Department of Children and Family Services to the Department of Education and transfers Child Care Development Fund lead agency authority and associated functions to the DOE. This is a new and significant function for the DOE.

Act 717 of the 2014 Regular Session provided for Louisiana early learning enrollment coordination procedures. Requires BESE to approve a process to authorize entities as local early learning enrollment coordinators to begin performing required services in school systems in the 2015-2016 school year. Provides for the responsibilities of such coordinators including conducting a process for informing families about early childhood care and education programs, collecting family preferences, using a common application process, determining demand, and making recommendations to the DOE.

FOREIGN LANGUAGE INSTRUCTION

Act 361 of the 2013 Regular Session provided 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.

Act 99 of the 2014 Regular Session provides for a State Seal of Biliteracy to be affixed on the diploma or transcript of a high school graduate who meets certain academic requirements relative to foreign language proficiency. To earn the seal, a student must demonstrate proficiency in at least one language other than English, earn a minimum GPA in certain courses, and minimum scores on certain portions of the ACT. School governing authorities are encouraged, but not required, to participate in this program.

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.

Act 275 of the 2013 Regular Session provided 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.

SCHOOL CHOICE

Act 2 of the 2012 Regular Session expanded the school choice options available to parents and students as follows:

1. Provides for the transfer of a public school with a school performance letter grade of "D" or "F" to the Recovery School District if the parents/legal guardians of a majority of the students attending the school sign a petition requesting the transfer and the transfer is approved by BESE. This option is commonly known as a "parent trigger".
2. Made numerous changes to the Charter School Law:
 - (a) Streamlined the charter application approval process and required development of a common charter application.
 - (b) Allows BESE to authorize multiple charter schools for groups outside of the state with a demonstrated record of success and allows BESE to authorize chartering groups to operate more than one charter school under a single charter agreement.
 - (c) Allows a chartering group in a school system with a performance letter grade of "D" or "F" to apply directly to BESE for a Type 2 charter without first applying to the local school board.
 - (d) Deleted requirement that at least 75% of the faculty in a charter school be certified by the state and instead provides that teachers in a charter school must have a baccalaureate degree.
 - (e) Created a new type of charter school, Type 1B, and requires BESE to establish procedures by which to certify "local charter authorizers" to authorize Type 1B charter schools. Local charter authorizers will serve as an alternative method to local school boards and BESE by which a chartering group may be granted a charter to operate a public school. Provides that state agencies and nonprofit corporations with an educational mission may be local charter authorizers. Provides for five local charter authorizers to be certified in each of the eight Regional Labor Market Areas established by the La. Workforce Commission which are expected to grant charters for at least five schools.
3. Created the Course Choice Program:

Required BESE to authorize course providers, including online and virtual providers, postsecondary education institutions, and corporations that offer vocational or technical courses to provide individual courses of instruction for students.
4. Student Scholarships for Educational Excellence Program:
 - (a) Expanded the program statewide. (Program had been limited to Orleans Parish.)

- (b) Specified that public school participation in the program is subject to applicable court-ordered desegregation plans.
- (c) Provided for selection priority first to students enrolled in public schools with a performance letter grade of "D" or "F" and then to students in schools with a letter grade of "C". Students in schools with a letter grade of "A" or "B" are not eligible to participate in the program.
- (d) Only public schools with a performance letter grade of "A" or "B" to qualify as a participating school and be eligible to accept scholarship students.

Act 25 of the 2012 Regular Session authorized a tax rebate equal to the actual amount of a donation made by a taxpayer to a school tuition organization (STO) which provides scholarships to attend a qualified nonpublic school to students who are members of a family with a total household income that does not exceed 250% of the federal poverty level. The amount of the rebate will be equal to the actual amount of the taxpayer's donation used to provide the scholarship, less administrative costs. No more than 5% of a donation may be used for administrative or promotional expenses.

Act 853 of the 2014 Regular Session provides that beginning with the 2014-2015 school year, the parent or other legal guardian of any student may enroll their child in the public school of their choice, without regard to residence, school system geographic boundaries, or attendance zones, if the school the student would otherwise attend, received a school performance letter grade of "D" or "F" for the most recent school year. The school in which the student seeks to enroll received a school performance letter grade of "A", "B", or "C" for the most recent school year, and has sufficient capacity at the appropriate grade level. Requires that the student's enrollment be approved by a vote of a majority of the members of the local school board for the school and prohibits enrollment of a student in the public school of choice if the enrollment violates a court order. A school system is not required to provide transportation to any student enrolled in a public school that is located outside of the geographic boundaries of the school system in which he resides, if it results in additional cost to the school system. A student transferring to a school in another school system will counted by the school system in which he is enrolled for purposes of the Minimum Foundation Program and formula, and any other available state or federal funding for which the student is eligible. If a student is enrolled in a public school outside the geographic boundaries of the system in which he resides, then the school system in which a student resides may charge the parent or legal guardian a fee not to exceed the amount established by the minimum foundation program formula for that year as the local share of the per pupil amount in the school system where the student resides. School governing authorities are required to work collaboratively and cooperatively to ensure compliance.

Act 467 of the 2014 Regular Session requires that schools participating in the Student Scholarships for Educational Excellence Program account for all scholarship funds separately from other funds by maintaining funds in a separate account or by using accounting procedures that allow the legislative auditor to identify the separate funds.

SPECIAL EDUCATION

Act 291 and Act 151 of the 2013 Regular Session 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.

Act 833 of the 2014 Regular Session provides a mechanism for a student with exceptionalities to pursue an alternative pathway to promotion and graduation as determined by a student's IEP team. (This legislation does not apply to a student identified as gifted and talented with no other exceptionality.) A student is only eligible if he has not otherwise met the state and local requirements for promotion or has not otherwise met state-established benchmarks on the required state assessments in the year immediately prior to each grade level in which the student would otherwise be required to demonstrate certain proficiency levels in order to advance to the next grade level. Provides that students with exceptionalities shall be afforded the same opportunities to pursue a high school diploma and to exit with all course credits, honors, and financial awards as other students. These students are not guaranteed a diploma and must meet either the standard graduation requirements or those established by his IEP team to be awarded a diploma. Requires that a student with an exceptionality who successfully completes the requirements of his IEP be issued a high school diploma. The student's IEP team determines if the student is required to meet state or local established performance standards on any assessment for purposes of graduation and if the determination is that the student is not so required, the student is required to successfully complete IEP goals and requirements and to meet specified conditions. A diploma issued to a student based on achieving his IEP goals and objectives shall count equally and be assigned the same number of points in the school performance score calculation for high schools as are assigned for a diploma issued to any other student.

Act 467 of the 2015 Regular Session requires charter schools to enroll special education students (other than gifted and talented) in numbers proportional to the enrollment of such students in the local school district in which the charter school is located. Currently, this requirement only applies to at-risk students eligible for the free and reduced lunch program and many charter schools are not enrolling significant numbers of special education students.

The minimum foundation program formula generates extra funding for students with special needs through allocation weights based on student needs and characteristics, including students with disabilities. The extra funds generated through these weights are included in the MFP funds distributed to schools and school districts that enroll these special needs students.

Charter schools currently receive the average per pupil amount in the school district in which a school is located, which includes the extra special education money generated. Thus, charter schools that do not enroll a proportional number of special education students, receive special education funding, but without providing a commensurate level of special education services. **Act 467** provides that charter

schools will receive funding based upon the amount generated through the formula, including the special education weight, instead of receiving the district average per pupil amount. If charter schools enroll special education students, they will also receive the extra special education funding provided through the formula for these students. Otherwise, they will not.

STANDARDS, CURRICULUM, INSTRUCTION, AND ASSESSMENT

Since their implementation in 1997, content standards established by BESE for the Louisiana School and District Accountability System, and the high stakes nature of the LEAP, GEE, and end-of-course tests used to assess student academic achievement, focused considerable attention on the core subjects of Math, Science, English language Arts, and Social Studies. Despite steady academic improvement, Louisiana still lags far behind the nation in student performance. In 2009, the state joined the Common Core State Standards Initiative, an effort spearheaded by the National Governor's Association and the Council of Chief State School Officers, as a means to increase student academic achievement and allow for a comparison of how our students performed in relation to other states. Thus, the state's focus shifted to the new Common Core State Standards (CCSS) which were adopted by BESE in July, 2010, for the subjects of English/Language Arts and mathematics. Subsequently, Louisiana joined the Partnership for Assessment of Readiness for College and Careers (PARCC), one of two consortia created to develop common core related assessments for their member states. The new common core standards adopted for Math and English language Arts were piloted in selected school systems during the 2012-2013 school year and were fully implemented in all school districts during the 2013-2014 school year. The common core standards for science and social studies have not yet been developed. BESE utilized a modified version of the LEAP tests for the 2013-2014 school year, while piloting the PARCC assessments in selected school districts. The common core assessments developed for Math and English/Language Arts are scheduled to be fully implemented in the 2014-2015 school year.

Opposition to both the common core state standards and the PARCC assessments has been steadily growing, both in Louisiana and across the nation. A number of states have either withdrawn from PARCC or have delayed or opted out of using the PARCC assessments. As a result, numerous bills have been filed in recent years seeking to halt or delay implementation of the common core or the PARCC assessments.

Despite BESE actions to lessen the impacts CCSS might have on students, teachers, schools, and districts, sentiment against the use of the common core standards in the state continued to grow. A number of bills were filed during the 2014 Regular Session, but none passed and discontent continued to grow. However, the 2015 Regular Session produced a three-bill compromise which provided for a process to review the current state standards for English/Language Arts and mathematics and the develop Louisiana specific standards utilizing Louisiana educators, with legislative oversight over the formal standards adoption process.

Act 329, Act 245, and Act 342 of the 2015 Regular Session work in tandem to address the concerns and issues surrounding the adoption and use of the common core state standards in Louisiana. The effectiveness of all of these bills is contingent upon the effectiveness of each individual bill. If any of these bills fails to pass or is vetoed, the remaining bills will not become effective.

Act 329 addresses the development of state content standards and requires BESE to review and develop state content standards for English language arts and mathematics for adoption not later than March 4, 2016. Prior to adopting the standards, BESE and DOE must:

- (1) Solicit recommendations and advice from educational personnel in the public schools and state colleges and universities.
- (2) Hold public meetings, in accordance with the Open Meetings Law, on the proposed state content standards. At least one meeting must be held in each congressional district in the state and submit the minutes from each meeting to all members of the legislature.
- (3) Post the proposed standards on the BESE website not later than February 21, 2016 and adopt the standards not later than March 4, 2016.

The Senate President and the Speaker of the House are to appoint one member from their respective house to serve as a liaison to attend the public meetings and report back to the presiding officers regarding the status of the review process.

If the governor suspends or vetoes the rules promulgated by BESE to implement the state content standards, BESE will review the standards and immediately begin the process of promulgating rules to implement the revised standards.

Act 245 addresses the formal adoption of the state content standards and requires each rule proposed by BESE to adopt, amend, suspend, or repeal state content standards for use in public elementary and secondary schools be submitted to the Senate and House education committees for review, in accordance with the APA. State content standards proposed to be adopted by rule shall not be subject to severability in consideration by a legislative committee or the governor in oversight determinations and must be considered in globo.

Both the legislature and the governor must consider the set of content standards contained in a proposed rule as a whole. They must be accepted or rejected in their entirety.

Act 342 addresses the state testing and assessment program and provides as follows relative to state assessments for the 2015-2016 school year:

- (1) Requires DOE to enter into a one-year contract, in accordance with the La. Procurement Code, for assessments to be used in grades three through eight in English language arts and mathematics.
- (2) Provides that not more than 49.9% of the questions included in the selected assessments shall be based upon a blueprint or intellectual property developed by the Partnership for Assessment of Readiness for College and Careers consortium, or any other federally funded consortium of states.

- (3) Provides that no question included in the selected assessments shall be based upon a blueprint or intellectual property developed by a consortium of states predominantly funded by organizations primarily dedicated to political advocacy.
- (4) Requires the commissioner of administration to ensure that any contractor is in full compliance with the law.
- (5) Requires the commissioner of administration to ensure that a copy of any subcontract entered into by the selected contractor shall be submitted to the division of administration within 10 calendar days of finalization of the contract.
- (6) Requires the state chief procurement officer, in accordance with applicable state law, to make a final determination regarding the department's request for proposals to solicit a vendor for the 2015-2016 assessments, by July 15, 2015, provided all requirements of the state procurement code have been met.
- (7) Requires the state chief procurement officer, in accordance with applicable state law, to make a final determination regarding the department's contract for the 2015-2016 assessments, not later than Oct. 15, 2015, provided all requirements of the state procurement code have been met.

STUDENT CONDUCT AND DISCIPLINE

Act 861 of the 2012 Regular Session provides for the "Tesa Middlebrook Anti-Bullying Act" to ensure that all schools and school districts have a uniform policy to provide equal protection for all public school students against bullying. The legislation requires the student code of conduct adopted by each local public school board and charter school to specifically address bullying behavior by students. Also requires that training be provided for all school employees, including bus drivers, regarding how to recognize bullying, how to identify students most likely to become victims of bullying, how to use appropriate intervention and remediation techniques and procedures, the procedures by which to report instances of bullying, and information on suicide prevention. The legislation provides for BESE and DOE to develop rules including procedures on student and parental notification, reporting requirements and procedures, investigation of bullying incidents, disciplinary actions, and options for students who are victims of repeated bullying actions.

STUDENT DATA PRIVACY

An outgrowth of the growing concern over the common core state standards, the PARCC assessments, has been a heightened awareness of the need to protect the privacy of personally identifiable student data. **Act 837 of the 2014 Regular Session** requires the state Department of Education to develop a system of unique student identification numbers not later than May 1, 2015. Requires local public school boards to assign such a number to every student not later than June 1, 2015, and provides that such numbers shall not include or be based on social security numbers. Beginning June 1, 2015, generally prohibits local school system and charter school officials and employees from sharing personally identifiable student information with local school board members and any other person or public or private entity, but provides limited exceptions for the purpose of satisfying state and federal

reporting requirements and state and federal assessment, auditing, funding, monitoring, program administration, and state accountability requirements. Allows a student's personally identifiable information to be shared if written permission has been granted by the parent or legal guardian of the student, or by a student who has reached the age of legal majority, or if the information is provided to a person authorized by the state, including the legislative auditor, to audit processes including student enrollment counts. Requires any recipient of such information to maintain the confidentiality of the information. Further provides that any person who knowingly and willingly fails to maintain the confidentiality of such information shall be subject to specified penalties. In response to issues surrounding the use of student information to produce yearbooks, football programs and other printed school activity related materials, etc., **Act 228 of the 2015 Regular Session** allows local school boards to adopt policies to govern who is authorized to have access to student information.

TEACHERS AND OTHER SCHOOL EMPLOYEES

Prior to the 2012 Regular Session, all school personnel decisions were made by the local school board, including salary determinations and teacher tenure was strongly protected by state law. **Act 1 of the 2012 Regular Session and Act 570 of the 2014 Regular Session** made significant changes to the laws regarding local school superintendents, teachers, and other school employees.

Employment contracts and personnel matters:

1. Requires local school boards to include specified performance targets in employment contracts with the local superintendent and submit copies of such contracts to the state superintendent of education
2. Requires local school boards to delegate authority for personnel decisions to the local superintendent, including policies related to reductions in force.
3. Requires the local superintendent to delegate school level hiring and employment placement decisions to the school principal, subject to his approval.
4. Requires that all school personnel employment decisions be based upon performance, effectiveness, and qualifications. Provides for effectiveness as the primary criterion when making personnel decisions and prohibits the use of seniority or tenure as such.
5. Provides that reduction in force policies for teachers and administrators shall be based solely on demand, performance, and effectiveness and that reduction in force policies for noncertified school personnel shall be based on performance and effectiveness as determined by local board policy. Prohibits the use of seniority or tenure as the primary criterion in any RIF policy.
6. Provides that the local superintendent appoints school principals instead of the local school board.

Salaries of teachers and other school employees:

1. Requires all public school governing authorities (public schools, state special schools, and schools and programs of the special school district) to establish salary schedules. Schedules for certified personnel shall be based upon the following: effectiveness; demand inclusive of area of certification, particular school need, geographic area, and subject area, which may include advanced degree levels; and experience.
2. Provides that such salaries shall be considered as full compensation for all work required within each employee's prescribed scope of duties and responsibilities.
3. Prohibits any teacher or administrator rated as "ineffective" from receiving a higher salary in the year following the evaluation than he received in the year of the evaluation.

Tenure

1. Provides that a teacher who has acquired tenure before September 1, 2012, retains tenure.
2. Provides as follows relative to tenure for teachers hired after September 1, 2012:
 - (a) A teacher who receives a performance rating of "highly effective" for five years within a six-year period shall be granted tenure. Requires the superintendent to notify a teacher in writing when tenure has been awarded and provides that such tenure is effective on the date specified in the notification.
 - (b) A teacher who is not awarded tenure remains an at-will employee but shall acquire tenure upon meeting the specified requirements.
 - (c) A tenured teacher who receives a final performance rating of "ineffective" shall lose tenure only after exhausting the grievance procedures provided by law, unless the ineffective rating is reversed. If the ineffective rating is upheld, the rating is sufficient for disciplinary action, which is restricted to suspension without pay, reduction in pay, or involuntary demotion or dismissal.
 - (d) A teacher who loses tenure for receiving an "ineffective" performance rating shall reacquire tenure if the teacher receives a "highly effective" performance rating for five years within a six-year period subsequent to receipt of an "ineffective" rating.
3. If a teacher is rated "highly effective" based on the evidence of the growth portion of the evaluation but is rated "ineffective" according to the observation portion, within 30 days after such finding, the teacher shall be entitled to a second observation by members of a team of three designees, chosen by the local superintendent, which shall not include the principal.

Termination of employment

Relative to nontenured teachers:

1. Authorizes a superintendent to terminate employment of a nontenured teacher, upon providing the teacher with written charges and the opportunity to respond.
2. Grants the teacher seven days to respond and provides that the response shall be included in the teacher's personnel file.
3. Requires the superintendent to notify the teacher in writing of his final decision. Within 60 days of such notice, the teacher may seek summary review in a district court. The court's review is limited to determining whether the superintendent's action was arbitrary or capricious.

Relative to tenured teachers:

1. Authorizes discipline of a tenured teacher only upon written charges of poor performance, willful neglect of duty, incompetency, dishonesty, immorality, or of being a member of an entity prohibited from operating in the state, and then only if furnished with a copy of the written charges and given the opportunity to respond.
 - (a) The teacher has 10 calendar days from receipt of the written charges to respond.
 - (b) After review of the teacher's response, the superintendent may take interim disciplinary action, which may include placing the teacher on administrative leave. A teacher may not be placed on leave without pay, unless the teacher was arrested for a violation of statutes relative to a sexual offense affecting a minor or a justified complaint of child abuse or neglect pursuant to the Children's Code.
 - (c) Within 10 calendar days after receipt of written notice of interim disciplinary action or 10 calendar days of the teacher's response if no interim disciplinary action is taken, a teacher may request a hearing before a disciplinary hearing officer. If the teacher fails to request such a hearing, the disciplinary action becomes final.
 - (d) Upon request for a review hearing, the superintendent shall randomly appoint a hearing officer from a list of persons approved by the school board to serve as disciplinary hearing officers.
 - (e) The hearing may be public or private, at the discretion of the teacher and shall be held no sooner than 10 calendar days or later than 30 calendar days after receipt of the teacher's request for the hearing. The teacher has the right to appear with legal counsel and witnesses on his behalf.
 - (f) The disciplinary hearing officer shall hold a hearing and review on whether the superintendent's action was arbitrary or capricious and shall either affirm or reverse the

superintendent's action. The hearing officer shall inform the teacher and superintendent of his final determination, with written reasons within 10 days from the date of the hearing. If the superintendent's disciplinary action is affirmed, it shall become effective upon the teacher's receipt of the hearing officer's decision. If the superintendent's action is reversed, the teacher shall be restored to duty.

- (g) Within 60 days from the postmarked date of written notification of the disciplinary hearing officer's decision, the school board or the teacher may petition a court of competent jurisdiction to review the matter. The court shall determine, based on the record of the disciplinary review hearing, whether the disciplinary hearing officer abused his discretion in deciding whether the action of the superintendent was arbitrary or capricious. If the court reverses the superintendent's action and the teacher is ordered reinstated and returned to duty, the teacher is entitled to full pay for any loss of time or salary.

Act 704 of the 2012 Regular Session provided that school bus operators hired by a local school board after July 1, 2012, shall not be eligible to acquire tenure and is subject to removal in accordance with the personnel policies of the employing school board. School bus operators who acquired tenure prior to July 1, 2012 retain such tenure.

TEXTBOOKS AND OTHER INSTRUCTIONAL MATERIALS

Traditionally, 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 adopted 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. **Act 378 of the 2013 Regular Session** created 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.

Act 389 of the 2015 Regular Session significantly revised the traditional procedures for the adoption, procurement, and distribution of textbooks and other instructional materials for use in elementary and secondary schools. Instead of BESE adopted prescribed lists of approved textbooks/instructional materials, DOE will prepare lists of reviewed textbooks/instructional materials and indicate the degree to which each aligned with state content standards. Each list of state reviewed textbooks must contain at least one text in each subject that totally aligned with state standards. The bill establishes a digital review process that allows for increased access by parents and the public and eliminates the need for the costly textbook "caravan" required by current law. The bill also provides for a local review and adoption process for books chosen for use that are not on the DOE list or reviewed books and mandates parental participation. The bill retains the book depository and state contracts for

cost savings through bulk purchasing. However, school governing authorities are free to buy the textbooks and related materials that best fit local needs and can buy directly from the publisher.

POST SECONDARY EDUCATION

ACCOUNTABILITY AND PERFORMANCE / GRAD ACT

In response to postsecondary education's quest to gain tuition and fee setting authority, the legislature enacted the Louisiana Granting Resources and Autonomy for Diplomas Act, commonly known as the GRAD Act. The GRAD Act provides a mechanism for public postsecondary institutions to enter into 6-year performance agreements with the Board of Regents in order to be granted limited tuition authority and certain operational autonomies, provided specified performance targets and objectives are met, including retention and graduation rates, increased admission standards, and elimination of remedial courses at 4-year institutions. If the performance targets are met, institutions can raise tuition and fees up to 10% annually until tuition and fee amounts reach the SREB average. The Act provides for three levels of operational autonomies - base, intermediate, and high - that exempt postsecondary institutions from certain statutory provisions relative to procurement, contracting, and risk-management, and the authority to retain and invest funds in certain bonds.

Act 100 of the 2015 Regular Session, for performance agreements entered into prior to the 2018-2019 academic year, allows Grambling, Southern, and Southern at New Orleans to admit students who need only one remedial course. Also allows these institutions to offer remedial courses and developmental programs, but provides that all remedial course work offered at these institutions be funded at the community college rate.

Act 98 of the 2015 Regular Session exempts the state's historically black colleges and universities (Grambling, Southern - Baton Rouge, Southern at Shreveport, and Southern at New Orleans) from the GRAD Act requirement that nonresident tuition and fees be no less than the average tuition charged to Louisiana residents attending historically black colleges and universities in other states. Allows the Southern Board of Supervisors and the Board of Supervisors for the University of Louisiana System to reduce tuition and fees applicable to nonresident undergraduate students at the historically black colleges and universities under their supervision to an amount not less than the average tuition and fees paid by resident students at those institutions.

Act 359 of the 2015 Regular Session removes the performance agreement conditions in the GRAD Act relative to the granting and exercise of operational autonomies and replaces them with the requirement that the division of administration shall approve the exercise of the autonomies subject only to the following conditions:

- (1) A public postsecondary education management board may decide that none of its institutions will have such authority.
- (2) The division of administration shall approve the exercise of such autonomies to institutions in a system if the system received for its most recent audit, a financial audit with an unmodified opinion, where the financial statements were free of material misstatements and material weaknesses, and the financial position, results of operations, and cash flows were represented fairly in accordance with Generally Accepted Accounting Principles.

- (3) Notwithstanding (2) above, if the system did not receive an unmodified opinion, where the financial statements were free of material misstatements and material weaknesses, and the financial position, results of operations, and cash flows were represented fairly in accordance with Generally Accepted Accounting Principles, the division of administration shall not approve the exercise of such autonomies by any institution that was responsible for the finding of noncompliance at the system level.

If an institution granted the right to exercise operational autonomies subsequently receives an audit with a material weakness through a financial audit, the institution shall be required to develop and implement a corrective action plan for approval by the management board. The institution will be required to demonstrate to the management board that the necessary corrective actions were taken within six months from the date the audit finding was reported, or the institution will lose the authority to exercise the autonomies granted for the remainder of the period that the authority is in effect. The corrective action plan and post-implementation report shall be submitted to the division of administration and the Board of Regents.

ARTICULATION AND TRANSFER

State law requires development of a comprehensive system of articulation and transfer of credits between and among public secondary and postsecondary education institutions. The postsecondary education management boards, BESE, and the local school boards are jointly responsible for developing and implementing articulation and transfer programs and agreements that facilitate and maximize the seamless transfer of credits between and among public secondary and postsecondary education institutions and that make the most efficient use of faculty, equipment, and facilities. At the heart of this system is 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.

The Board of Regents is required to determine and establish a standard number of credits required to complete each baccalaureate degree program and establish a standard number of credits required to earn associate degree programs for transfer to a 4-year college or university. The baccalaureate degree programs must not require more than the number of credits established by the board for degree completion without approval from the board. **Act 622 of the 2012 Regular Session** refined this concept further by limiting the number of credit hours required to earn a baccalaureate degree to 120 hours of college credit without approval from the Board of Regents, except for degree programs that require additional credit hours to meet certification or accreditation requirements.

Act 174 of the 2013 Regular Session required 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.

Act 480 of the 2014 Regular Session requires representatives of the Board of Regents, BESE, and the public postsecondary education management to meet at least once quarterly to discuss and make recommendations to the SATC and the Board of Regents regarding the appropriate role and responsibilities of each board, the status of current and proposed articulation and transfer policies, activities, and initiatives, methods to enhance and maximize student knowledge and utilization of articulation and transfer policies and programs, and methods to overcome obstacles and barriers preventing the efficient and effective development and implementation of successful articulation and transfer policies and practices.

Act 233 of the 2015 Regular Session authorizes and encourages four-year colleges and universities and community colleges to enter into reverse articulation or reverse transfer agreements to facilitate the transfer of academic credits earned by a student while enrolled in a four-year postsecondary institution back to a community college for the purpose of enabling a student to complete the requirements for an associate degree from the community college. Requires the SATC to establish guidelines to govern the reverse transfer of academic credits between four-year colleges and universities and community colleges.

This legislation requires each articulation and transfer agreement developed and implemented to maximize the number of academic or workforce education credits awarded to veterans of the U.S. Armed Forces for their military education, training, or experience and provide for their seamless transfer from one public postsecondary education institution to another. Each public postsecondary education institution is required to assist veterans and their spouses in pursuing their educational goals by providing expedited transcript analysis, prior learning assessment, portfolio analysis, advising, and testing.

Act 233 further requires SATC to coordinate and oversee the development of a military articulation and transfer process that shall be adhered to by all public postsecondary education institutions that will:

- (1) Recognize and align military education, training, or experience with the appropriate academic or workforce course work.
- (2) Provide for the transfer of academic credit hours earned by a veteran or the spouse of a veteran from a postsecondary educational institution that offers academic course work to military personnel and their spouses, provided such institution is accredited by the appropriate regional accrediting body and the credit to be transferred is aligned with the course and program requirements of the receiving institution.

Although notable progress has been made to implement all statutes relative to articulation and transfer of postsecondary credit hours, there is still much work to be done at all levels of the state's educational system to achieve these legislatively mandated goals.

CAMPUS SAFETY

An American woman who attends college is more likely to be the victim of sexual assault than a woman who does not attend college. Colleges and universities have thus come under increased scrutiny at the state and national level concerning the adequacy of their policies concerning the reporting and prevention of such assaults. **Act 172 of the 2015 Regular Session** enacts the Campus Accountability and Safety Act and to ensure that our colleges and universities are doing everything possible to stop sexual violence on college campuses. Based upon federal legislation introduced by U.S. Senator Claire McCaskill, this legislation:

- (1) Requires postsecondary education institutions to enter into a memorandum of understanding with local law enforcement to delineate responsibilities and share information in accordance with federal and state law and to update such MOUs every two years.
- (2) Provides for training requirements for law enforcement and campus personnel.
- (3) Requires the Board of Regents to establish uniform policies and best practices regarding reporting of sexual assaults on college campuses, the prevention of such crimes, and the medical and mental health care needs of alleged victims.
- (4) Requires postsecondary institutions to designate and provide training for confidential advisors to inform the alleged victim of her rights under federal and state law and school policies, including reporting options.
- (5) Allows postsecondary institutions to offer the same assistance to the accused that are required to be offered to the alleged victim.
- (6) Provides that the Board of Regents' Uniform Policy on Sexual Assault require postsecondary institutions to communicate with one another regarding the transfer of students against whom disciplinary action has been taken as a result of a code of conduct violation relating to sexually-oriented criminal offenses. Such policy shall also require institutions to withhold the transcript of students seeking a transfer with pending disciplinary action for such offenses until the investigation and adjudication is completed.

Act 172 also requires that when funding is made available, each public postsecondary education institution is to administer an annual, anonymous sexual assault climate survey to its students who choose to participate. The Board of Regents, in consultation with the public postsecondary education management boards, is to develop the survey and establish procedures for the administration of the survey and use the survey developed by the Center on Violence Against Women and Children at the Rutgers University School of Social Work as a model. Each public postsecondary education institution must:

- (1) Administer the survey to students who choose to participate.
- (2) Report school-specific results of the survey to the Board of Regents.

The Board of Regents must:

- (1) Submit a written report not later than September 1st of each year regarding the survey results of each public postsecondary education institution and the state as a whole to the governor and the Senate and House of Representatives committees on education for the previous academic year.
- (2) Publish the survey results on the board's website and in any other location or venue the board deems necessary or appropriate.

Senate Resolution 11 of the 2015 Regular Session creates a task force to study the postsecondary education disciplinary process for campus rape and sexual assault and report its findings to the Senate Committee on Education and the Board of Regents by January 8, 2016.

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. **Act 462 of the 2014 Regular Session** requires the commissioner of higher education and the presidents of each postsecondary education system to review the postsecondary education funding formula and develop a comprehensive outcomes-based funding formula that ensures the equitable allocation of state funds to public postsecondary educational institutions, appropriately considers costs, places significant emphasis on student and institutional outcomes, and aligns with the state's economic development and workforce needs. Requires that formula implementation shall begin as soon as practicable, but not later than the beginning of the 2016-2017 fiscal year.

Act 454 of the 2014 Regular Session requires 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. Permits a management board to redirect an amount not to exceed 5% of the specified formula allocation for each institution to address specific issues that might arise during the budget allocation process. Further provides that an amount greater than five percent of the allocation specified by the formula for each institution may be redirected in the event of a natural disaster or other emergency situation, as certified by the Board of Regents and approved by the JLCB.

Act 803 of the 2014 Regular Session created the "Workforce and Innovation for a Stronger Economy Fund," for the purpose of funding degree and certificate production and research priorities in high demand fields through programs offered by La.'s public postsecondary education institutions to meet the state's current and future workforce and innovation needs. Subject to appropriation by the Legislature, the state treasurer will deposit \$40 million into the fund at the beginning of each fiscal year. The methodology for distribution of the funds to public colleges and universities in the state will correlate with the number of graduates they produce in high-demand fields, such as computer science or engineering. In order to draw down on the funds, schools must have a 20% match in private investments.

Any funds distributed to an institution that are not spent at the end of a fiscal year, will be available for use by the institution in the next fiscal year. All actions of the WISE council are subject to the approval by the Board of Regents. The WISE fund is in addition to, and separate from, any monies appropriated or allocated to any postsecondary education management board and allocations from the WISE fund shall not be included in the board's funding formula calculation or supplant any state general fund allocations provided to institutions. The availability of the WISE fund is not to substitute, limit, or otherwise affect the allocation of any funds otherwise available to those institutions under state or federal laws.

GOVERNANCE AND STRUCTURE

The postsecondary education governance structure has been under increased scrutiny in recent years, which intensified with the creation of the Postsecondary Education Review Commission (PERC) in 2009, a nine-member commission charged to review all aspects of postsecondary education in order to ensure that the enterprise was operating efficiently, effectively, and in a manner that best serves students, their families, and the state and to make recommendations for changes necessary to ensure such system operation. The review was to be comprehensive and include governance, facilities, all programs, funding, and other related issues. Although this commission did propose a number of innovative recommendations, none of the PERC recommendations came to fruition. Less than satisfied with the PERC report, the legislature adopted HCR 184 of the 2011 Regular Session requesting the Board of Regents to create a commission to study the governance, management, and supervision of public postsecondary education and the related issues of tuition and institutional authority and responsibilities. The report issued by this 18 member commission did not yield any new or innovative recommendations. The search for a viable approach to improve the postsecondary education delivery system in the state continues.

In yet another attempt to prompt an objective examination of the postsecondary education delivery system, **Senate Resolution 132 of the 2015 Regular Session** requests the Board of Regents, in consultation with the public postsecondary education management boards, to re-examine the state's public postsecondary education delivery system and make recommendations to the legislature regarding the appropriate role, scope, and mission for each public postsecondary institution as necessary to ensure a comprehensive, coordinated, statewide public postsecondary delivery system that meets the needs of students and addresses the state's economic development and workforce needs on a local, regional, and statewide level.

The Louisiana Constitution empowers the Board of Regents to revise or eliminate existing degree programs, departments of instruction and to approve creation of the same. The constitution also provides that it is the duty and responsibility of the board to study and report their findings and recommendations to the legislature prior to consideration of legislation to create a new postsecondary institution, the addition of another management board, or the transfer of an institution from one management board to another. The Board of Regents is also constitutionally tasked with creating a and revising a master plan for public postsecondary education, which establishes the role, scope, and mission of each public postsecondary education institution in the state.

SR 132 specifies that it is incumbent upon the Board of Regents to exercise its constitutional responsibility and re-examine the state's public postsecondary education delivery system from a statewide

perspective and determine the best manner in which to provide a coordinated statewide public postsecondary delivery system that provides for the proper role, scope, and mission of each public postsecondary institution and its placement within the public postsecondary education governance structure, focuses resources, and establishes an optimal balance of technical colleges, two-year and four-year institutions, and courses of study.

The resolution also requests the Board of Regents, in consultation with the public postsecondary education management boards, to re-examine the state's public postsecondary education delivery system and make recommendations to the legislature regarding the appropriate role, scope, and mission for each public postsecondary institution as necessary to ensure a comprehensive, coordinated, statewide public postsecondary delivery system that meets the needs of students and addresses the state's economic development and workforce needs on a local, regional, and statewide level.

Finally, the Board of Regents is requested to submit a written report of its findings and conclusions, including recommendations for the role, scope, and mission for each existing public postsecondary institution, to the President of the Senate, the Speaker of the House of Representatives, the Senate Committee on Education, and the House Committee on Education not later than sixty days prior to the beginning of the 2016 Regular Session of the Legislature of Louisiana.

As the Louisiana Community and Technical College System continues to mature and expand its services and program offerings to meet the needs of the state's economic development and workforce needs, the number of requests to the Board of Regents to study the need for expanded community college services is increasing, as well as legislation merging existing schools and campuses.

Act 767 of the 2012 Regular Session merged the Acadian, Charles B. Coreil, Evangeline, Gulf Area, Lafayette, T. H. Harris, and Teche Area campuses of the Louisiana Technical College with South Louisiana Community College and transfers all funds, obligations, property, programs, facilities, and functions relative to these technical college campuses to South Louisiana Community College, effective July 1, 2012, or at the appropriate time thereafter as determined by formal action taken by the Bd. of Supervisors of Community and Technical Colleges (LCTCS Bd. of Supervisors).

Act 681 of the 2012 Regular Session merged the Bastrop, Delta-Ouachita, North Central, Northeast Louisiana, Ruston, and Tallulah campuses of the Louisiana Technical College with La. Delta Community College and transfers all funds, obligations, property, programs, facilities, and functions relative to these technical college campuses to La. Delta Community College, effective July 1, 2012, or at a time determined by the Board of Supervisors of Community and Technical Colleges.

Act 760 of the 2012 Regular Session created the Central La. Technical Community College as a multi-campus, public institution of postsecondary education under the supervision and management of the Board of Supervisors of Community and Technical Colleges (LCTCS Bd. of Supervisors), subject to the appropriate approval of and oversight by the Bd. of Regents. Specified that the creation is effective July 1, 2012, or at the appropriate time thereafter as determined by formal action taken by the LCTCS board.

House Concurrent Resolution 16 of the 2013 Regular Session requested 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.

Act 171 of the 2013 Regular Session merged 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.

Act 340 of the 2013 Regular Session 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.

STUDENTS

Currently, students who apply to multiple Louisiana colleges and universities must fill out and submit a separate application form for each school. **Act 732 of the 2014 Regular Session** requires the Board of Regents, in collaboration with the four postsecondary education management boards, to create a single, common application whereby students can apply to more than one college or university for admission. Requires that the application be available for the 2016-2017 academic year.

TAYLOR OPPORTUNITY PROGRAM FOR STUDENTS - TOPS

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. Students who graduate from home study programs need only meet the specified minimum ACT requirement to be TOPS eligible. Because home students have only this requirement to satisfy for eligibility, home study students must have a minimum ACT score two points higher than public and nonpublic school students to earn an Opportunity Award, and one point higher to earn a Performance or Honors Award.

There are five different TOPS awards. The Opportunity, Performance, and Honors awards are for students who meet the specified criteria and who enroll in a public or nonpublic four-year college or university in the state. These awards may also be used at a community or technical college.

The TOPS-Tech award can be used for any technical or applied course leading to an Industry Based Certification, a Certificate of Applied Sciences, and a Certificate of Technical Sciences offered at a Louisiana public or nonpublic postsecondary education institution or by any Louisiana training

provider recognized by the la workforce commission as approved by BESE, when such certification or certificate is approved by the Workforce Investment Council.

The TOPS-Tech Early Start Award may be used by an eligible 11th or 12th grade student at a Louisiana public postsecondary education institution for the purpose of pursuing an industry-based occupational or vocational education credential.

Act 215 of the 2012 Regular Session extended the four-year length of time within which a student who is on active duty must claim his TOPS award, if the student reenlists in the U.S. Armed Forces and maintains continuous active duty, for a length of time equal to the student's active duty service; or unless the student is granted an exception for cause by the Office of Student Financial Assistance.

Act 359 of the 2013 Regular Session revised 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 provided 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". **Act 733 of the 2014 Regular Session** additionally included talented and honors courses among those for which TOPS GPA calculation shall use a five-point scale.

Prior to 2014, the Board of Regents had authority to determine which technical programs met TOPS-Tech eligibility criteria. **Act 737 of the 2014 Regular Session** expanded the use of the award so that it could be used to fund any technical or applied course leading to an Industry Based Certification, a Certificate of Applied Sciences, and a Certificate of Technical Sciences offered at a Louisiana public or nonpublic postsecondary education institution or by any Louisiana training provider recognized by the la workforce commission as approved by BESE when such certification or certificate is approved by the Workforce Investment Council.

Act 230 of the 2015 Regular Session represents a philosophical change in how the TOPS-Tech award has traditionally been awarded and used. This legislation, beginning with students who graduate during the 2016-2017 school year, restricts the use of the award to only those programs that have been approved by the Louisiana Workforce Investment Council and the Board of Regents. A student could be academically eligible, but still not be able to receive the TOPS-Tech Award, if the program of study he or she chooses to pursue isn't on the approved list. If the Board of Regents and the Workforce Commission remove a program of study from the approved list, a student already receiving a TOPS-Tech award may continue to use the award, provided all other eligibility requirements are met.

Act 403 of the 2015 Regular Session aligns the curriculum requirements for the TOPS-Tech award with those established for a high school student to earn a Career Diploma and allows attainment of a silver level score on the ACT WorkKeys system to substitute for the required ACT score.

TUITION AND FEES

Article VII, Section 2.1 of the Louisiana Constitution provides that any increase in tuition to be imposed by postsecondary education management boards, must be approved by a 2/3 vote of the legislature. The GRAD Act, which passed by the requisite 2/3 vote, allows the postsecondary education management boards to increase tuition at their institutions up to 10% annually, provided the performance benchmarks established in the GRAD Act are met by the institution.

Act 377 of the 2015 Regular Session, notwithstanding the provisions of the GRAD Act, authorizes the four public postsecondary education management boards to increase the amount of mandatory fees charged by each institution under their management and supervision as deemed necessary for the 2015-2016 and 2016-2017 academic years only. However, the revenue per full-time equivalent student from all tuition and fees charged to a student, plus the revenue from state and local appropriations, shall not exceed the national average of total per full-time equivalent student revenue as reported by the National Center for Education Statistics. Institutions are allowed to impose per-credit fees, differential fees for certain programs, and to charge proportional amounts for part-time students and for summer sessions. This bill received the 2/3 vote in both houses to meet the constitutional vote requirement for raising fees.

VETERANS

Act 581 of the 2012 Regular Session provided that, beginning with the 2012-2013 academic year, a student who is enrolled in or is applying for enrollment in a La. public college or university, who resides in La. during such enrollment, who has served in the U.S. Armed Forces as defined by federal law (10 U.S.C. 101(a)(4)), and who meets certain other eligibility requirements, shall be entitled to resident classification for tuition amount purposes without regard to length of time of residency in the state. Proposed law does not apply to tuition charged a student under the Yellow Ribbon Program (Title 38 U.S.C., Chapter 33).

Act 232 of the 2015 Regular Session requires the Board of Regents to establish a process for a public postsecondary education institution to be designated by the governor as a "Governor's Military and Veteran Friendly Campus". The designation is good for one year, but may be renewed upon verification that the institution still meets the eligibility requirements for the designation. "Veteran" is defined as a former or current member of the U.S. Armed Forces or organized militia of the several states and territories, including but not limited to a member of the Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, Air National Guard, Reserves, State Guard, or a commissioned officer of the Public Health Service, Environmental Science Services Administration, or National Oceanic and Atmospheric Administration, or its predecessor, the U.S. Coast and Geodetic Survey.

VOCATIONAL/TECHNICAL EDUCATION

2015 REGULAR SESSION

Act 230 limits TOPS-Tech Awards, beginning with students graduating from high school in the 2016-17 school year and thereafter, to students enrolled in those associate's degree (academic or nonacademic) or shorter-term training and education programs that the Bd. of Regents and the La. Workforce Investment Council determine are aligned with state workforce priorities.

2014 REGULAR SESSION

Senate Resolution 153 requests the DOE and the Board of Regents to jointly study how to appropriately align the Career Diploma requirements and qualifying for a TOPS-Tech award, and that a written report of their findings be submitted to the Senate Committee on Education no later than February 1, 2015.

2013 REGULAR SESSION

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, 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.

Act 360 authorizes, 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 are to be financed through the sale of bonds shall require a no less than 12% private match.

2012 REGULAR SESSION

Act 760 creates the Central Louisiana Technical Community College as a multi-campus, public institution of postsecondary education under the supervision and management of the Board of Supervisors of Community and Technical Colleges, subject to the appropriate approval of and oversight by the Board of Regents. The campuses of the Central Louisiana Technical Community College will include Alexandria, Avoyelles, Huey P. Long, Lamar Salter, Oakdale, and Shelby M. Jackson.

Act 767 merges the Acadian, Charles B. Coreil, Evangeline, Gulf Area, Lafayette, T. H. Harris, and Teche Area campuses of the Louisiana Technical College with South Louisiana Community College and transfers all funds, obligations, property, programs, facilities, and functions relative to these technical college campuses to South Louisiana Community College, effective July 1, 2012.

Act 681 merges the Bastrop, Delta- Ouachita, North Central, Northeast Louisiana, Ruston, and Tallulah campuses of the Louisiana Technical College with La. Delta Community College and transfers all funds, obligations, property, programs, facilities, and functions relative to these technical college campuses to La. Delta Community College, effective July 1, 2012.

ELECTIONS

The 2012-2016 Legislative Term saw a variety of changes to the Election Code. The date and time of qualifying periods and elections were popular issues as well as issues regarding the costs of elections and election day bribes.

Act 577 of the 2012 Regular Session shortens the election day by one hour, to start at 7 o'clock a.m. rather than 6 o'clock a.m. for Saturday elections. Tuesday elections are not affected.

Act 707 of the 2012 Regular Session requires each person who has qualified for a statewide elective office or office of state representative or state senator to certify that he has obtained at least one hour of ethics education and training in the same manner as required of public servants.

Act 138 of the 2012 Regular Session allows applicants who have a valid Louisiana driver's license or Louisiana special identification card and who are registered to vote to request an application to vote by mail by completing and submitting an electronic application by mail on the secretary of state's website.

Act 215 of the 2013 Regular Session 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.

Act 95 of the 2013 Regular Session 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 elections 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 300,000 or more.

(5) Special general elections will be held on the fourth Saturday after the third Saturday in October in a parish containing a municipality with a population of 300,000 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 elections 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 300,000 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.

Act 690 of the 2014 Regular Session prevents a public officer who was recalled and removed from office from qualifying in the special election held to fill the office he vacated.

Act 152 of the 2014 Regular Session deletes the prohibition of having a recognized political party in the state that calls itself "Independent" or "the Independent Party".

Act 269 of the 2015 Regular Session changes who bears the burden of costs associated with elections. Act 269 provides the payment of costs associated with publication of polling place locations, renting polling places, drayage, voting machine set up, compensation of commissioners and parish custodians, and other election expenses are to be paid by the appropriate governing authority that relates to the character of office or issue involved in the election. In the event the secretary of state pays the costs, the governing authority must reimburse the secretary of state who will then remit the funds to the state treasurer.

Act 347 of the 2015 Regular Session increases criminal fines for bribing voters. Previously, the penalty for giving or offering to give any money or anything of apparent present or prospective value to any voter at any election or convention of a recognized political party with the intent to influence the voter's vote is a fine, imprisonment, or both. The time for imprisonment is currently for not more than two years for the first offense (with or without hard labor) and not more than five years for a second or subsequent offense (with hard labor). Act 347 does not change the imprisonment times. Act 347 did increase the fines from not more than \$2,000 for the first offense to not more than \$4,000 and increase the fine for a second or subsequent offense from \$5,000 to \$10,000.

Act 410 of the 2015 Regular Session changes various election dates and other time frames relative to elections and candidate qualifying. Primary election dates are moved one week earlier for regularly scheduled elections, the general election date is moved one week later in certain municipal and ward elections, and the opening of the qualifying period is moved one month earlier for all certain regularly scheduled elections. The same changes are made for elections to fill a newly created office or vacancy in an existing office and to bond, tax, or other elections at which a proposition or question is to be submitted to the voters. Act 410 also limits the time during which a candidate may withdraw from an election.

ENERGY

2012 REGULAR SESSION

A substantial part of the committee's work during the 2012 Regular Session was dedicated to the remediation of oilfield sites. The so-called "legacy lawsuits" have been a contentious issue between oil and gas operators and landowners since the passage of Act 312 of the 2006 Regular Session. Although several bills were filed dealing with the subject matter, two instruments reached final passage. **Act 779** allows for oil and gas companies to admit responsibility for contaminated sites and requires the courts to develop a plan for the cleanup for such sites. If the plan structured by the office of conservation applies standards of another agency, then that plan will be reviewed by the departments of Natural Resources, Environmental Quality, and Agriculture and Forestry. Act 779 allows DNR to issue compliance orders to the responsible party to implement the most feasible cleanup plan

Act 754 provides for the development of a management order, the limited admission of liability for environmental damage, and the procedures after filing a limited admission for damages beyond regulatory standards.

Act 641 requires companies who wish to lease land from ports for the purposes of hydrokinetic energy to reimburse the ports for the costs of any studies on the feasibility of such alternative energy installations.

Act 795 requires the commissioner of conservation to promulgate rules that will require oil and gas drillers and operators to provide 30 days "pre-entry" notice to surface owners of land that will be affected by their operations.

Senate Concurrent Resolution 136 requests the Federal Energy Regulatory Commission to immediately reject any requests for a rehearing regarding Cheniere Energy's Sabine Pass Liquefaction Project and memorializes Congress to express their support for LNG exports and to streamline and expedite the approval process.

Act 743 requires the commissioner of conservation to unitize ultra deep wells and pools. This new law applies to ultra deep drilling structures deeper than 22,000 feet and authorizes the commissioner to unitize, force pool, and consolidate all separate tracts of land within the unit. The act includes legislation regarding risk charges on drilling units and payments participating and non-participating royalty owners.

Act 812 requires the operator of fracking wells to report the composition and volume of fracking fluids to the commissioner of conservation within 20 days of completing the well.

Act 832 provides relative to the Oil Spill Coordinator's responsibilities.

House Concurrent Resolution 94 memorializes Congress to encourage and enable the Federal Energy Regulatory Commission to review and approve Cheniere's Sabine Pass Liquid Natural Gas Facility.

2013 REGULAR SESSION

Act 58, requires that a nonexclusive geophysical permittee will pay the permit fee to the office of mineral resources.

House Concurrent Resolution 73 requests the Louisiana Mineral Law Institute to study and make recommendations relative to timely payment of mineral royalties.

2014 REGULAR SESSION

Act 390 creates the Cross-Unit Well Study Commission.

House Concurrent Resolution 102 urges and requests the commissioner of conservation to review the rules and regulations governing plugging and abandonment of wells.

House Concurrent Resolution 143 urges and requests the commissioner of conservation and the secretary of DNR to conduct a comprehensive assessment and evaluation of hazards posed by certain pipelines.

2015 REGULAR SESSION

Act 253 provides for drilling units and authorizes the permitting of cross-until wells. This legislation is the result of the study produced by the Cross-Until Well Study Commission, which was created by Act 390 of the 2014 Regular Session.

Senate Concurrent Resolution 89 establishes a task force to study the performance audit on the regulation of oil and gas wells and management of orphaned wells. This resolution is an attempt to address some of the concerns raised by SB 41, also by Senator Allain, which would establish the Louisiana Oilfield Site Restoration Law. The task force will report its findings to the legislature in early 2016.

Senate Concurrent Resolution 94 memorializes the United States Congress to eliminate the current ban on crude exports.

Act 332 authorizes the commissioner of conservation to regulate liquified natural gas facilities in the state.

Act 362 provides for certain fees collected by the office of conservation. The bill will increase the cap on annual fees collected from operators of capable oil and gas wells and on injection wells and facilities.

ENVIRONMENT

2012 Regular Session

SECONDHAND DEALERS

Purchase/Sale. **Act 292** is an attempt to regulate the sale of junk and secondhand goods by requiring dealers of such materials to obtain an occupational license if they engage in sales of metal property other than copper. Cash sales are limited to \$300 or less under the new law. Sales in excess of \$300 must be made in the form of a check. It also prohibits dealers from allowing a seller to engage in multiple transactions within a 24-hour period totaling more than \$300 for the purpose of circumventing the new restrictions. The law requires dealers to record the license plate number of the seller of the used property. It also removes an exemption in the present law for retail tire outlets or automobile dealing in automobile tires and rims. The new law also requires that dealers photograph of sellers delivering merchandise with a fair market value of \$100 or greater. All transactions of copper must be by check. Also required of dealers is a daily report of all check transactions and these reports must be available to law enforcement agencies upon request. The new law is an attempt to curtail the theft and sale of copper wire and other construction materials which have increased dramatically in recent years.

SCRAP METAL RECYCLER LAW

Licenses/Permits. **Act 827** provides for the "Louisiana Scrap Metal Recyclers Law and is considered a companion measure to **Act 292**. Scrap metals are defined as metal materials which are purchased for resale to be recycled, including but not limited to ferrous material, catalytic converters, auto hulks, copper, copper wire, copper alloy, bronze, zinc, aluminum other than in the form of cans, stainless steel, nickel alloys, or brass, whether in the form of bars, cable, ingots, rods, tubing, wire, wire scraps, clamps or connectors, railroad track materials, water utility material, and used building component. Precious metals, including but not limited to gold, silver, and platinum. Used building components are defined as any object produced or shaped by human workmanship or tools that is an element of structural, architectural, archaeological, historical, ornamental, cultural, utilitarian, decorative, or sentimental significance or interest, which has been and may be used as an adjunct to or component or ornament of any building or structure, regardless of monetary worth, age, size, shape, or condition, that is immovable property, or fixture or component parts of immovable property of any nature or kind whatsoever. The Act does not apply to dealers in coins and currency, dealers in antiques, nor to gun and knife shows or other trade and hobby shows. Also not affected are private residential sales commonly known as "garage" or "yard sales". Operators of recycling facilities are also required to either keep a register and file reports or electronically maintain data for the Department of Public Safety and Corrections containing the date and place of each purchase, the name and address of the person or persons from whom the material was purchased, that person's driver's license number or passport, military identification, or other government identification. Without at least one of these documents, the purchaser shall not complete the transaction. Also required in the report is the motor vehicle number of the vehicle on which such scrap material was delivered and a full description of all such material purchased. Operators are required to keep a copy of the register for three years and make it available to any peace officer at any time during the three-year period. Operators would be prohibited from purchasing, without a signed statement from the appropriate company or governmental entity consenting to the sale, infrastructure grade regulated material that has been burned to remove insulation unless the

seller has written proof that the regulated material was lawfully burned, burnt wire, regulated material identified as the property of an electrical company, a telephone company, a cable company, a water company or other utility company or governmental entity. Also prohibited are sales of utility access covers, water meter covers, road or bridge guard rails, highway or street signs, metal beer kegs marked as the property of the beer manufacturer or a catalytic converter that is not part of an entire motor vehicle. Operators shall also be required to produce and deliver by electronic transmission to the chief of police of the town or the sheriff of the parish in which he is doing business, every day before the hour of 12:00 noon, a copy of the entries in the registry during the previous day. Licensed operators who violate the Scrap Metal Recycler Law will be subject to a fine of not less than \$1,000, nor more than \$10,000, or be imprisoned for not less than 30 days nor more than 60 days, or both. An operator who commits a second offense would lose his license to operate for a 30-day period.

LOUISIANA PROFESSIONAL GEOSCIENCE PRACTICE ACT

Licenses/Permits. **Act 308** provides that no person employed or acting as a petroleum geologist shall be required to be licensed or certified by the Louisiana Board of Professional Geoscientists or to pay any fee to the board in order to practice or testify regarding any environmental geology or Geoscientists case on any well or facilities owned by the person or the company for which the petroleum geologist is employed. The law does not apply to fossil fuels. It also prohibits, as of January 1, 2013, an employee of the Department of Natural Resources or the Department of Environmental Quality from serving as a member of the Louisiana Board of Professional Geoscientists Board. The law, however, removes current prohibitions that the board not receive or expend state funds through appropriation, requirements that the board to be financially self-sufficient, and the present ban on the board from using state funds for a group benefits program for its employees, or an employee retirement system. The law also removes the ban for any employee salaries, per diem payments, travel or expenses, office supplies, rent, or the purchase of any product or service.

LEAD TESTING

Child-Occupied Facilities. **Act 733** requires owners of licensed day care centers, preschools, or public or non-public elementary school facility that qualifies as a child-occupied facility and was first placed in operation after August 1, 2012, to have an inspector conduct an inspection of the facility and grounds for the presence of lead hazards. The Act provides that such child-occupied facilities or grounds have been inspected or have been the subject of lead abatement or remediation since 1978, then no inspection is required.. If a lead hazard is found to be present, the inspector and the owner shall report those findings to the state health officer and the secretary of the Department of Environmental Quality. The state health officer will then be required to report those findings to the legislature in an annual Louisiana Health Report Card

AGRICULTURAL MATERIALS

Outdoor Burning. **Act 637** provides for controlled burning, after notice to the local fire department and the sheriff's office, of agricultural materials, including crates used by sweet potato farmers to store or transport their sweet potatoes. Present law provides exemptions from burning restrictions for pastureland or marshland in connection with trapping or livestock production, as well as controlled burning in connection with timber stand management or cotton gin agricultural wastes created with cotton gin operations.

NATURAL GAS

Natural Gas Releases. **Act 853** provides that natural gas from distribution lines will have a reportable release of 1,000 pounds or more. Existing law requires that owners and operators of such distribution lines will immediately notify the Department of Environmental Quality, but is silent as to reportable amounts.

LAND FILLS

Electronic Waste. **Senate Resolution 83** provides for a study to be conducted on the establishment of a recycling and collection system for electronic waste and ending the current practice of allowing the dumping of electronic wastes into land fills. Twenty-six states now ban the dumping of electronic wastes into land fills.

2013 Regular Session

UNDERGROUND MINING OPERATIONS

Salt Domes. **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. **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. **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.

DRINKING WATER REGULATIONS

Water Works Systems. **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 ensures compliance the National Primary Drinking Water Standards and the state Sanitary Code requirements. These new standards 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 is 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 is 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.

2014 Regular Session

AIR QUALITY

Carbon Dioxide Emissions. **Act 726** is an attempt to establish regulations on carbon dioxide emissions from fossil fuel-fired electric generating units. In response to expected federal Environmental Protection Agency (EPA) rules, Louisiana moved to begin a new program for measuring carbon dioxide coming from fossil fuel-fired electric generating units. The Louisiana Carbon Dioxide Emission Fossil Fuel-Fired Electrical Generating Units Control Act will create separate standards of performance for carbon dioxide produced by electrical generators. The act aims to set reasonable limits on carbon dioxide emissions from gas-powered generators, and the impact for consumers that such regulations would have on energy price increases on lower income populations. The measure also will be an effort to run cooperatively with applicable federal rules and guidelines. The Department of Environmental Quality (DEQ) will create the standards of performance in collaboration with and input from the Public Service Commission.

Prescribed Burns. **Act 590** allows the commissioner of agriculture and forestry to receive and investigate complaints about prescribed burns. The act provides that if the commissioner determines that a prescribe burn violates clean air laws or regulations, the commissioner may revoke the required permit issued when a prescribed burn is requested. Complaints by members of the public that some prescribed burns were conducted too close to inhabited dwellings initially raised the issue.

HAZARD MITIGATION

Notification of Hazardous Materials Incidents. **Act 311** provides for the electronic or telephonic notification of hazardous materials incidents. Currently, notification under present law requires only a telephone call to all departments of state government. The bill's notification requirements would include using computer, e-mail or any other form of electronic notice as well as telephone.

RECYCLING

Plastic Bag Recycling. **Senate Bill 408 (pending Senate Environmental Quality Committee)** sought to establish a recycling program for plastic bags by requiring certain stores that use plastic carry

out bags in the sale of goods to provide consumers a collection bin at the stores that use the bags. The bill would have affected only stores that use the bags and had at least 45,000 square feet of retail space. The bill failed to move out of the Senate and a study resolution that would require the Senate Committee On Environmental Quality to look at the feasibility of establishing requirements that stores that use such plastic bags must provide recycling bins for its customers. **Senate Resolution 2** by requires the committee to look at the issue during the interim and report its findings to the legislature in the 2015 Regular Session.

2015 Regular Session

LITTER

Penalties. **Act 368** increases the penalties for littering and applies the increases to the unfunded accrued liability of the retirement system of the law enforcement agency issuing the citation. Non pecuniary penalties are usually imposed for simple and gross littering. However, in the case of a third and subsequent violation of intentional and gross littering, non pecuniary penalties include suspension of driver's licenses and for gross litter, up to thirty days imprisonment. Currently, four types of littering offenses are defined by law. Intentional littering is the intentional disposal of litter on public or private property or the waters of the state. Violations impose criminal penalties for first and subsequent offenses. Simple littering is the disposal of litter and allowing the disposal of litter on public or private property or on the waters of the state. Violations impose civil penalties. Gross littering prohibits the intentional disposal of large items of litter such as furniture, appliances, auto parts, tires, equipment, building materials, roofing nails, bags or boxes of household or office garbage on public or private property or on waters of the state. Commercial littering prohibits the disposal of litter from industrial, commercial, mining, or agricultural operations on public or private property or waters of the state. All money penalties for all four types of littering will be double the fines now collected. The measure also modifies the distribution proportions of the fines by directing the increases in fines to the retirement system of the law enforcement agency issuing the litter citation to be applied to the oldest outstanding positive amortization base of that system. Upon liquidation of the positive amortization base, the funds are paid to the general fund of the system until the creation of a new amortization base..

PESTICIDES

Schools. **Act 311** regulates the use of pest control products and product application in pre-kindergarten classrooms. Currently, application of any herbicide, rodenticide, insecticide, or restricted use pesticide, on a non fee basis for grass and weed control, rodent and general pest control in, on, or around structures or grounds of any school that provides education to kindergarten through 12th grade classes, unless that person is a certified commercial applicator or is under the supervision of a certified applicator. The measure simply adds kindergarten classrooms to the provisions now applicable to elementary and secondary classrooms. The bill also provides for a one hundred twenty five dollar fee to be assessed by the commissioner of agriculture for the administrative cost of reviewing the annual integrated pest management plan.

WASTE TIRES

Processing. **Act 79** provides that administration of the state's waste tire program remain in the Department of Environmental Quality and the Waste Tire Program Task Force make recommendations on the waste tire program in an annual report. The act requires the secretary of the department of

Environmental Quality to establish standards and requirements for end market uses of waste tire material by January 1, 2016, and that such standards and requirements shall not include disposal as an end market use of eligible waste tire material. The act further provides that a permitted waste tire processing facility shall be entitled to 50% of the total payment at processing and the remaining 50% of the total payment once waste tire material reaches end market uses. The measure also provides for an additional member to the Waste Tire Program Task Force appointed by the Louisiana Marine And Motorcycle Dealers Association. The definition of "processed" is further defined as tires that are no longer whole and have been reduced by cutting it in half along its circumference.

ETHICS

The 2012-2016 Legislative Term saw interesting changes to the ethics laws and procedures. Several changes to the ethics training requirements for public officials and lobbyists and exceptions to the Code of Governmental Ethics were enacted. Campaign finance laws also underwent changes during this term.

Act 737 of the 2012 Regular Session provides an exception to the Code of Governmental Ethics for an individual who serves on a port commission, or a related family member, or an entity in which the member has a substantial economic interest to a grain elevator owned by a port commission may contract for the sale of grain if the member complies with R.S. 42:1120.4, including matters related to the management and operations of the grain elevator and the terms and conditions of the sale are the same or substantially the same as a sale to a non-member.

Act 689 of the 2012 Regular Session provides an exception to the Code of Governmental Ethics for a provider contract entered into with any plan providing medicaid services to medicaid recipients to the prohibition of public servants, their immediate family members, or legal entities in which they have a substantial economic interest, from entering into or being in any way interested in any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servant.

Act 699 of the 2012 Regular Session provides an exception to the Code of Governmental Ethics which would allow for employment of an immediate family member of a member of the governing authority or the chief executive of a governmental entity by the governmental entity for any hospital service district if such family member is a qualified applicant who has applied for the position after it has been properly advertised.

Act 488 of the 2012 Regular Session exempts from the mandatory ethics education and training requirement any person who is a public servant solely because he serves as an uncompensated volunteer fireman or an uncompensated auxiliary or reserve law enforcement officer.

Act 608 of the 2012 Regular Session explicitly establishes that the one year period within which the Board of Ethics must issue charges against a defendant or dismiss a case is prescriptive and prevents the defendant from taking actions that enable arbitrary dismissals. This act also clarifies the duties and procedures of and provides necessary distinction between the Board of Ethics and the Ethics Adjudicatory Board.

Act 413 of the 2013 Regular Session 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 413 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 of the 2013 Regular Session (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.

Act 857 of the 2014 Regular Session gives the Supervisory Committee on Campaign Finance the ability to amend campaign finance forms by joint approval of the Senate and Governmental Affairs Committee and House and Governmental Affairs Committee. The act also allows personal financial disclosure forms to be amended upon joint approval of the committees. Previously, the Board of Ethics followed the Administrative Procedure Act in order to amend these forms. This act provides another method for amending the reports which are filled out by all candidates and elected officials in the state.

Act 745 of the 2014 Regular Session pertains to mandatory ethics education requirements. Currently, all lobbyists, in addition to public servants, are required to complete mandatory ethics training each year. This act adds lobbyists to the portion of the law detailing the procedure the Board of Ethics follows to distribute notices of noncompliance upon discovering that required ethics training has not been completed. Further, it changes the compliance deadline for those who have failed to complete their training to 45 days from the mailing of the notice of noncompliance rather than thirty days from receipt of the notice. The act also adds a requirement for all political subdivisions to designate at least one person to assist the Board of Ethics in disseminating information and organizing training sessions in their area.

Act 172 of the 2014 Regular Session places a cap on the value of a gift a public employee of a prekindergarten, kindergarten, elementary, or secondary school may receive from a student, former student, or on behalf of a student at \$25 per gift. Further, Act 172 provides that the combined value of all gifts received by the public servant in a calendar year cannot exceed \$75.

Senate Bill 119 of the 2015 Regular Session (pending final passage) would have limited the number of constitutional amendments that may be presented to the electorate per election. Currently, there is no limit to the number of constitutional amendments that may be presented per ballot to the electorate. Senate Bill 119 would have limited that number and provides that no more than five proposed amendments can be presented to the electorate per election.

Act 258 of the 2015 Regular Session allows an elected public official who is a member of the governing authority of a parish who was elected to his initial term in 2004 may be employed with any gaming licensee provided the elected official is a non-key gaming employee and his employment began at least four years before he held public office. Act 258 further provides that if a public official's employment is terminated they can still be employed by a gaming licensee as a non-key employee whose duties do not involve access to a designated gaming area.

Act 450 of the 2015 Regular Session removes financial disclosure requirements for members of a board or commission that does not receive, or is eligible to receive, compensation, per diem, or reimbursement. Additionally, a board or commission that does not have the authority to expend, disburse, or invest more than \$50,000 of funds in a fiscal year and whose members are not eligible to receive compensation, per diem, or reimbursement for their service shall not be considered a board or commission for personal financial disclosure requirement purposes. Act 450 also creates an exception for a former member of the board of commissioners of the East Union Parish Hospital Service District from entering into a contract with or under supervision of the board of commission of the hospital district or receiving compensation for such contract.

Act 316 of the 2015 Regular Session creates an exception to the Public Records Law for records of the Board of Ethics pertaining to enforcement proceedings. Additionally, Act 316 creates the requirements for expungement of records regarding a complaint filed with the Board of Ethics and procedures for such an expungement.

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FINANCE

Comparative Statewide Expenditure History

Expenditures	FY13 Actual	FY14 Actual	FY 2015 Existing Operating Budget (12/1/2014)	FY 2016 Appropriated	Percent Change from Fy13 to Fy16
General Appropriations Bill	\$ 22,034,361,844	\$ 21,820,600,000	\$ 23,814,900,000	\$ 23,222,447,286	5.4%
Ancillary Appropriations	\$ 88,845,627	\$ 92,400,000	\$ 121,000,000	\$ 121,000,000	36.2%
Non-Appropriated Requirements	\$ 521,907,902	\$ 752,000,000	\$ 311,500,000	\$ 357,226,517	-31.6%
Judicial Expense	\$ 149,170,053	\$ 153,600,000	\$ 165,600,000	\$ 170,210,342	14.1%
Legislative Expense	\$ 82,019,617	\$ 83,200,000	\$ 93,000,000	\$ 93,057,033	13.5%
Special Acts	\$ -	\$ -	\$ -	\$ -	0.0%
Capital Outlay	\$ 1,173,260,239	\$ 1,036,100,000	\$ 1,338,800,000	\$ 1,183,865,707	0.9%
TOTAL EXPENDITURES	\$ 24,049,565,282	\$ 23,937,900,000	\$ 25,844,800,000	\$ 25,147,806,885	4.6%
Appropriated Employee Headcount	\$ 61,755	\$ 56,762	57,781	58,177	-5.8%

APPROPRIATIONS (SEE SUMMARY TABLE ABOVE)

Using figures that remove double-counts and as shown in the table above, appropriations in the **General Appropriations Bill (HB1)** have grown by 5.4 percent over the term while the total budget has grown by slightly less or 4.6 percent. The biggest growth occurred in **Ancillary Appropriations** which includes Group Benefits and the Office of Risk Management. The biggest reduction occurred among **Non-Appropriated Requirements** which includes debt service and Revenue Sharing, among others. Appropriated Employee Headcount declined by 3,578 or nearly 6 percent over the term.

2013 REGULAR SESSION

APPROPRIATIONS AND FUNDS

Senate Concurrent Resolution 128, provided legislative consent to make available for appropriation from the Budget Stabilization Fund the sum of \$204,700,000, not to exceed one-third of the balance of the Budget Stabilization Fund, due to the reduction of the revenue forecast for the then current fiscal year in the amount of \$204,700,000 as adopted by the Revenue Estimating Conference (REC) at its meeting on April 24, 2012 and recognized by the Joint Legislative Committee on the Budget at its meeting on May 10, 2012. Further d that actual revenues for FY 2011-2012 as promulgated by the REC in excess of the April 24, 2012 revised forecast were to be deposited into the Budget Stabilization Replenishment Fund.

Act 597, provided for the transfer and deposit of monies among state funds. Also created the Budget Stabilization Replenishment Fund into which the treasurer would deposit the difference between the official forecast of revenue available for expenditures for Fiscal Year 2011-2012 adopted by the Revenue Estimating Conference on April 24, 2012, and actual collections of revenue available for expenditures in Fiscal Year 2011-2012 as promulgated by the Revenue Estimating Conference, not to exceed the amount of \$204,700,000. Monies in the fund would be transferred by the treasurer to the Budget Stabilization Fund in the state treasury.

Act 53, adjusted supplemental appropriations for the prior fiscal year to balance the Fiscal Year 2011-2012 budget and provided for reductions to meet the requirements implemented in Executive Freeze Orders BJ 2011-12 and BJ 2012-3. Also provided for supplemental capital outlay appropriations. Further, provided for an appropriation from the Budget Stabilization Fund to the State General Fund in the amount of \$204.7 million to address the Fiscal Year 2011-2012 year deficit.

Act 548, established the Major Events Fund as a special fund in the state treasury. Provided for depositing into the fund any monies appropriated annually by the legislature including donations, gifts, grants, or any other monies which may be provided by law. Provided that the monies in the fund be appropriated and used to funding for entities within the state for the costs associated with attracting, hosting, and staging major events of area wide, statewide, regional, national, or international prominence.

CONSTITUTIONAL CHANGES

Act 873, added the Medicaid Trust Fund for the Elderly to the list of funds that are exempt from budget reductions in the event of certain mid-year deficits or projected shortfalls in the ensuing fiscal year.

REVENUE ESTIMATING CONFERENCE

Act 37, provided that if the economist principal of the REC develops a medical condition which prevents him from being present at a session or meeting of the REC, he must designate a faculty member of a university or college in Louisiana. who has expertise in forecasting revenues as an ad hoc member of the REC to attend the session or meeting and act on his behalf. Provided that if the economist principal is incapacitated to the extent he is unable to designate the ad hoc member, the president of his college or university shall make the designation.

CONTRACTS

House Bill 183 (Vetoed), would have required a portion of the monies collected from the operation of a land-based casino to be deposited into a special fund to be used to compensate the parish governing authority for support services as provided in the most recently approved casino support services contract.

2013 REGULAR SESSION

APPROPRIATIONS AND FUNDS

Act 420, provided for the transfer and deposit of monies among state funds. The Act also established a Payments Towards the UAL Fund, established the FMAP Stabilization Fund, and abolished the Incentive Fund and the Budget Stabilization Replenishment Fund.

Act 54, the Supplemental Appropriation Act adjusted supplemental appropriations to balance the Fiscal Year 2012-2013 budget and provided for reductions to meet the requirements implemented in various Executive Orders to effect freeze orders and mid-year budget reductions. The Act also provided

for supplemental capital outlay appropriations. Further d 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

Act 96, provided 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.

Act 377, added 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 required that such information be reported in personnel tables in the executive budget.

Act 419, required 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 provided that the REC may designate as nonrecurring, money available for appropriation from any source that is defined in law as nonrecurring.

Required that the General Appropriation Bill and other appropriation bills would 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 would be limited to the prior fiscal year's fund balance and would not include anticipated fund balances for the ensuing fiscal year unless otherwise by law.

Act 424, required the General Appropriation Bill to be introduced with separate recommendations for discretionary and non-discretionary spending if the Legislative Fiscal Office determined that the executive budget proposes to reduce funding from the state general fund and dedicated funds for health care or higher education.

Required 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 required 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.

Provided that if the Legislative Fiscal Office reported that the proposed budget from state general fund and statutory dedications for health care and higher education was less than the current fiscal year existing operating budget, the governor would cause a General Appropriation Bill to be introduced with separate recommendations for discretionary and non-discretionary expenditures and means of financing.

Required 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 (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 (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 (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. Would have provided 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 (Pending Senate Finance Committee), would have provided for the timing of the final passage of the General Appropriation Bill different from other legislative bills.

2014 REGULAR SESSION

FUNDS

Three bills - **Act 778, Act 779, and Act 780** - authorize public or private entities to make certain donations to various postsecondary educational institutions for recipients of TOPS Awards and GO Grants, donations to elementary and secondary schools for recipients of student scholarship programs, and donations to participating school systems for children enrolled in the Cecil J. Picard LA 4 Early Childhood Program classes.

The Acts also that when an eligible institution receives private scholarship funds on behalf of a student, the annual appropriation of state funds shall be reduced by the amount of the private scholarship funds so received. The state treasurer shall deposit the amount of the reduction as specified by the commissioner of administration into the Overcollections Fund and credit the deposit to an account in the fund known as the "Program Participation Savings Account".

Act 803 - provided for enactment of the Workforce and Innovation for a Stronger Economy (WISE) Fund for the purpose of funding degree and certificate production and research priorities in high demand fields through programs offered by Louisiana's or the state's public postsecondary education institutions to meet the state's current and future workforce and innovation needs.

Subject to an annual appropriation by the legislature, each fiscal year the sum of forty million dollars would be deposited into the WISE Fund. **Act 15 (HB 1) of the 2014 Regular Session** provided an appropriation to the Board of Regents in the amount of seventeen million dollars from the State General Fund (Direct) and twelve million dollars in Community Development Block Grant monies; the appropriation also d direction on the allocation of monies pursuant to Act 803.

Two constitutional amendments - **Act 873 and House Bill 629** along with its statutory companion, **House Bill 884** - were proposed to for a state infrastructure bank, however only one bill passed. Act 873 proposed to amend the constitution to make the investment of public funds to capitalize a state infrastructure bank and the loan, pledge, guarantee, or donation of public funds by a state infrastructure bank for eligible transportation projects, authorized uses of public funds.

House Bill 629 which was a constitutional amendment which changed the name of the Budget Stabilization Fund to the Budget and Transportation Stabilization Fund - failed to pass. It also created the Budget Stabilization Account and the Transportation Stabilization Account in the Budget and Transportation Stabilization Fund and provided for allocations of monies to the accounts and uses of monies in the accounts. **House Bill 884** which was the statutory implementation of **House Bill 629** also failed to pass.

TECHNOLOGY, PROCUREMENT, AND CONTRACTS

House Bill 437 (Vetoed) required prior approval of the Joint Legislative Committee on the Budget for any request for proposals for professional, personal, consulting, or social services contracts with a total maximum compensation of one hundred million dollars or more prior to its advertisement.

Any request for proposals for professional, personal, consulting, or social services contracts with a total maximum compensation of one hundred million dollars or more for which the resulting contract was to be approved by the Department of Health and Human Services, Centers for Medicare and Medicaid Services, was also to be reviewed by the Joint Legislative Committee on the Budget prior to the advertisement of the request for proposals.

Act 700 provided relative to group purchasing and cooperative purchasing provisions of certain public postsecondary education institutions. Institutions seeking to adopt group and cooperative purchasing provisions would publish rules, to be approved by their management board and the Board of Regents. Rules published under these provisions shall be reviewed by the Senate Committee on Finance and the House Committee on Appropriations.

After an initial term of three years, the Joint Legislative Committee on the Budget may authorize an additional term of five years. Approved institutions would annually report to the Joint Legislative Committee on the Budget the savings realized by participation in group or cooperative purchasing arrangements.

Act 712 provided for establishing and coordinating all information technology systems across the executive branch of state government, excluding higher education and elected officials. Created the office of technology services from the office of information technology. Also provided for consolidation

of procurement of technology services, software, and hardware under the office of technology services. Required that any contract entered into for a period of more than three years shall be subject to the prior approval of the Joint Legislative Committee on the Budget.

Act 864 provided for the merging of the administrative personnel and functions relative to the Professional, Personal, Consulting and Social Services Procurement Code with the Louisiana Procurement Code which provided for the procurement of supplies, operational services, or major repairs. In general, did not change substantive provisions of procurement law.

Act 715 authorized the state to enter into consulting services contracts with licensed insurance producers for the procurement of insurance for the office of risk management.

BUDGETARY CONTROLS

Senate Bill 543(Vetoed) required the Revenue Estimating Conference (REC) to establish a forecast of incentive expenditures for each fiscal year, beginning for Fiscal Year 2015-2016.

Provided that the executive budget for Fiscal Year 2015-2016 and each fiscal year thereafter include a statement of incentive expenditures as contained in the incentive expenditure forecast. The incentive expenditures were to be stated as a separate description in the program activities of the respective department, agency, or authority of the state which administers an incentive expenditure. A statement of total incentive expenditures were also to be provided in the executive budget proposal. Such incentive expenditures were not to be included as, nor counted towards the operating expenses of the relevant department, agency, or authority.

Act 704 provided that all economic and financial reports for projects in excess of a total state commitment of ten million dollars for the term of the project, submitted in conjunction with a request for approval of the Joint Legislative Committee on the Budget would contain information for the review or approval of the committee.

2015 REGULAR SESSION

FUNDS

Act 12 established the Major Events Incentive Program authorizing the secretary of the Dept. of Economic Development (DED) to enter into a contract with a local organizing committee, endorsing parish, or endorsing municipality to recruit, solicit, or acquire for Louisiana qualified major specified events that have significant positive economic development impact on the state. Subject to legislative appropriation and the approval of the Joint Legislative Committee on the Budget, the contract would for financial commitment to the local organizing committee, endorsing parish, or endorsing municipality, which would be paid with funds dedicated for such purposes.

Created the Major Events Incentive Program Subfund in the treasury for deposit of the incremental increase in certain state tax receipts generated by the occurrence of all qualified events,

which are certified by the secretary of the Department of Economic, subject to the approval of the Joint Legislative Committee on the Budget.

Also required the event to be held no more often than annually and sites outside of the state must have been considered. Further required that a site selection organization select a site in this state as the sole site for the events.

Effective July 1, 2015.

Act 257 present constitution in Article VII, Section 10.3 and present law establish the Budget Stabilization Fund in the state treasury. Present constitution and present laws that the base maybe increased every 10 years beginning in the year 2000 by a law enacted by a two-thirds vote of the elected members of each house of the legislature. Such increase shall not exceed 50% in the aggregate of the increase in the consumer price index for the immediately preceding 10 years.

Proposed law retains present law but increases the base from \$850 million to \$950 million; requires a two-thirds vote of the elected members of each house of the legislature.

Effective upon signature of the governor (6/29/2015).

TRANSPORTATION AND HIGHWAY FUNDING ISSUES

Act 473 proposed constitutional amendment recreates the existing Budget Stabilization Fund as the Budget and Transportation Stabilization Trust. Creates the Budget Stabilization Subfund and the Transportation Stabilization Subfund within the Budget and Transportation Stabilization Trust (TTF) and provides that at the beginning of each fiscal year, mineral revenues shall be allocated and deposited into the subfunds as follows:

- (1) Beginning in Fiscal Year 2015-2016, mineral revenues in excess of the base shall be deposited in the Budget Stabilization Subfund until the balance in the fund equals and shall be maintained in the amount of \$500 million.
- (2) Once the balance in the Budget Stabilization Subfund equals \$500 million, mineral revenues shall be deposited into the Transportation Stabilization Subfund at the beginning of the next fiscal year until the balance in the Transportation Stabilization Subfund equals and shall be maintained in the amount of \$500 million. Thereafter, any excess mineral revenues shall be deposited into the state general fund. The legislature may appropriate additional monies into either the Budget Stabilization Subfund or the Transportation Stabilization Subfund. The proposed constitutional amendment provides that monies in the Transportation Stabilization Subfund shall be appropriated by the legislature and used solely and exclusively for planning, design, construction, and maintenance connected with the state highway program, provides that at least 20% of the funds appropriated from the Transportation Stabilization Subfund shall be used only for the Louisiana Intermodal Connector Program within DOTD.

(3) No deposit of mineral revenues shall be made in any fiscal year in which money in the fund is appropriated for use or incorporated into the official forecast or in the ensuing fiscal year, except by specific appropriation by the legislature.

Submission to the voters on the October 24, 2015 ballot.

Act 275 beginning in Fiscal Year 2017-2018 and each fiscal year thereafter, from the avails of certain sales and use taxes and inventory tax, the treasurer shall deposit an amount equal to the increase in general fund revenues that are certified by the Revenue Estimating Conference as being attributable to the provisions of the Act that originated as **Act 275** but this amount cannot exceed \$100 million.

Provides that the first 70 million dollars of the monies shall be deposited into the Transportation Trust Fund (TTF) to be used exclusively for state highway pavement and bridge sustainability projects. Thereafter, 93% of the monies shall be deposited into the TTF to be allocated as follows: not less than 30% for highway priority program projects classified as capacity projects; twenty-five percent for port construction and development priority program projects; and the remaining monies for state highway pavement and bridge sustainability projects.

Further provides that the remaining seven percent shall be deposited into the infrastructure bank as provided in the Act which originated as HB 767 for final design and construction and shall not be used for studies. If the Act which originated as HB 767 fails to pass and is not enacted into law, the monies allocated therein shall be deposited into the TTF and used exclusively for port construction and development priority program projects.

Act 257 became effective and operative on June 29, 2015.

Act 471 amends the constitution to authorize the investment of public funds to capitalize a state infrastructure bank.

Submission to the voters at statewide election on October 24, 2015.

Act 431 establishes the Louisiana State Transportation Infrastructure Bank (Bank) within the Dept. of the Treasury. Provides that the purpose of the Bank is to select and assist in financing eligible transportation projects by providing loans and other financial assistance to municipalities, parishes, publicly operated ports, harbors, or terminal districts, publicly operated airports, publicly operated ferries, or publicly operated transit systems in the state for planning, constructing, and improving transportation facilities necessary for public purposes.

FISCAL CONTROLS

Act 169 relative to budgetary procedures, defines "incentive expenditures" to mean the reductions of and payments from current tax collections attributable to twenty eight incentive benefit statutes specified in the Act. Requires the Revenue Estimating Conference (REC) to establish a forecast of incentive expenditures for each fiscal year, beginning for Fiscal Year 2016-2017. Requires that the

forecast be an amount that is no less than the estimated amount of payments from and reductions of current tax collections which will be made by each of the incentive benefit statutes.

Also requires that the "incentive expenditure forecast" be derived and based upon the assumption that the current law and current administrative procedures will remain in effect for the forecast period. Requires that the agency which administers the incentive benefit notify the REC when the incentive expenditure forecast is not sufficient to meet the requirements of current law or current administrative procedures. Authorizes the REC to revise the forecast as necessary. Requires that the incentive expenditure forecast be a separate forecast and shall not be included in the estimates of the money to be received by the state general fund and dedicated funds for the current and next fiscal years which are available for appropriation. Requires that the incentive expenditure forecast be determined by the REC.

Effective July 1, 2015.

Act 146 relative to the Office of Group Benefits for oversight of the Office of Group Benefits. Creates a six voting member Group Benefits Estimating Conference to estimate the operational and actuarial costs of the Group Benefits Program. The information from the Group Benefits Estimating Conference shall be used by the commissioner of administration and the chief administrative officer in setting new rates or developing new plans of benefits. The information shall also be used by the Group Benefits Policy and Planning Board (Board) in its review of proposed new plans or rates.

Changes the Board composition from sixteen members to eleven voting members. The eleven member voting board retains two retiree members to be elected and nine members to be appointed as follows: three members appointed by the speaker of the House of Representatives; three members appointed by the president of the Senate, and three members appointed by the governor.

Each of the appointed members shall have a minimum of five years professional experience or fiscal expertise in the industries of health insurance, actuarial sciences, financial services, or banking.

Provides that any new plan of benefits or the annual plan of benefits or certain contracts negotiated by the Office of Group Benefits shall be subject to review and approval of the relevant oversight committees of the legislature having jurisdiction over agency rules. Additionally, any adjustments to such contracts in the amount of one million dollars or more shall require the review and approval of the oversight committees before the modified contracts may be implemented. Such adjustments shall indicate the fiscal impact to the plan of benefits as well as the rate structure, if any, over the subsequent three years or maximum contract period.

Effective January 1, 2016

REVENUE MEASURES

The Finance Committee received a number of revenue measures which originated in the House that were dual referred after being considered and passed by the Senate Committee on Revenue and Fiscal Affairs. These measures included: **Act 94**, cigarette tax increase; **Act 103**, net operating loss;

Act 109, credit for tax paid in other states; **Act 120**, modifies certain exemptions; **Act 123**, certain corporate income tax exclusions; **Act 125**, reduces income and corporate franchise tax credits; **Act 126**, reduces tax rebates; **Act 131**, solar tax credit; **Act 133**, carry-forward certain ad valorem credits; **Act 134**, certain motion picture credits; and **House Concurrent Resolution 8** sales tax exemption partial suspension.

GAMING

BINGO

In the **2015 Regular Session, Act 168** increases the rate of compensation for persons who assist in the holding, operating, or conducting of charitable bingo games **from** \$10.00 per hour **to** \$15.00 per hour, not to exceed \$90.00 per session for any one employee. Removed the requirement of each distributor having an employee on site during the use of such distributor's devices.

CASINO

In the **2012 Regular Session, House Bill 183 (Vetoed)** would have required the gaming control board and the parish governing authority enter into a casino support services contract to compensate the governing authority for support services resulting from operation of the land-based casino which would have required approval of the Joint Legislative Committee on the Budget (JLCB). If the JLCB approved the contract, it would have remained in full force and effect. If JLCB disapproved or did not act upon the amount of the contract, the treasurer was prohibited from depositing any monies into the Casino Support Services Fund which is a special treasury fund to provide compensation to the parish governing authority pursuant to a casino support services contract would have required monies in the fund be appropriated to the parish governing authority and used to compensate the parish for the cost to the parish of providing support services resulting from the operation of the official gaming establishment and the activities therein would have provided that the revenues be deposited as follows:

- (1) The first \$1,800,000 deposited into the Casino Support Services Fund.
- (2) The next \$60 million deposited and credited to the SELF Fund.
- (3) Any revenues in excess of the above amounts were to be divided equally between the Casino Support Services Fund and the SELF Fund until the casino support services contract was fully funded.
- (4) The remainder deposited into and credited to the SELF Fund.

In the **2015 Regular Session, Senate Bill 236 (Senate Judiciary B Committee)** would have allowed the current casino gaming operator to reduce its total operating force or personnel level below 2,000 employees, provided however that any initial reduction in the work force from that which existed prior to August 15, 2015, shall have been by attrition or for cause. After April 1, 2016, the Gaming Control Board would of had the authority to reduce the minimum employment level based upon a showing of good cause and casino industry standards, but only upon ratification of such employment level by the Joint Legislative Committee on the Budget. Further, would have prohibited the casino gaming operator from reducing the total salary levels or compensation of its operating force or personnel by more than 17% of the required salary level or compensation as such existed on August 1, 2015.

CHARITABLE GAMING

In the **2012 Regular Session, Act 351** increases the number of days within a calendar month from 15 to 20 that a licensee may hold, operate, or conduct any charitable game of chance.

Also in the **2012 Regular Session, Act 710** prohibits any person associated or affiliated with a charitable gaming licensee to benefit from any part of the net gaming proceeds of that charitable gaming licensee and provides penalties a fine of not more than \$5,000, imprisonment with or without hard labor for not more than one year, or both. **Act 710** does not apply to a contribution or disbursement of net gaming proceeds made to, or for the direct benefit of, a group or activity provided that both of the following occur:

- (1) The contribution or disbursement is used for legitimate charitable gaming purposes.
- (2) Not more than ½ of the participants of the group or activity receiving the contribution are members or immediate family members of members of the charitable gaming licensee making the contribution or disbursement.

GAMING PROCEEDS

In the **2015 Regular Session, Act 186** requires unclaimed prize monies from certain gaming activities, less the amount of state tax due, to be remitted to the state for deposit by the state treasurer into the Crime Victims Reparations Fund to be used exclusively to pay the expenses associated with health care services of victims of sexually oriented criminal offenses, including forensic medical exams.

RIVER BOATS

In the **2012 Regular Session, Act 447** continues to allow vessels to be inspected by third-party inspectors who are required to certify to the La. Gaming Control Board that the vessel is in compliance with the standards necessary to maintain either:

- (1) A U.S. Coast Guard Certificate of Inspection utilizing the inspection criteria in effect at the time of the vessel's original construction; or
- (2) A certificate of compliance utilizing a combination of applicable marine structural and life safety standards, the National Fire Protection Association Life Safety Code, and the International Building Code as adopted in the state of La. and as accepted by the La. Gaming Control Board, which are suitable to the vessel's present location and configuration.

Act 447 also requires the La. Gaming Control Board to submit the certificates of compliance to the House Committee on the Administration of Criminal Justice and the Senate Committee on Judiciary B.

VIDEO POKER

In the **2012 Regular Session, Act 161** reorganizes the statutory provisions regarding the licensing and operation of video draw poker devices and the locations of truck stop facilities. Specifically lists the following three categories of licenses to be issued to qualified establishments to operate video draw poker devices:

1. License to operate a maximum of three video draw poker devices at establishments licensed to sell alcoholic beverages for consumption on the premises.
2. License to operate up to 50 video draw poker devices at qualified truck stop facilities.
3. License to operate an unlimited number of video draw poker devices at a licensed pari-mutual wagering facility or an off track wagering facility. Prohibits a licensee from having on its premises or making available for play on the premises more video draw poker devices than authorized in **Act 161**.

Act 161 requires that seating for the 50 patrons be centralized and removed the requirement for full table service for sit-down meals except for qualified truck stop facilities located in Orleans Parish. An exception was made for the requirement of an on-site restaurant facility at a qualified truck stop in the event of force majeure which affects the ability to maintain an on-site restaurant facility. This exception allows for a reasonable period as determined by the gaming division.

Act 161 provides exceptions to the requirement that qualified a truck stop facility maintain a stable parking area for at least 50 eighteen-wheel tractor-trailer motor vehicles and an on-site repair facility for eighteen wheelers due to a force majeure for a reasonable period determined by the gaming division.

Act 161 also requires gaming division to allow the continued operation of a licensed establishment which requires a alcoholic beverage license as a condition of receipt of a video draw poker device license is sold or transferred, the devices are allowed to continue operation if the new owner applies for a Class "A" license within 15 days of purchasing the business, and upon issuance of a state Class "A" license, the new owner applies for a video draw poker license within 15 days.

Act 161 further requires that if a person has met the suitability qualifications for the granting of a permit to sell alcoholic beverages on the premises of a restaurant or bar, they shall be granted a license to operate not more than three video draw poker devices without requiring the division to make an additional suitability determination. Requires the division to determine that an applicant meets all other requirements as to a video gaming license before granting a new license.

In the **2013 Regular Session, 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.

Also, **in the 2013 Regular Session, Act 355** (1) Restricts the location to no more than five State Racing Commission licensed parimutuel facilities or off track 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

2012 REGULAR SESSION

ABORTION

Act 685 requires that the fetal heartbeat be made available to, and ultrasound images be displayed for review, by a pregnant woman prior to an abortion. This legislation changes the statutory time for the required ultrasound from two hours before the abortion to twenty-four hours before the abortion.

Act 738 provides for the Pain-Capable Unborn Child Protection Act that the abortion of an unborn child of twenty or more weeks postfertilization age is prohibited, unless the pregnancy is diagnosed as medically futile or, in reasonable medical judgment, the pregnant woman has a condition which so complicates her medical condition as to necessitate the abortion of her pregnancy to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions.

House Concurrent Resolution 11 memorializes Congress to defund and appropriate no future funding to Planned Parenthood.

DEPARTMENT OF HEALTH AND HOSPITALS

Act 347 authorizes the secretary of the Department of Health and Hospitals to issue stop order rules on certain dangerous substances.

Act 304 re-creates the Department of Health and Hospitals.

Act 306 provides for the secretary of the Department of Health and Hospitals the authority to immediately suspend the license of a freestanding inpatient psychiatric hospital if the applicant or licensee is in violation of the law or rules and regulations and the secretary determines if the violation poses an imminent or immediate threat to the health, welfare, or safety of a client or patient. The Act provides for obligations of the Department of Health and Hospitals, notification, appeal, and an injunctive relief process for providers who have a license suspended by the secretary.

Act 628 provides that the Department of Health and Hospitals will have a moratorium on the licensure of level 4 adult residential care providers until July 1, 2017, and the moratorium will not apply to a provider which has received facility need review approval from the Department of Health and Hospitals for a level 4 adult residential care provider on or before April 25, 2012.

Senate Bill 762 (failed House final passage) would have transferred the adult protection services of the office of elderly affairs in the office of the governor to the Department of Health and Hospitals, office of aging and adult services.

Senate Concurrent Resolution 111 directs the Department of Health and Hospitals to consult with the appropriate state entities and healthcare stakeholders based on the United Health Foundation's

America's Health Rankings twenty-three measures and to prepare and submit a report no later than February 1, 2013, to the Senate and House Committees on Health and Welfare that addresses raising Louisiana's health ranking as determined by the United Health Foundation's America's Health Rankings to thirty-fifth within the next ten years.

Act 269 transitions certain functions of the Traumatic Head and Spinal Injury Trust Fund Advisory Board to the Department of Health and Hospitals. The board will have only an advisory role within the Department of Health and Hospitals.

HEALTHCARE PROVIDERS

Senate Bill 755 (assigned to Senate Commerce, Consumer Protection, and International Affairs) would have provided for the licensure of behavioral analysts.

Act 772 provides for the use of the title of "doctor" or the abbreviation "Dr." by certain healthcare providers and revises statutory provisions relative to the Midwife Practitioners Act.

House Bill 947 (assigned to Senate Health and Welfare) would have revised statutory provisions relative to the Midwife Practitioners Act.

House Concurrent Resolution 69 directs the Louisiana Register to print an amendment to LAC 46:XLV.3149 in the Louisiana Administrative Code that deletes the requirement that an applicant for certification as an athletic trainer be prohibited to take the qualification examination after four attempts.

Senate Resolution 159 establishes a commission to study the licensure and regulation of behavior analysts and submit a report to the Senate.

IMMUNIZATION

Act 645 requires that, beginning October 1, 2012, and each year thereafter, all general hospitals, during the time period from October first through the following March first, offer immunizations for influenza and immunizations for pneumococcal diseases, if ordered by the patient's attending physician, as recommended by the Advisory Committee on Immunization Practices of the CDC, to inpatients aged 65 or older prior to discharge, unless contraindicated for a patient and contingent upon the availability of a specific payment in addition to the normal or prevailing level of payment, that is equal to the product cost and the administration costs for the immunization over and above the reimbursement for in-patient care and contingent on the availability of the vaccine.

Act 651 provides that in any parish, wholly or in part, designated as a primary care health professional shortage area, a pharmacist may administer any of the following vaccines - pneumococcal, to any person eighteen years of age or older and Zoster, to any person fifty years of age or older. This bill provides for the procedure, the reporting requirements, the record requirements, the credential requirements, and the notice requirements.

MEDICAID

Act 650 authorizes the Department of Health and Hospitals to seek approval from the Center for Medicare and Medicaid Services of a program designed to reimburse non-state, governmental entities through the Medicaid program for outpatient behavioral health services to Medicaid recipients under the age of twenty-one and authorizes the department to develop and maintain a Medicaid upper payment limit financing methodology for the behavioral health services provided for in the Act.

Senate Bill 629 (Vetoed) would have required that beginning January 1, 2013, and annually thereafter, the Department of Health and Hospitals shall submit an annual report concerning the Louisiana Medicaid Bayou Health Program and the Louisiana Behavioral Health Partnership and Coordinated System of Care Programs to the Senate and House Committees on Health and Welfare which shall include certain information.

SMOKING

Act 373 prohibits smoking in psychiatric facilities of the Department of Health and Hospitals, and the department will establish procedures for treating patient smokers.

House Bill 378 (subject to call - Senate final passage) would have prohibited smoking within 25 feet of a building entrance or exit if smoking is currently prohibited.

2013 REGULAR SESSION

ABORTION

Senate Concurrent Resolution 57 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.

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 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 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 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

Act 212 provides for Medicaid transparency. The Act 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 (pending Senate Finance) provided for the Louisiana Health Care Independence Program (program) and would have required reporting of the program outcomes. The legislation would have required the Department of Health and Hospitals (DHH) to create and administer the program within the department. The legislation also would have required DHH to submit and apply with the Centers for Medicare and Medicaid Services the necessary waivers and plan amendments.

Act 358 provides for standardized credentialing (provider enrollment) and provides for timelines related to credentialing. The Act 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 Act 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 Act 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. In addition, the Act 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.

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.

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 Act 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 Act

requires for exemptions to step therapy/fail first protocols (prior authorization protocols) for managed care organizations.

House Concurrent Resolution 75 requires transparency in the Medicaid managed care programs operated by the Department of Health and Hospitals.

PUBLIC-PRIVATE PARTNERSHIPS

Senate Concurrent Resolution 25 requests the LSU Board of Supervisors and the governor keep the Huey P. Long Medical Center open and viable.

Senate Concurrent Resolution 98 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 urges 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

Act 370 provides for preparation of cakes and cookies within the home to be sold for public consumption.

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.

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 Act 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. It 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 Act 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. The Act 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 Act 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 Act 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

Act 211 requires public post-secondary institutions to develop smoke-free policies for its campuses. The Act becomes effective August 1, 2014.

House Bill 111 (Pending Senate Concurrence) 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 includes public post-secondary universities as an exempted location and removed the Senate floor amendments that provides the definition of "smoking" to include the smoking of marijuana.

2014 REGULAR SESSION

ABORTION

Act 617 prohibits employees of and representatives acting on behalf of abortion providers, and of affiliates of such providers, from delivering instruction or materials on any health topic, including but not limited to human sexuality or family planning, in public elementary or secondary schools or in charter schools receiving state funding.

Act 620 provides for requirements of a physician who performs an abortion to include active admitting privilege at a hospital that is located not further than 30 miles from the location at which the abortion is performed or induced and that provides obstetrical or gynecological health care services, a telephone number by which the pregnant woman may reach the physician or other health care personnel employed by the physician or facility at which the abortion was performed or induced, and the name and telephone number of the hospital nearest to the home of the pregnant woman at which an emergency arising from the abortion would be treated. A violation of these provisions shall be a fine of not more than \$4,000 per violation. The Act provides for certain requirements for when any drug or chemical is used for the purpose of inducing an abortion.

Act 565 requires outpatient abortion facilities to post information regarding the National Human Trafficking Resource Center hotline.

Act 569 provides for information on psychological impacts, illegal coercion, abuse, and human trafficking to be delivered to women and minor females prior to abortion.

HEALTH CARE

Senate Bill 96 (pending Senate Health and Welfare Committee) would have provided for a Constitutional amendment to direct the Department of Health and Hospitals (DHH) to offer health insurance with essential health benefits to every legal resident of Louisiana whose income is at or below 138% of the federal poverty level, and to allow the legislature to determine whether to continue the program when federal funding falls below 90% of the total program funding.

Act 783 provides for Louisiana First America Next Freedom and Empowerment Act and provides a blueprint to expand access to affordable high quality health care.

HEALTHCARE PROVIDERS

Act 481 provides a registered line technician shall be at least 18 years of age and possess a minimum of a high school diploma or its equivalent. The Act provides a line technician shall be registered by his supervising licensed behavior analyst with the board. The Act provides that within 14 days from the date of application for registration, the line technician shall initiate a criminal background report from the Louisiana Bureau of Criminal Identification and Information of the office of state police within the Department of Public Safety and Corrections. The Act also provides the board has the authority to deny or revoke a registration in the best interest of public safety and welfare and provides the registration provided shall be renewed annually by the supervising licensed behavior analyst.

Act 484 amends present law by replacing registered counselor intern with a provisional license as a provisional professional counselor or a provisional license as a provisional marriage and family counselor.

Act 867 provides for direct primary care practice.

Senate Bill 568 (pending Senate Final Passage) would have provided relative to the practice of optometry and the regulation of the practice of optometry. It would have provided for the type of the ophthalmic surgery a licensed optometrist may do and for the licensing board to develop rules and regulations for the training of an optometrist who seeks to provide ophthalmic surgeries.

Act 769 provides a pharmacist may administer to an individual age 17 or older an immunization or a vaccine without a patient specific prescription or medical order if the immunization or the vaccine is administered in conformance with the most current immunization administration protocol as set forth by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practice. At the time that a pharmacist administers an immunization or vaccine, the pharmacist shall also inform the individual that the administration of an immunization or vaccine is not to be construed as being in lieu of an annual checkup with the individual's primary care or family physician.

House Concurrent Resolution 88 creates the Task Force on Telehealth Access as an advisory body to the legislature and DHH on policies and practices that expand access to telehealth services, and directs the task force to report to the governor and the legislature on the status of telehealth access in Louisiana.

Act 250 provides for the licensure of radiologic technologists.

Act 418 revises the La. Athletic Trainers Law and provides that the law has the purpose of protecting the public health, safety, and welfare by providing for the licensing and regulation of the practice of athletic trainers in the state.

Act 398 provides relative to the practice of optometry and the regulation of the practice of optometry. The Act provides for the type of the ophthalmic surgery a licensed optometrist may do and provides for the licensing board to develop rules and regulations for the training of an optometrist who seeks to provide ophthalmic surgeries.

Act 535 provides for an exemption for a physician who is licensed to practice medicine in another state or country when attending to the acute care needs of the official traveling party of athletes and staff of an athletic team or organization domiciled in another state or country during or in connection with an athletic contest or event conducted in Louisiana.

Act 442 provides for greater access to telehealth services by authorizing licensing boards and commissions to promulgate rules to provide for, promote, and regulate the use of telehealth in the delivery of healthcare services within the scope of practice regulated by the licensing entity.

PRESCRIPTION DRUGS

Senate Concurrent Resolution 39 requests DHH study the most effective means to ensure the proper utilization of Attention Deficit Hyperactivity Disorder medications in Louisiana and to report its findings to the legislature.

Act 865 provides a Schedule II prescription may not be filled more than 90 days after the date of the prescription. The Act provides a pharmacist not dispense more than a 10-day supply at a dosage not to exceed the United States Food and Drug Administration's approved labeling for the medication if the prescriber is not licensed by the state of Louisiana, and the medication is a Schedule II or Schedule III controlled dangerous substance opioid derivative. The Act provides within 60 days of the dispensing of a Schedule II or Schedule III controlled dangerous substance opioid derivative pursuant to the act, such medication shall not be dispensed again for the individual by a prescriber not licensed by the state of Louisiana. The Act provides a prescriber shall access the Prescription Monitoring Program prior to initially prescribing any Schedule II controlled dangerous substance to a patient for the treatment of non-cancer-related chronic or intractable pain.

Act 714 provides the exemption for licensure of pain management clinics shall not apply to a pain management clinic that is not licensed by or has not made an application to DHH for licensure on or before August 1, 2014.

Act 472 provides each dispenser shall submit the required information in accordance with transmission methods and frequency established by the Louisiana Board of Pharmacy. Each eligible prescription transaction shall be reported no later than the next business day after the date of dispensing.

Act 397 moves carisoprodol (Soma) from Schedule IV to Schedule II for controlled dangerous substances.

Act 253 authorizes first responders to carry naloxone and administer it to a third party who is undergoing an opioid-related drug overdose.

PUBLIC-PRIVATE PARTNERSHIPS

Senate Concurrent Resolution 48 provides for legislative approval of and to express support to the LSU Board of Supervisors for the strategic collaboration with the state relating to the closure of Huey P. Long Medical Center to facilitate a new model of health care delivery in the Alexandria and Pineville area.

SMOKING

Act 581 prohibits smoking within 200 feet of the entrances, exits, or outdoor areas of any public or private elementary or secondary school.

Act 546 prohibits outdoor smoking within 25 feet of certain exterior locations of state office buildings.

2015 REGULAR SESSION

HEALTH CARE PROVIDERS

Senate Concurrent Resolution 19 directs the Louisiana Physical Therapy Board to create the Physical Therapy Patient Access Review Committee.

Act 453 provides for the practice of physician assistants. The Act requires that the physician supervising the physician assistant maintain a written agreement with the physician assistant and requires that the agreement include a statement that the physician exercise supervision over the physician assistant and that the agreement be signed by the supervising physician and physician assistant, updated annually, kept on file at the practice site, and be available to the LSBME upon request. The Act removes provisions authorizing a physician assistant to have multiple supervising physicians in no more than five medical specialties or subspecialties, provided all of the physician assistant's supervising physicians are properly registered with the LSBME. The Act also allows a physician assistant to prescribe, order, and administer drugs to the extent delegated by the supervising physician and except as provided by law relative to anesthetics and that these drugs include those in Schedules II, III, IV, and V. The Act requires a physician assistant authorized to prescribe controlled substances to register with the United States Drug Enforcement Administration. The Act requires that a graduate physician assistant have at least 500 clinical hours of training prior to application for prescriptive

authority and authorizes a physician assistant to request, receive, and sign for sample drugs and distribute sample drugs to a patient. The Act permits licensed optometrists to prescribe drugs including those in Schedules II, III, IV, and V.

Act 441 provides for the investigation and adjudication of violations by the Louisiana State Board of Medical Examiners. The Act clarifies that the list of acts qualifying as unprofessional conduct is illustrative and not exclusive. The Act adds intentionally falsifying or fraudulently altering records to the list of examples of unprofessional conduct. The Act clarifies that the list of acts qualifying as medical incompetency is illustrative and not exclusive. The Act further provides the board must have the required final rules adopted by the deadline of Jan. 1, 2016. The Act removes provisions relative to the content of an initial complaint. The Act removes the prohibition against the board acting on anonymous complaints. It also removes the statute of limitations on claims. It requires a majority vote of the board members present and voting prior to commencing a formal investigation. The Act clarifies that it applies only to investigations begun after the effective date.

MEDICAID

Act 158 provides for reporting measures for the Medicaid managed care program and the Louisiana Behavioral Health Partnership program.

Act 21 stipulates that in administering the state's Medicaid program, the Department of Health and Hospitals shall not limit the period within which a health care provider may submit a claim for payment for a Medicaid-covered service to less than 365 days from the date the service was rendered.

Act 399 requires health insurance issuers to reimburse the pharmacy or pharmacist for payment of the provider fee when the pharmacy or pharmacist makes a claim for reimbursement of the fee. The language from Senate Bill 163 is also included in this bill.

MEDICAID EXPANSION

Senate Bill 10 (pending Senate Health and Welfare) would have proposed a constitutional amendment to direct the Department of Health and Hospitals to offer health insurance with essential health benefits to every legal resident of Louisiana whose income is at or below 138% of the federal poverty level. **Senate Bill 40 (pending Senate Health and Welfare)** would have required the Department of Health and Hospitals to provide health care coverage with essential health benefits to every legal Louisiana resident whose household income is at or below 138% of the federal poverty level.

MEDICAL MARIJUANA

Act 261 provides relative to prescribed marijuana for therapeutic uses and the development of rules and regulations by the Louisiana Board of Pharmacy and the Louisiana State Board of Medical Examiners. It requires the Department of Agriculture and Forestry to develop rules and regulations regarding the production of prescribed therapeutic marijuana and the facility producing therapeutic marijuana and requires that these rules include procedures for application, eligibility, background checks, and standards for suitability for a license and penalties for rule violations.

PHARMACY

Act 391 provides relative to the dispensing of biological products.

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HOMELAND SECURITY

2012 REGULAR SESSION

House Bill 527 (assigned to House Appropriations) would have required the office of community development and the Governor's Office of Homeland Security and Emergency Preparedness to report to and get approval from the Joint Legislative Committee on the Budget regarding certain expenditures related to disaster recovery and emergency response. These two agencies must make monthly reports to the Joint Legislative Committee on the Budget on any expenditures related to disaster recovery or emergency response which are in excess of \$50,000. In addition, no expenditures in excess of \$100,000 can be made by these two agencies without the approval of the joint Legislative Committee on the Budget.

House Bill 772 (assigned to House Commerce) would have allowed the Louisiana Public Service Commission to adopt rules authorizing public utility servitudes on railroads for use during a declared state of emergency.

The experiences with recent hurricanes Katrina, Rita, Gustav, and Ike have made clear to Louisianians that those in the state who are at risk or those with special needs require assistance with evacuations, whether voluntary, advisory, mandatory or forced. **Senate Bill 700 (subject to call House final passage)** would have required each parish office of homeland security and emergency preparedness to establish a voluntary register of persons with special needs who will require assistance during times of evacuation, including voluntary, advisory, mandatory or forced evacuations. In addition, **Senate Concurrent Resolution 129** requests parish offices of homeland security and emergency preparedness to maintain a voluntary registry of at risk persons and persons with special needs who will require assistance during times of evacuation and certain other agencies to annually submit names of such persons who have consented to being included in the registry.

The coastal Louisiana provides habitat for millions of migratory birds traversing the Gulf of Mexico, is the nation's top producer of shrimp, crawfish, and blue crabs, has the highest rate of crude oil production and the second highest rate of natural gas production in the nation, and generated approximately two billion in annual revenues from the recreational fishing industry and approximately \$9.3 billion in 2010 in annual revenues from the tourism industry, rendering coastal Louisiana's unique culture, plentiful natural resources, and natural beauty vital to the survival of our region and nation. On April 20, 2010, coastal Louisiana was greatly impacted when the Deepwater Horizon mobile drilling unit, which was being used to drill an exploratory well for BP Exploration and Production, Inc. (BP), violently exploded, killed eleven Americans, caught fire and eventually sank resulting in the unauthorized discharge of an estimated five million barrels (210 million gallons) of MC252 oil into the Gulf of Mexico and ultimately the majority of which came into and upon the waters and coastline of Louisiana, marking this to be an environmental disaster of unprecedented proportions. Over the course of the Deepwater Horizon oil spill, approximately 660 miles of coastal Louisiana received some degree of oiling and seventy-five percent (270.2 miles) of the total miles of heavy to moderately oiled shoreline (360.3 miles) were located in coastal Louisiana, making Louisiana the most impacted state in the Gulf of Mexico region. Approximately two years after the incident, coastal Louisiana continues to be impacted by the incident as established by April 21, 2012, response data, which indicates that over 214

miles of Louisiana's shorelines continue to show some degree of oiling. The state of Louisiana has reached out to the United States Coast Guard (USCG), the lead federal agency charged with effectively removing the oil caused by the Deepwater Horizon oil spill, requesting that the USCG implement all reasonable containment, countermeasures, cleanup, and removal efforts allowable during active response under the National Oil and Hazardous Substances Pollution Contingency Plan (40 C.F.R. §300) (NCP), yet the USCG remains focused on prematurely ending Deepwater Horizon response. **House Concurrent Resolution 185** requests the Department of Homeland Security to direct the United States Coast Guard to implement all reasonable containment, countermeasures, cleanup and removal efforts allowable during active response while allowing substantive input from and in collaboration with the state of Louisiana and the affected coastal parishes to ensure an efficient, coordinated, and effective cleanup of coastal Louisiana prior to bringing an active response to an end.

2013 REGULAR SESSION

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. **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 (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, **Act 50** and **House Bill 155 (Pending House Education Committee)** would require shootings to be included in the school's crisis management and response plans. The act also requires the plans be prepared by each public school principal jointly with local law enforcement, fire, public safety, and emergency preparedness officials.

2014 REGULAR SESSION

Capital outlay budget requests submitted after November 1st of each year may be included within the capital outlay act if the budget request meets all of the requirements of law except for the time submission and meets a certain enumerated condition. **Act 574** adds an additional condition. The act allows for the submission of capital outlay budget requests for projects located in a designated disaster area and that have a public need because of a national or state declared disaster.

Act 710 provides that security surveillance video of the capitol area and grounds or to any images on security surveillance video of the capitol area and grounds, regardless of format, is not a public record.

House Bill 458 (Pending House Judiciary Committee) would have allowed a parish or municipality to recover certain actual costs and expenses resulting from the expenditure of resources or personnel in the event of a declared local disaster or emergency from the responsible party.

2015 REGULAR SESSION

The Governor's Office of Homeland of Homeland Security and Emergency Preparedness (GOHSEP) was re-created by **Act 381**. GOHSEP will begin to terminate on July 1, 2018, and shall cease as of July 1, 2019, unless it is re-created again.

During the response to the explosion that occurred at the Explo Systems, Inc., operations at Camp Minden in 2012, responders discovered that a large quantity of the waste artillery propellant, M6, was improperly stored. Shortly after relocating the waste into buildings and bunkers on Camp Minden, Explo Systems, Inc., filed bankruptcy, leaving the Louisiana National Guard with ownership of fifteen million pounds of the propellant. Experts at the United States Environmental Protection Agency stated that based on experience and research "open burning/open detonation (OB/OD) is a relatively uncontrolled, dirty, polluting technology" and that an open burn at Camp Minden, Louisiana, would require "an extensive and costly clean up/remedial action". The state of Louisiana, the United States Environmental Protection Agency, and the citizens of North Louisiana are currently working together to select and implement an alternative technology for the disposal of the M6 propellant. In order to protect its citizens by preventing a dangerous situation like Camp Minden from ever occurring again, **House Concurrent Resolution 172** directs the Louisiana National Guard not to accept waste explosives at Camp Minden brought into the state after August 1, 2015.

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INFORMATION TECHNOLOGY

2012

ADMINISTRATIVE PROCEDURE

The legislature provided for submission of reports to standing committees by email. Electronic receipt by the committee is proof of receipt. **Act 549, 2012 Regular Session.**

The legislature required agencies within one business day from submission of a report to the appropriate legislative standing committee to post notice of such submission on its website, or on the website of the office of state register, if the agency has no website. **Act 725, 2012 Regular Session.**

The legislature provided that when the fiscal or economic impact of proposed rule changes or fee adoptions increase or decrease by \$500,000 or more, the agency shall transmit the rule report to each member of the legislature by email on the same day the agency submits notice of the intended action to the office of state register for publication. **Act 744, 2012 Regular Session.**

The legislature required the submission of an agency statement relative to emergency rules to the House speaker and Senate president by email if such means is available, or by certified mail or messenger mail if not. If by email, electronic confirmation of receipt is proof of receipt. The time period for committee review is within 60 days after receipt by the presiding officer. **Act 781, 2012 Regular Session.**

BOARDS/COMMISSIONS

The legislature required that the State Bond Commission establish an online database for posting notices for bond validation suits. **Act 212, 2012 Regular Session.**

CRIME

The legislature created the crime of online impersonation and provided for penalties, including a fine of \$250 to \$1,000, imprisonment for 10 days to six months, or both. **Act 375, 2012 Regular Session.**

CRIME/PUNISHMENT

The legislature created the crime of illegal transmission of monetary funds, which was defined as transmitting, attempting to transmit, causing to be transmitted, soliciting a transmission, or receiving a transmission, with the intent to defraud, by wire or radio signal, any stolen or fraudulently obtained monetary funds. The Act further provided that whoever was convicted of the crime of illegal transmission of monetary funds was to be imprisoned, with or without hard labor, for not more than 10 years, fined not more than \$100,000, or both. **Act 540, 2012 Regular Session.**

The legislature made it 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 devices (“zapper”) or phantom-ware. The Act defined an “automated sales suppression device” or “zapper” as a software program that falsifies the records of electronic cash registers, including transaction data and transaction reports, that is either carried on a memory stick or other flash memory data storage device, carried on a removable optical disc, accessed through an Internet link, or accessed or stored via any other means. **Act 389, 2012 Regular Session.**

The legislature defined “sexually explicit” as the graphic depiction of sex, including but not limited to sexual audio, text, or images, depiction of sexual activity, nudity, or sexually oriented language and defined a “wireless telecommunication device” as a cellular telephone, a text-messaging device, a personal digital assistant, a tablet computer, or any other similar device. The Act further provided that the transmission or causing the transmission by a person of an unsolicited advertisement containing sexually explicit materials in an electronic communication to one or more persons within this state without including in the advertisement the term “ADV-ADULT” at the beginning of the subject line of the advertisement is a crime, and provided fines of not less than \$100 nor more than \$500. **Act 846, 2012 Regular Session.**

The legislature prohibited bullying at schools or school-sponsored events, and defined bullying as any written, electronic or verbal communication, including but not limited to calling names, threatening harm, taunting, malicious teasing, or spreading untrue rumors. Electronic communication includes but is not limited to a communication or image transmitted by email, instant message, text message, blog, or social networking website through the use of a telephone, mobile phone, pager, computer, or other electronic device. **Act 861, 2012 Regular Session.**

CURRICULA

The legislature required guidelines and teaching materials for Internet and cell phone safety instruction in public schools. **Act 384, 2012 Regular Session.**

ELECTIONS

The legislature authorized the registrar to set the hours and days of early voting at additional locations with approval of the secretary of state subject to certain limitations and required a notice be posted on the secretary of state’s website informing the public of the hours and days during which early voting will be conducted at additional locations. **Act 93, 2012 Regular Session.**

ELECTION CODE

The legislature allowed applicants who have a valid Louisiana driver’s license or Louisiana special identification card issued and who are registered to vote to request an application to vote by mail by completing and submitting an electronic application to vote by mail on the secretary of state’s website. **Act 138, 2012 Regular Session.**

EMBALMERS/FUNERAL DIRECTORS

The legislature required a continuing education program for embalmers and funeral directors and provided that continuing education programs may be offered in person or through other means, including but not limited to distance learning, videotape, audiotape, teleconference, satellite seminar, Web conferencing, Internet course work, correspondence course work, or any other means approved by the board. **Act 176, 2012 Regular Session.**

ENVIRONMENT QUALITY DEPT

The legislature urged and requested the Department of Environmental Quality to research and study the establishment of a recycling and collection system for electronic wastes in Louisiana, to determine how the costs of such a system should be funded, and to study the feasibility of banning the dumping of electronic wastes in landfills. **Senate Resolution 83, 2012 Regular Session.**

ENVIRONMENTAL QUALITY

The legislature required each state and local agency engaged in lead hazard reduction activities to publish on its Internet website minimum lead standards allowable. Such standards shall match, follow, and adapt to the minimum lead levels established by the United States Environmental Protection Agency. **Act 734, 2012 Regular Session.**

The legislature required child-occupied facilities to disclose lead hazards, lead abatement activities, or lead testing and required that notifications to parents and legal guardians shall be made by written or electronic means, such as email or posting on the facility's website. **Act 736, 2012 Regular Session.**

FISHING/COMMERCIAL

The legislature authorized the Department of Wildlife and Fisheries to issue and collect a fee for certain commercial fish licenses via the Internet. The additional fee not to exceed two dollars may be charged to develop and operate the system for the Internet. **Act 61, 2012 Regular Session.**

FUNDS/FUNDING

The legislature repealed prior law establishing certain special funds in the state treasury, including the Technology Commercialization Fund and the Broadband Infrastructure and Information Technology Fund, and provided for the deposit of monies formerly associated with the funds into the state general fund. **Act 834, 2012 Regular Session.**

GOVERNMENTAL REGULATIONS

The legislature required the Louisiana Department of Justice, office of attorney general, to regulate sweepstakes promotions and provided that, except as otherwise provided by law, computers or computer systems that were used as part of a sweepstakes promotion shall only be used to allow a person

to enter his name and contact information for the purpose of entering into the sweepstakes promotion and to display certain information. The Act further prohibited a person from being required or offered the opportunity to enter into any monetary transaction through a computer, computer system, or other electronic system for the purpose of entering into a sweepstakes promotion or winning a sweepstakes promotion. **Act 653, 2012 Regular Session.**

HEALTH CARE

The legislature required the use of medical disclosure lists by healthcare providers as an acceptable method of obtaining informed consent and required the Department of Health and Hospitals to maintain a searchable database of all current medical disclosure lists that is available to the public through the department's website. The Act further provided an exception to the Open Meetings Law whereby if any member of the panel was physically present at a meeting, any number of the other members of the panel may attend the meeting by use of telephone conference call, videoconferencing, or other similar telecommunication methods for purposes of establishing a quorum or voting, or for any other meeting purpose. **Act 759, 2012 Regular Session.**

The legislature required the use of medical disclosure lists by healthcare providers as an acceptable method of obtaining informed consent and required the Department of Health and Hospitals to maintain a searchable database of all current medical disclosure lists that is available to the public through the department's website. The Act further provides an exception to the open meetings law whereby if any member of the panel was physically present at a meeting, any number of the other members of the panel may attend the meeting by use of telephone conference call, videoconferencing, or other similar telecommunication methods for purposes of establishing a quorum or voting, or for any other meeting purpose. **Act 600, 2012 Regular Session.**

HEALTH SERVICES

The legislature requested the Department of Health and Hospitals to study means by which to expand access by Louisianans to telehealth services and to report its findings to the legislative committees on health and welfare. **House Concurrent Resolution 96, 2012 Regular Session.**

INSURANCE DEPARTMENT

The legislature required the confidentiality of records and reporting of complaints against persons and entities subject to jurisdiction of the Department of Insurance and included electronic mail addresses, Web Universal Resource Locators (URLs), Internet Protocol (IP) address numbers, and biometric identifiers (i.e., finger- and voice-prints) as confidential records. **Act 642, 2012 Regular Session.**

INSURANCE POLICIES

The legislature required portable electronics insurance policies and defined portable electronics insurance as insurance providing coverage for the repairs or replacement of portable electronics which may provide coverage for portable electronics against any one or more of the following causes: loss,

theft, inoperability due to mechanical failure, malfunction, damage, or other similar causes of loss. **Act 311, 2012 Regular Session.**

LEGISLATIVE AFFAIRS

The legislature urged and requested the House and Senate to recognize on the legislative website the sacrifices of our Armed Forces in the fight of War on Terror. **House Concurrent Resolution 58, 2012 Regular Session.**

PUBLIC EMPLOYEES

The legislature prohibited collective bargaining agreements involving public employers from being accepted or presented for acceptance until the agreement had been made available to the public via the Internet for at least five days. **Act 168, 2012 Regular Session.**

PUBLIC MEETINGS

The legislature required a public body which has a website to give at least a 24-hour notice of a meeting via its website in addition to posting a notice at its principal office, where the meeting is held, or publication in the official journal. The failure to post an agenda timely by electronic means or the inability of the public to access the public bodies' Internet website because of a technical failure shall not be considered a violation of the Open Meetings Law. **Act 747, 2012 Regular Session.**

PUBLIC RECORDS

The legislature created the "Business Identity Theft Prevention Act," required the secretary of state to keep confidential any electronic mail addresses given to, or captured by, the secretary of state pursuant to electronic filings made by businesses, and provided that the electronic mail addresses shall not be disclosed by the secretary or his staff. The Act further provided that the secretary of state shall notify any person who subscribes to the secretary of state's electronic mail service and who is an officer of a corporation that the person's name has been removed from the documents and records of the secretary of state pursuant to a filing of business records by another individual purporting to have the authority to remove the officer from the documents and records of the secretary of state. **Act 835, 2012 Regular Session.**

REDISTRICTING

The legislature created a special committee to study the process of redistricting or reapportionment including the creation of precincts, demographer certification, notice requirements for changes in voting, reapportionment and redistricting plans, electronic data requirements for GIS, submission deadlines for changes in voting and required recommendations for changes to the Louisiana Election code to implement such recommendations. **Senate Concurrent Resolution 11, 2012 Regular Session.**

SEX OFFENSE/REGISTRY

The legislature required sex offenders and child predators to provide notification on certain networking websites of their status as sex offenders or child predators. **Act 385, 2012 Regular Session.**

The legislature required a convicted sex offender to provide certain notifications and to register with law enforcement and provide information, including but not limited to every email address, online screen name, or other online identifiers used by the offender to communicate on the Internet. The Act further required a sex offender to appear in person at the sheriff's office where the offender was currently registered to update information when a change was made to any information previously provided by the offender. **Act 200, 2012 Regular Session.**

The legislature redefined the crime of unlawful use of social media by certain sex offenders and provided for the offense of unlawful use of a social networking website. The Act further provided that it shall be unlawful for certain sex offenders who are required to register as a sex offender to use social networking websites and provided that a social networking website shall only include those Internet websites, which has as its primary purpose facilitating social interaction with other users of the website, allows users to create web pages or profiles about themselves that are available to the public or other users, and offers a mechanism for communication among users. **Act 205, 2012 Regular Session.**

TAX/AD VALOREM

The legislature required publication of notice of ad valorem taxation millage adjustments and provided for publication of the notice on the Internet website of the taxing authority. **Act 539, 2012 Regular Session.**

TRANSPORTATION DEPT

The legislature required that all orders issued by the Department of Transportation and Development relative to the determination of a maximum or minimum speed limit on a highway or advisory weight limit on a bridge shall be published on the official website of the department. **Act 496, 2012 Regular Session.**

2013

APPROPRIATIONS

The legislature provided 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. **Act 14, 2013 Regular Session.**

The following performance indicators were reported in the adopted budget:

- 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

The legislature provided 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. **Act 44, 2013 Regular Session.**

BESE

The legislature urged and requested 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. **House Concurrent Resolution 128, 2013 Regular Session.**

BOARDS/COMMISSIONS

The legislature abolished the Louisiana Information Technology Advisory Board and the Technology Advisory Group. **Act 184, 2013 Regular Session.**

COLLEGES/UNIVERSITIES

The legislature required 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. **Act 340, 2013 Regular Session.**

COURTS/COURT COSTS

The legislature provided 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. **Act 199, 2013 Regular Session.**

CRIME

The legislature required 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 provided 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. **Act 160, 2013 Regular Session.**

EDUCATION DEPARTMENT

The legislature requested 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. **Senate Resolution 167, 2013 Regular Session.**

ELECTIONS

The legislature provided that, each day, the registrar shall compare the early voting confirmation sheets to the information contained in the state voter registration computer system, and provided 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 Act further provided 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. **Act 395, 2013 Regular Session.**

FEES/LICENSES/PERMITS

The legislature provided 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 Act also provided that the use by a governmental

agency of any online certification provisions included in a nationwide online licensing or registration system shall be permissible. **Act 176, 2013 Regular Session.**

HEALTH/HOSPITALS DEPT

The legislature required 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. **Act 212, 2013 Regular Session.**

The legislature authorized and directed 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, 2013 Regular Session.**

HOMELAND SECURITY

The legislature authorized 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. **Act 136, 2013 Regular Session.**

INSURANCE/HEALTH

The legislature enacted 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 provided that information be available on the health issuer insurer's website. **Act 205, 2013 Regular Session.**

LEGISLATIVE AGENCIES

The legislature urged and requested 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. **Senate Concurrent Resolution 6, 2013 Regular Session.**

LEGISLATIVE FISCAL OFFICE

The legislature required 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 required 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. **Act 307, 2013 Regular Session.**

MUNICIPALITIES

The legislature required 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. **Act 328, 2013 Regular Session.**

PUBLIC MEETINGS

The legislature required all of the proceedings in a public meeting may be video or tape recorded, filmed, or broadcast live. The Act required 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. **Act 363, 2013 Regular Session.**

PUBLIC RECORDS

The legislature directed 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. **House Concurrent Resolution 129, 2013 Regular Session.**

SALES/TOBACCO DEALERS

The legislature required 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. **Act 221, 2013 Regular Session.**

TEXTBOOKS/MATERIALS

The legislature created 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. **Act 378, 2013 Regular Session.**

TRAFFIC

The legislature prohibited 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 required tests administered to driver's license applicants include the applicant's knowledge of distracted driving issues. **Act 62, 2013 Regular Session.**

TRANSPORTATION

The legislature provided that notice of toll violations and delinquencies for the LA1 Project or the Crescent City Connection can be made by electronic mail. **Act 206, 2013 Regular Session.**

The legislature amended 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. **House Concurrent Resolution 9, 2013 Regular Session.**

2014

ABORTION

The legislature provided that information be conveyed to a woman prior to an abortion and that the Department of Health and Hospitals shall create printed materials and printable Internet-based resources for women considering an abortion. **Act 569, 2014 Regular Session.**

ADMINISTRATIVE PROCEDURE

The legislature required rulemaking agencies to publish on the Internet information concerning proposed rules and fees, including but not limited to: a brief description of each rule or fee; the full text of the current rule or fee; the name and contact information of the person within the agency who has responsibility for responding to inquiries about the intended actions; the time when, the place where, and the manner in which interested persons may present their views concerning the intended action. **Act 401, 2014 Regular Session.**

APPROPRIATIONS/ANCILLARY

The legislature authorized the transfer of functions, positions, assets, funds, contracts, and facilities of information technology resources between and within executive departments. **Act 45, 2014 Regular Session.**

CAMPAIGN FINANCE DISCLOSURE

The legislature required the expenditures on Internet advertising and automated calling be included on the election day expenditure reports; exempted candidates, candidates' committees, and other persons from being required to file the election day expenditure report if no expenditure required to be reported was made. **Act 786, 2014 Regular Session.**

CLERKS OF COURT

The legislature created a statewide portal for secure remote access to certain records maintained by district clerks of court and provided for the collection of fees to fund certain costs related to the statewide portal. **Act 826, 2014 Regular Session.**

COMMERCIAL REGULATIONS

The legislature provided that beginning January 1, 2015, and thereafter, a licensee may submit through the electronic Nationwide Mortgage Licensing System and Registry his renewal application for currency exchange services on or before December 31 of each year. **Act 125, 2014 Regular Session.**

The legislature required posting of the national human Trafficking Resources Center hotline in outpatient abortion facilities and required the Department of Health and Hospitals to post a sample of the notice on its website. **Act 565, 2014 Regular Session.**

CRIME/PUNISHMENT

The legislature provided that the crime of "sexting" through computers and telecommunications devices shall be deemed to have been committed at either the place from which the indecent visual depiction was transmitted or at the place where the indecent visual depiction was received. The Act also provided fines from \$100 to \$750 and imprisonment from ten days to six months. **Act 313, 2014 Regular Session.**

CRIMINAL/VICTIMS

The legislature amended the statutes for human trafficking, trafficking of children for sexual purposes, and commercial sexual exploitation and expanded the crime to prohibit the use of a computer to solicit a person to engage in commercial sexual activity. **Act 564, 2014 Regular Session.**

DISTRICTS/CRIME PREVENTION

The legislature provided that requirements for additional notice of certain meetings of a political subdivision and for recording or broadcasting of board or commission meetings shall not apply to certain crime prevention and security districts, improvement districts, and other similar districts. **Act 338, 2014 Regular Session.**

DISTRICTS/SPECIAL

The legislature authorized the governing authority of St. Tammany Parish to create a geographic information system. **Act 155, 2014 Regular Session.**

EARLY CHILDHOOD ED

The legislature required the Department of Education to maintain on its website all information required by state and federal funding sources for the Child Care Assistance Program that includes but is not limited to the following information: program statistics, monthly and year end fiscal year totals of the number of children and amount of benefits of the current year and previous years back to 2004, monthly statistics of the number of children and the amount of benefits by parish, applications processed by parish, unduplicated count of paid providers by month, redeterminations, and cases by parish and fiscal year. The department shall also include information on each licensed facility for the last fifteen visits, including licensed capacity, license type, and current rating. **Act 868, 2014 Regular Session.**

ELECTION CODE

The legislature required that the clerk of court shall not disclose the name and address of a law enforcement officer if the state voter registration computer system indicates that certification has been received from the law enforcement agency employing the officer that the officer is engaging in hazardous activities to the extent that it is necessary for his name and address to be kept confidential. The Act also provided that after the commissioners-in-charge of instruction are selected, the parish board of election supervisors shall compile a list containing the name, social security number, party affiliation, and mailing address of each commissioner-in-charge and the clerk of court shall enter the list in the state voter registration computer system. **Act 60, 2014 Regular Session.**

EXCEPTIONAL PERSONS

The legislature revised terminology referring to persons with disabilities and other persons with exceptionalities and provided, prospectively, that each agency, board, commission, department, and other instrumentality of the state with rulemaking authority employ the preferred terminology to persons with disabilities and other persons with exceptionalities for the content of any Internet website or other electronic media. **Act 811, 2014 Regular Session.**

FINANCIAL INSTITUTIONS

The legislature provided relative to consumer credit transactions and provided that at each licensed location or on the homepage of a licensee's website, the licensee shall post prominently a notice, visible to the public and all those visiting the website, stating that if a consumer is unable to repay either a deferred presentment transaction or small loan when due, the consumer may enter into one extended payment plan for either a deferred presentment transaction or small loan if he notifies the licensee the payment is due to his inability to make payment. The Act also provided that the commissioner of financial institutions may provide a notice, which includes a toll-free number to the commissioner's office, and fees allowed that shall be posted in a conspicuous place and manner by the licensee at the lending location or on the homepage of the website of the licensee, or both if the licensee has a physical location in the state and a website. **Act 636, 2014 Regular Session.**

The legislature modified requirements and provisions relative to the admissibility of electronic reproductions of records retained by financial institutions, excluding collateral mortgage notes. **Act 440, 2014 Regular Session.**

GAMING

The legislature prohibited gambling by an electronic sweepstakes device. **Act 233, 2014 Regular Session.**

The legislature required an annual report from the Gaming Control Board on the impact of technology advances on the gaming industry and required the report to address awareness and growth, to the extent known, of any unregulated gaming such as Internet or online games, address Internet gaming in jurisdictions in which it is authorized and any enforcement issues the jurisdiction is experiencing with age verification and geo-location, and identify issues for legislative concern and make recommendations regarding such concerns. **Act 130, 2014 Regular Session.**

HEALTH CARE

The legislature required the Department of Health and Hospitals to maintain a computerized database of a consumer's personal health information in a secure environment in compliance with federal laws ensuring the security of the system containing such data. In the event of a data breach or suspected data breach, the department shall, within thirty days, notify any resident of the state whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person. **Act 790, 2014 Regular Session.**

HEALTH/DHH

The legislature required the Department of Health and Hospitals to provide information concerning Down syndrome to healthcare providers on its website. **Act 352, 2014 Regular Session.**

HEALTH/HOME CARE

The legislature provided for establishment of an electronic visit verification system for in-home care services funded by the Department of Health and Hospitals. **Act 523, 2014 Regular Session.**

HEALTH/HOSPITALS DEPT.

The legislature requested the Louisiana State Board of Medical Examiners to place on its official website a link to information regarding end-of-life care in the state of Louisiana. **Senate Concurrent Resolution 53, 2014 Regular Session.**

HEALTH SERVICES

The legislature provided for the Louisiana Telehealth Access Act and provided for greater access to telehealth services by requiring licensing boards and commissions to promulgate rules to provide for, promote, and regulate the use of telehealth in the delivery of healthcare services within the scope of practice regulated by the licensing entity. **Act 442, 2014 Regular Session.**

The legislature created the Task Force on Telehealth Access as an advisory body to the legislature and the Department of Health and Hospitals on policies and practices that expand access to telehealth services. **House Concurrent Resolution 88, 2014 Regular Session.**

INSURANCE

The legislature required homeowners' insurers to provide data on direct incurred losses, number of policies in force, and direct earned premiums to the commissioner of insurance to aggregate and publish on the Department of Insurance's website. **Act 427, 2014 Regular Session.**

INSURANCE/HEALTH

The legislature provided with respect to notice requirements for qualified health plan issuers on the health insurance exchange and required notices be published on the health plan issuer's website. **Act 174, 2014 Regular Session.**

LAW ENFORCEMENT/CRIMINAL JUSTICE COM

The legislature required the Crime Victims Reparations Board to submit an annual report detailing its activities during the preceding year and publish the report on the Louisiana Commission on Law Enforcement's website. **Act 319, 2014 Regular Session.**

LEGIS POWERS/FUNCTIONS

The legislature provided relative to the posting of auditor notices and required every auditee to post and keep posted in conspicuous places upon its premises a notice, prepared by the legislative auditor

and located on the auditee's website, setting forth information concerning the reporting of the misappropriation, fraud, waste, or abuse of public funds. **Act 693, 2014 Regular Session.**

MEDICAID

The legislature provided relative to Medicaid recovery audit contractors and procedures, and required an audit contractor to publish on its website department-approved issues for review, metrics related to its performance, its contract with the Department of Health & Hospitals for recovery of audit services, and contractor reviews. **Act 568, 2014 Regular Session.**

MENTAL HEALTH

The legislature provided relative to suicide assessment, intervention, treatment, and management training for certain professions, and additionally provided, beginning January 1, 2015, the Department of Health and Hospitals shall offer each of the following professionals certified, licensed, or registered in Louisiana access to training in suicide assessment, intervention, treatment, and management through posting links to such training on the department's official website. **Act 582, 2014 Regular Session.**

MOTOR VEHICLES

The legislature prohibited the use of hand-held wireless telecommunications devices while traveling through school zones during posted hours when signs are posted indicating the prohibition. **Act 410, 2014 Regular Session.**

PRIVACY/COMPUTERS

The legislature created the Personal Online Account Privacy Protection Act and prohibited an employer from using online account access information obtained inadvertently by the employer. **Act 165, 2014 Regular Session.**

PROCUREMENT CODE

The legislature provided for lowest available price for certain software procurement contracts and provided that any agency seeking to procure a new contract, a contract extension of an existing contract, or any other contract modification for software, software maintenance, and support services shall show evidence that the price received or negotiated is the lowest available price by exhibiting prices that may appear in a catalog, price list, schedule, or on the Internet. **Act 708, 2014 Regular Session.**

PUBLIC PROPERTY

The legislature allowed, prior to sale of surplus electronic devices, that any political subdivision of the state may transfer surplus electronic devices to a nonprofit entity that is certified R-2 Solutions or the e-Stewards Initiative. **Act 724, 2014 Regular Session.**

SCHOOLS

The legislature required the Department of Education to develop and implement a statewide educational technology plan for public elementary and secondary schools and required technology plans to identify and allow schools to access all available Internet bandwidth assets. **Act 772, 2014 Regular Session.**

SECRETARY OF STATE

The legislature authorized the employees and officials of the Department of State to disclose certain electronic mail addresses and short messages service numbers to other agencies, officials, or employees of state government or of a political subdivision of the state. The Act restricts the use of and provided for the maintenance of the confidentiality of such information by the receiving agency or person. **Act 162, 2014 Regular Session.**

SENATE

The Senate amended the Senate rules to include that the journal shall be made available electronically to the members, and no hard copies of the journal shall be distributed to a member unless the member specifically requests a hard copy. The resolution also provided that the referral of prefiled instruments shall be posted on the joint website of the legislature, and any prefiled instrument withdrawn prior to introduction shall be noted on the website. **Senate Resolution 168, 2014 Regular Session.**

SNAP/FOOD STAMPS

The legislature provided for a task force to study and make recommendations to the Department of Children and Family Services concerning electronic issuance of supplemental Nutrition Assistance Program (SNAP, 2014 Regular Session) benefits. **Act 533, 2014 Regular Session.**

STUDENTS

The legislature provided for limitations and prohibitions on the collection and sharing of various student information (e.g., personal, family, religious, IP address) unless authorized by the student, parent, or guardian, and provided penalties for violations including fines of not more than \$10,000 and imprisonment of not more than three years. **Act 837, 2014 Regular Session.**

SUCCESSIONS

The legislature provided relative to electronic assets of a decedent and required any person that electronically stores, maintains, manages, controls, operates or administers the digital accounts of a decedent shall transfer, deliver, or provide a succession representative access or possession of any digital account of a decedent within thirty days after receipt of letters testamentary, letters of administration, or letters of independent administration evidencing the appointment of the succession representative. **Act 758, 2014 Regular Session.**

TECHNOLOGY

The legislature re-created the office of information technology as the office of technology services within the executive branch of state government, provided that none of the provisions in this Act shall apply to the authority of any statewide elected officials relative to the elected officials' authority to implement information technology plans, systems, or services under said officials' jurisdiction, provided for quarterly reports, and provided for state chief information officer authority. **Act 712, 2014 Regular Session.**

VOTING/REGISTRATION

The legislature allowed the secretary of state to enter into cooperative agreements with other states or the Electronic Registration Information Center to share voter registration information or data for purposes of determining whether a voter is registered in more than one state and for the maintenance of the state voter registration computer system. **Act 59, 2014 Regular Session.**

WEAPONS/HANDGUNS

The legislature provided with respect to federal background checks for concealed handgun permit holders and required state police to make an inquiry on every applicant of the FBI's National Instant Criminal Background Check System. **Act 221, 2014 Regular Session.**

2015

ADMINISTRATION DIVISION

The legislature placed the office of telecommunications management within the office of technology services. Public postsecondary institutions of education, the institutions' management boards, and the Board of Regents are excluded unless the chief information officer verifies that inclusion per contracted service would result in savings to the institution or board. **Act 241, 2015 Regular Session.**

AIRCRAFT/AVIATION

The legislature provided for the regulation of unmanned aerial systems in agricultural commercial operations. **Act 166, 2015 Regular Session.**

CIVIL/PROCEDURE

The legislature extended the rights, protections, and authority of a financial institution to an assignee in possession of a reproduction of an electronic record and allowed a court to deem the reproduction as authentic. **Act 84, 2015 Regular Session.**

COURTS/CITY

The legislature authorized the Baton Rouge City Clerk of Court to collect a fee not to exceed \$10.00 in civil and criminal matters to be used for the acquisition and maintenance of new and existing electronic case management systems. **Act 372, 2015 Regular Session.**

COLLEGES/UNIVERSITIES

The legislature requested public universities to continue to develop and offer on-line courses so all bachelor's degrees can be completed entirely online. **House Concurrent Resolution 161, 2015 Regular Session.**

CRIME

The legislature created the crime of unlawful distribution of material harmful to minors through the Internet, provided criminal penalties, including a fine of up to \$10,000, and provided for exceptions for any bona fide news or public interest broadcast, website, video, report, or event. **Act 187, 2015 Regular Session.**

The legislature created the crime of nonconsensual disclosure of a private image, including electronically, and provided the offender shall be fined not more than \$10,000, imprisoned with or without hard labor for not more than two years, or both. **Act 231, 2015 Regular Session.**

GAMING

The legislature removed the requirement that the central computer monitoring system for gaming devices shall be located within the Department of Public Safety and Corrections, state police gaming division, and provided that only certain fee increases relative to the central computer monitoring system shall require legislative approval. **Act 19, 2015 Regular Session.**

HEALTH SERVICES

The legislature provided for transparency in health services pricing and healthcare quality measures through requirements of the Department of Health and Hospitals to publish online certain data (e.g., healthcare quality information, common diagnosis codes, hospitals complying with reporting requirements) on health services. **Act 338, 2015 Regular Session.**

The legislature expressed the intent of the legislature that existing law established the standard of care that physicians are required to use in the practice of telemedicine, and declared that any administrative rules proposing to establish a standard of care that differed from the standard specified in existing law are inconsistent with the intent of the legislature. Existing statutes require that a physician who practices telemedicine use the same standard of care as if the healthcare services were provided in person, and authorizes a physician to prescribe a controlled substance through telemedicine after he has conducted an appropriate in-person patient history or physical examination of the patient. **House Concurrent Resolution 4, 2015 Regular Session.**

HEALTH/SMOKING

The legislature required the Department of Health and Hospitals to publish information on its website concerning services of the Smoking Cessation Trust and coordinate certain health programs with those offered by the trust. **Act 55, 2015 Regular Session.**

INTERIM EMERGENCY BOARD

The legislature required the clerk of the house and the secretary of the senate to provide a notice to members of the legislature concerning Interim Emergency Board ballots using the most efficient communication medium available to the clerk or secretary. Any such communication medium may include but is not limited to e-mail, or SMS communications. **Act 438, 2015 Regular Session.**

LAW ENFORCEMENT

The legislature required the Council on Peace Officer Standards and Training to develop and update continuously certain Internet and classroom training programs on sexual assault for peace officers and college or university police officers. Rules and regulations concerning the programs shall comply with the APA and are subject to oversight by the House Committee on Administration of Criminal Justice and the Senate Committee on Judiciary B. **Act 152, 2015 Regular Session.**

LIABILITY INSURANCE

The legislature created The Transportation Network Company Motor Vehicle Responsibility Law that applies to and defines, for transportation network companies and company participating drivers, a digital network as any online-enabled application, software, website, or system offered or utilized by a transportation network company that enables the prearrangement of rides with transportation network company drivers. **Act 266, 2015 Regular Session.**

MEDICAID

The legislature required the Department of Health and Hospitals to make available on its website all informational bulletins, health plan advisories, and guidance published by the department concerning the Louisiana Medicaid Bayou Health Program, including Medicaid drug rebates and manufacturer discounts. **Act 158, 2015 Regular Session.**

MOTOR VEHICLES

The legislature requested the Senate Committee on Transportation, Highways, and Public Works and the House Committee on Transportation, Highways, and Public Works to meet and function as a joint committee to study the impact of and penalties for texting or using social media while driving in Louisiana. **Senate Concurrent Study Request 1, 2015 Regular Session.**

MTR VEHICLE/INSPECTION

The legislature authorized the Department of Public Safety and Corrections to develop a system of electronic filing of inspection information and print on-demand motor vehicle inspection certificates, providing funds are appropriated for this purpose. **Act 344, 2015 Regular Session.**

POSTSECONDARY ED

The legislature provided relative to sexual assault on college campuses that a college shall publish on its website the results of student surveys on sexual assault and information and services available to students that have been victims of sexual assault. **Act 172, 2015 Regular Session.**

PROPERTY/UNCLAIMED

The legislature provided for electronic communications and transactions as a means of an owner indicating interest in abandoned property. **Act 350, 2015 Regular Session.**

PUBLIC PRINTING

The legislature created a statewide website for the publication of statutorily required notices. **Act 457, 2015 Regular Session.**

SCHOOLS

The legislature required public school governing authorities to inform students and parents of the homework assistance services offered through the State Library of Louisiana, and provided that the appropriate link provided by the State Library of Louisiana shall be included in each school's student handbook and be posted on the home page of the website of each public school governing authority and each public school that has a website. **Act 239, 2015 Regular Session.**

SENATE

The Senate requested the Committee on Senate and Governmental Affairs to study the feasibility of establishing a process for members with physical disabilities to cast their vote remotely for a committee hearing or during floor debate. **Senate Study Request 1, 2015 Regular Session.**

STATE AGENCIES

The legislature provided for the collection of fees associated with payments to state agencies by credit cards, debit cards, or other forms of electronic payments and provided for a convenience fee. The convenience fee may either be a uniform dollar amount, a percentage of the transaction, or a tiered amount. **Act 414, 2015 Regular Session.**

STATE DEPARTMENTS

The legislature authorized the secretary of state to produce maps and conduct certain elections not governed by the Election Code or other law, charge fees for such services, and dedicate the fees to the Voting Technology Fund. All money in the fund shall be used solely and exclusively for the acquisition and maintenance of voting machine technology, including hardware and software, voting equipment and supplies, and information technology products to produce, run, and support the election and voting systems. **Act 296, 2015 Regular Session.**

TAX/SALES

The legislature established the Sales Tax Streamlining and Modernization Commission to perform a comprehensive study of Louisiana's state and local sales and use tax systems. The study shall include the impact of increasing Internet sales. **Act 405, 2015 Regular Session.**

TAX/TAXATION

The legislature required the office of entertainment industry development to create and maintain a Public Registry of Motion Picture Investor Tax Credit Brokers and include in the registry any person who meets the qualification outlined in the act. The act further required the office to make available to the public and maintain on its website an updated list of those eligible to sell or broker tax credits. **Act 451, 2015 Regular Session.**

TEXTBOOKS/MATERIALS

The legislature required the Department of Education to review instructional materials in the core subject areas of English language arts, mathematics, science, and social studies at least every six years and determine the degree to which each aligns with state content standards. The act further required the review committee evaluations and all public comments to be posted on the school governing authority's website and that each governing authority of public and secondary schools provide a link on its website to the Department of Education on-line review process. **Act 389, 2015 Regular Session.**

TOBACCO/TOBACCO PRODUCTS

The legislature required the commissioner of Alcohol Tobacco and Control (ATC) to post the minimum wholesale and retail price schedule of each cigarette brand on a website maintained by ATC within five business days of the effective date of the manufacturer's, importer's, or sales entity affiliate's price change, resulting from trade discounts, rebates, or coupons. **Act 406, 2015 Regular Session.**

TRANSPORTATION

The legislature provided for selection and prioritization of projects to be constructed by the Department of Transportation and Development (DOTD) in the ensuing fiscal year. The act further provided that DOTD shall evaluate the outcomes of each program beginning March 14, 2016, and the results of biennial evaluations and programmatic outcomes shall be reported to the legislature and made

available to the public on the department's website biennially beginning in calendar year 2018. **Act 355, 2015 Regular Session.**

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INSURANCE

2012 REGULAR SESSION

Act 78 is of great import to automobile insurance providers and consumers. Prior to this Act becoming law, it was considered an unfair method of competition, as well as unfair and deceptive, for insurers to establish a contract or agreement with any company to arrange for insurance repairs, where the insurer and the repair company agreed to a price for a repair that would allow the insurer to retain a percentage of the repair costs. Also, it was an unfair method of competition, as well as unfair and deceptive, for an insurer to establish a contract or agreement with any individual or company to manage, subcontract, broker, or arrange insurance repair for any glass repair or replacement on a motor vehicle.

The La. Supreme Court in *Globe Glass & Mirror Co. v. Brown*, 917 F. Supp. 447 (E.D. La 1996) declared that the practice of limiting which company an insurer may contract with for repairs is an impermissible violation of the dormant Commerce Clause and is unconstitutional. Therefore, **Act 78** repeals prior law declared to be unconstitutional thereby permitting insurers the ability to contract with a company to arrange for insurance repairs where the insurer and the repair company agree to a price for repairs that will allow the insurer to retain a percentage of the repair costs. It is now also lawful for an insurer to establish a contractor agreement with any individual or company to manage, subcontract, broker, or arrange insurance repairs for damaged glass on a motor vehicle.

Act 221 can be considered good news for individuals involved in an automobile accident. Currently, motor vehicle operators in this state are required to report to the commissioner of the Department of Public Safety and Corrections a claim for property damages and damages for physical injury in the event that the operator is involved in an accident in which any person is killed or injured or in which property damage of more than \$500 is sustained. **Act 221** removes the \$500 property damage threshold thereby expanding the circumstances in which motor vehicle operators may report claims for damages to the Department of Public Safety and Corrections.

Act 311 is timely in its inception given the onslaught of portable electronic devices used by virtually all ages. **Act 311** authorizes portable electronics insurance to be offered on a month-to-month or other periodic basis as a group or master commercial insurance policy issued to a vendor of portable electronics for its enrolled customers. For the sake of clarity, this bill provides the following definitions:

1. "Customer" means a person who purchases portable electronics or services.
2. "Enrolled customer" means a customer who elects coverage under a portable electronics insurance policy issued to a vendor of portable electronics.
3. "Location" means any physical location in the state of Louisiana or any website, call center site, or similar location directed to residents of the state of Louisiana.
4. "Portable electronics" means electronic devices that are portable in nature, their accessories, and services related to the use of the device.
5. (a) "Portable electronics insurance" means insurance providing coverage for the repairs or replacement of portable electronics which may provide coverage for portable electronics against any one or more of the following causes of loss: loss, theft,

inoperability due to mechanical failure, malfunction, damage, or other similar causes of loss.

(b) "Portable electronics insurance" does not include any of the following:

(i) A service contract or extended warranty providing coverage limited to the repair, replacement, or maintenance of property for the operational or structural failure of such property due to a defect in materials, workmanship, accidental damage from handling, power surges, or normal wear and tear.

(ii) A policy of insurance covering a seller's or a manufacturer's obligations under a warranty.

(iii) A homeowner's, renter's, private passenger automobile, commercial multi-peril, or similar policy.

6. "Portable electronics transaction" means any of the following:

(a) The sale or lease of portable electronics by a vendor to a customer.

(b) The sale of a service related to the use of portable electronics by a vendor to a customer.

7. "Vendor" means a person in the business of engaging in portable electronics transactions directly or indirectly.

Act 862 specifies giving the Louisiana Attorney General and his assistants the ability, authority, and resources to pursue civil monetary penalties, including liquidated damages, or other remedies to protect the integrity of the insurance industry from persons who engage in fraud, misrepresentation, abuse or other illegal practices.

Prior law prohibited presenting or causing to be presented any written or oral statement, including computer-generated documents, as part of or in support of or denial of a claim for payment or other benefit pursuant to an insurance policy, knowing that such statement contains any false, incomplete, or fraudulent information concerning any fact or thing material to such claim or insurance policy. It also prohibits assisting, abetting, soliciting, or conspiring with another to prepare or make any written or oral statement that is intended to be presented to an insurance company, insured, the Department of Insurance, or other party in interest or third party claimant in connection with or in support of or denial, or any claim for payment of other benefit pursuant to an insurance policy, knowing that such statement contains any false, incomplete, or fraudulent information concerning any fact or thing material to such a claim or insurance policy.

Act 862 retains prior law and permits the attorney general to institute a civil action in the courts of this state to seek recovery from any person or persons who violate the law. **Act 862** also provides that each violation may be treated as a separate violation or may be combined into one violation at the option of the attorney general. As well, the Act provides for a civil fine for a violation of present law in an amount not to exceed \$10,000 per violation. Additionally, a civil monetary penalty shall be imposed on the violator in an amount which equals three times the benefit pursued, including actual damages as a result of the violation.

Act 862 requires all monies collected pursuant to these law suits to be dedicated to and deposited into the Insurance Fraud Investigation Fund. Forty percent of the monies recovered shall be allocated

from the fund to the attorney general's office. However, there shall be no reduction or recalculation of the Insurance Fraud Investigation Fund allocation that currently exists.

2013 REGULAR SESSION

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.

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.

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.

2014 REGULAR SESSION

Act 445 requires any group, blanket, or association health insurance policy in effect on August 1, 2014, or issued after that date to provide the policyholder with an option to include benefits for the treatment of lymphedema including multilayer compression bandaging systems and custom or standard fit gradient compression garments. This legislation affords comfort for cancer patients and those suffering from severe fluid retention after surgery.

Act 20 defines a health care sharing ministry as a faith based, nonprofit, tax-exempt organization that limits its participants to those who are of a similar faith and that acts as a facilitator between participants who have financial or medical needs and participants who have the ability to provide financial or medical assistance. Financial contributions are to the ministry made without assumption of risk or the promise to pay by the participants or the ministry. The ministry must provide written monthly statements to all participants listing the total dollar amount of qualified financial or medical needs submitted to the ministry as well as the dollar amount actually published or assigned to the participants for their contribution. The ministry must provide a disclaimer on all applications and guideline materials published by or on behalf of the ministry that reads, in substance: "Notice: The ministry facilitating the sharing of medical expenses is not an insurance company. Neither the guidelines nor the plan of operation of the ministry constitutes an insurance policy. Financial assistance for the payment of medical expenses is strictly voluntary. Participation in the ministry or a subscription to any publication issued by the ministry shall not be considered as enrollment in a group health insurance plan or as a waiver of your responsibility to pay your medical expenses."

Act 116 adds the following acts to those constituting insurance fraud:

- (1) Impersonating an insurance company, or a representative of an insurance company, without the authorization or consent of the insurance company for the purpose of executing a scheme or artifice to defraud a person.
- (2) Impersonating another person or entity, whether real or fictitious, and purporting to have the authority to direct healthcare treatment for the purpose of executing a scheme or artifice to defraud a person as fraudulent acts.
- (3) Receiving money or any other thing of value from any person, firm, or entity as a means of compensation for the acts of solicitation or criminal conspiracy done for the purpose of executing a scheme or artifice to defraud a person.

Act 718 provides for rate limitations for health benefit plans for small employers and individuals as well as providing for rating factors and allowable percentages of annual increases. Each small group and individual health and accident insurer is required to make reasonable disclosure of rates to small employers including the content of each disclosure. When a rate increase occurs, the insurer shall provide a reasonable explanation of the increase. The legislation also requires each insurer to maintain records of its rating practices and to certify to the commissioner that it is in compliance with the rating requirements. The rate review requirements applicable to health benefit plans which provide coverage in the small group and individual markets is specified in the legislation. Each health benefit plan must file a copy of its rates with all insurance policy forms. Importantly, the commissioner may review rates. The legislation limits variations on health insurance premiums to variations based on whether the insured

is an individual or member of a family group, the age of the insured, geographic region, and whether the insured uses tobacco products. Insurers are prohibited from using the health status of the insured in the calculation of rates. Additionally, HMOs and any entity that offers health insurance coverage through a policy, certificate, or subscriber agreement are covered by this rating law. Rate filings must be made with the department under certain time lines, and containing required information in prescribed, standardized formats. Any such filings containing rate increases beyond a specific threshold are required to be summarized for public comment on the department's website.

Senate Resolution 18 memorializes the Congress of the United States to reauthorize the Terrorism Risk Insurance Program. The resolution notes that insurance protects the United States economy from the adverse effects of the risks inherent in economic growth and development while also providing the resources necessary to rebuild physical and economic infrastructure, offer indemnification for business disruption, and provide coverage for medical and liability costs from injuries and loss of life in the event of catastrophic losses to persons or property. Also, the terrorist attack of September 11, 2001, produced insured losses larger than any natural or man-made event in history, with claims paid by insurers to their policyholders eventually totaling some \$32.5 billion, making this the second most costly insurance event in United States history. The sheer enormity of the terrorist-induced loss, combined with the possibility of future attacks, produced financial shockwaves that shook insurance markets causing insurers and reinsurers to exclude coverage arising from acts of terrorism from virtually all commercial property and liability policies. The lack of terrorism risk insurance contributed to a paralysis in the economy, especially in construction, tourism, business travel, and real estate finance. The United States Congress originally passed the Terrorism Risk Insurance Act of 2002, in which the federal government agreed to provide terrorism reinsurance to insurers and reauthorized this arrangement via the Terrorism Risk Insurance Extension Act of 2005, and the Terrorism Risk Insurance Program Reauthorization Act of 2007 (TRIPRA). Under TRIPRA, the federal government provides such reinsurance after industry-wide losses attributable to annual certified terrorism events that exceed \$100 million. Coverage under TRIPRA is provided to an individual insurer after the insurer has incurred losses related to terrorism equal to 20% of the insurer's previous year earned premium for property and casualty lines. After an individual insurer has reached such a threshold, the insurer pays 15% of residual losses and the federal government pays the remaining 85%. The Terrorism Risk Insurance Program has an annual cap of one hundred billion dollars of aggregate insured losses, beyond which the federal program does not provide coverage. TRIPRA requires the federal government to recoup 100% of the benefits provided under the program via policy holder surcharges to the extent the aggregate insured losses are less than twenty-seven billion five hundred million dollars and enables the government to recoup expenditures beyond that mandatory recoupment amount. Without question, TRIPRA and its successors are the principal reason for the continued stability in the insurance and reinsurance market for terrorism insurance to the benefit of our overall economy. Without a program such as TRIPRA, many of our citizens who want and need terrorism coverage to operate their businesses all across the nation would be either unable to get insurance or unable to afford the limited coverage that would be available.

2015 REGULAR SESSION

Act 37 requires an insurance premium finance company that finances any consumer automobile insurance policy to cooperate with the Department of Insurance in any investigation regarding such insurance policy. Upon request by the department, the insurance premium finance company will make available to the department all documents, correspondence, and cancellation

notices related to the consumer automobile insurance policy received or sent by the insurance premium finance company.

The insurer of a commercial policy must provide notice of cancellation or a statement of reasons for cancellation where cancellation for nonpayment of premium is effected by a premium finance company or other entity pursuant to a power of attorney or other agreement executed by or on behalf of the insured. An insurance premium finance company that finances any commercial insurance policy must cooperate with the department in any investigation regarding such commercial insurance policy. Upon request by the department, an insurance premium finance company that finances a commercial insurance policy will make available to the department all documents, correspondence, and cancellation notices related to the insurance policy received or sent by the insurance premium finance company.

Act 266 creates the Transportation Network Company("TNC") Motor Vehicle Responsibility law. The bill defines "transportation network company rider" or "rider" as a person who uses a transportation network company's digital network to connect with a transportation network driver who provides prearranged rides to the rider in the driver's personal vehicle between points chosen by the rider.

The TNC bill requires a transportation network company driver or a transportation network company on the driver's behalf, to maintain primary automobile insurance that meets the following requirements:

Automobile insurance during the pre-trip acceptance period must:

- (1) Be in the amount of not less than \$50,000 for death and bodily injury per person, not less than \$100,000 for death and bodily injury per incident, and not less than \$25,000 for property damage.
- (2) Include uninsured and underinsured motorist coverage to the extent required by current law.

Automobile insurance during a prearranged ride must:

- (1) Be in the amount of not less than \$1 million for death, bodily injury, and property damage.
- (2) Include uninsured and underinsured motorist coverage in the amount of not less than \$1 million.

Insurers that write automobile insurance in this state may exclude any or all coverage afforded under the policy issued to an owner or operator of a personal vehicle for any loss or injury that occurs while a driver is logged on to a transportation network company's digital network during the pre-trip acceptance period or while a driver is engaged in a prearranged ride.

This right to exclude coverage shall apply to any or all coverage in an automobile insurance policy including, but not limited to:

- (1) Liability coverage for bodily injury.
- (2) Liability coverage for property damage.
- (3) Uninsured and underinsured motorist coverage.
- (4) Medical payments coverage.
- (5) Comprehensive physical damage coverage.
- (6) Collision physical damage coverage.

This legislation also provides that the transportation network company must file proof of its compliance with insurance requirements with any parish or municipality that requires or requests such a filing. In a claims coverage investigation, a transportation network company and its insurer must cooperate with insurers that are involved in the claims coverage investigation and shall respond within 14 days of a request for information from the parties or another insurer.

A driver of a transportation network company must carry proof of transportation network company insurance and shall provide it to any party involved in an accident, a police officer, or both, upon request. A transportation network company that obtains insurance shall provide its drivers with proof of insurance.

Senate Bill 250 (Vetoed) would have created a pilot program to be known as the State Motor Vehicle Theft and Uninsured Motorists Identification Program with the intent of detecting and preventing both motor vehicle theft and the operation of motor vehicles by uninsured motorists.

Senate Bill 250 would have authorized the sheriff's office in each parish of the state, in cooperation with that parish's district attorney's office to participate in the pilot program by entering into an agreement to participate with appropriate agencies and other entities in each jurisdiction. It further would have provided that to implement this pilot program, the use of technology and software to aid in detection of offenses involving motor vehicle theft and uninsured motorists is necessary and desirable, and participating law enforcement agencies in these parishes have the authority to enter into contractual agreements with other entities.

The legislation would have authorized the use of automatic license plate recognition systems utilizing individual automatic license plate reader system units for those law enforcement agencies participating in the pilot program, as well as other entities with which those participating law enforcement agencies contract in order to implement and operate the pilot program. Further, it would have provided that an authorized user may use an automated license plate recognition system only for the official and legitimate purposes of the user's employer.

A central database for the collection, storage, and dissemination of data captured by an automatic license plate recognition system is to be established and operated by the participating law enforcement agencies, which database must be located in a secure area. The central database must fully comply with all National Law Enforcement Telecommunications System (NLETS) and FBI hosting and security standards, and access to the database is to be restricted to authorized law enforcement agency users in the pilot program and to any other entities with whom the participating law enforcement agencies contract to establish and operate the program.

In order to accomplish the purposes of the pilot program, the Department of Public Safety and Corrections, public safety services, shall allow access to the vehicle registration and compulsory motor vehicle insurance databases to be used only in connection with the automatic license plate recognition system.

The automatic license plate recognition system may be used by a law enforcement officer or other authorized user employed by the participating law enforcement agency in the jurisdictions of the pilot program as follows:

- (1) If a law enforcement officer by using this system is able to determine that a motor vehicle is stolen or that the operator of a motor vehicle lacks the compulsory insurance required by current law, such determination constitutes probable cause to arrest the operator of the stolen motor vehicle or to issue a citation for the compulsory insurance violation.
- (2) A law enforcement officer may verify by sworn affidavit that a photograph generated by an automatic license plate reader system unit identifies a particular vehicle operating on a state public highway and that the database shows that the vehicle was uninsured or stolen at the time such vehicle was being operated, which affidavit constitutes probable cause for prosecution under any applicable current law.

The data collected or retained through the use of an automated license plate recognition system may be retained by a law enforcement agency for not more than sixty days, except when the data is being used as evidence of a violation of the compulsory motor vehicle insurance law or for felonies being investigated, including but not limited to motor vehicle theft, homicide, kidnapping, and burglary, or for the purpose of AMBER Alerts and Blue Alerts.

The data collected or retained through the use of an automated license plate recognition system, including both historical and active data, is confidential and available for use only by a law enforcement agency participating in the pilot program and by any other entity agency with which the participating law enforcement agency contracts for purposes of the pilot program's operation.

Any person who violates any provision of the legislation relative to use of data and confidentiality may be imprisoned for up to six months, or fined up to \$1,000, or both.

JUDICIARY

2012 REGULAR SESSION

Three bills introduced in the 2012 Regular Session impacted the judiciary in a significant way. One was the bill providing for the annual appropriation to the judicial branch, one related to the consolidation of certain courts in Orleans Parish, and one related to the issuance of subpoenas to require the appearance of a judge.

BUDGET

Act 63 provides funding for the operations of the judicial branch. It appropriates funds for Fiscal Year 2012-2013 for the ordinary operating expenses of the judicial branch of government with total funding of \$165,080,427 from the following sources: \$142,862,434 out of the State General Fund (Direct); \$10,436,500 through interagency transfers from the Dept. of Children and Family Services; and, \$9,650,831 from statutory dedications out of the Judges' Supplemental Compensation Fund and the Trial Court Case Management Fund.

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

(1)	La. Supreme Court	\$ 76,107,854
(2)	Courts of Appeal	43,442,668
(3)	District Courts	33,863,555
(4)	Criminal Court, Parish of Orleans	5,852,588
(5)	Juvenile and Family Courts	2,342,586
(6)	Other Courts (Required by Statute)	2,801,870
(7)	Other Courts (Not Required by Statute)	669,306
	TOTAL	<u>\$165,080,427</u>

It also provides that the appropriations out of the State General Fund (Direct) contained in the Act shall be reduced by a total amount of \$2,130,662 pursuant to a plan adopted by the Judicial Budgetary Control Board or as approved by the Louisiana Supreme Court.

It became effective July 1, 2012.

ORGANIZATION

Act 474 relates to the consolidation of certain courts and related offices in Orleans Parish. Act 621 of the 2006 Regular Session, consolidated the civil, criminal, and juvenile courts, and the clerks of the respective courts into the 41st Judicial District Court; established one clerk of court for Orleans Parish; and established the salaries, composition, jurisdiction of such judicial officials, including magistrates and commissioners; transferred all the duties, powers, and functions of the former offices to the consolidated office; and created the Consolidated Judicial Expense Fund for the 41st Judicial District Court for the civil and criminal district courts, the juvenile court for the parish of Orleans, and

the First and Second City Court of the city of New Orleans. It also provided that such fund and all disbursements shall be administered and controlled by a committee composed of certain judicial officials, and otherwise established consolidated public offices similar to the other existing judicial districts in the state. It also transferred the offices of the custodian of notarial records, register of conveyances, and recorder of mortgages and their respective duties and functions to the clerk of civil district court as parish recorder and abolished such offices effective Jan. 1, 2009. It also provided for the consolidation of the offices of the civil and criminal sheriffs of the parish of Orleans into one office.

The Act essentially halts the consolidation of the civil, criminal, and juvenile courts in Orleans Parish. The changes related to the civil and criminal sheriffs have occurred, as have the transfers of the offices of the custodian of notarial records, register of conveyances, and recorder of mortgages. These changes are not affected by the new law.

One additional point is important to note. Current law requires the first judge for the additional judgeship of the juvenile court for the parish of Orleans to be elected for a term of eight years commencing on January 1, 1961, at the congressional election, and his successor to be elected every eight years thereafter. The Act retains this provision but changes the terms of office from eight years to six years and extends the terms of those juvenile court judges currently in office on August 1, 2012 to December 31, 2014. The new law was effective August 1, 2012.

OTHER MATTERS

Act 563 prohibits the issuance of a subpoena or court order that requires a judge or his representative to appear or testify in any civil, criminal, or juvenile matter, including pretrial discovery or administrative hearing, without a contradictory hearing to determine if the information is protected from disclosure by the judicial deliberative process privilege.

The new law provides the following requirements to be determined in the contradictory hearing:

1. The information sought is essential to the case of the party seeking the information and is not merely peripheral, cumulative, or speculative.
2. The purpose of seeking the information is not to harass the judge, nor for the mere purpose of seeking recusal of the judge.
3. With respect to a subpoena, the subpoena lists the information sought with particularity, is reasonably limited as to subject matter and period of time, and gives timely notice.
4. There is no practical alternative means of obtaining the information.

It further provides that failure to object timely to a party's non-compliance with those provisions constitutes a waiver of the procedural protections but does not constitute a waiver of any privilege.

It also provides that the new procedural protections extend to any judge of any court provided for by Article V of the Louisiana Constitution and to any commissioner or special master of such court.

The Act was effective upon signature of the governor or lapse of time for gubernatorial action.

2013 REGULAR SESSION

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

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:

(1)	Louisiana Supreme Court	\$ 77,469,096
(2)	Courts of Appeal	44,070,577
(3)	District Courts	33,962,684
(4)	Criminal Court, Parish of Orleans	5,934,276
(5)	Juvenile and Family Courts	2,345,286
(6)	Other Courts (Required by Statute)	2,801,870
(7)	Other Courts (Not Required by Statute)	682,286
(8)	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 provided 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 (House pending**

reconsideration 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

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:

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

2014 REGULAR SESSION

There were several bills impacting the judiciary in the 2014 Regular Session. Among them was the bill appropriating funds to defray the expenses of the judiciary. Another was a bill requiring the name of the judge rendering a judgment to be typewritten or printed on the judgment. The remaining ones included a bill providing for the procedures before the Judicial Commission, a proposed constitutional amendment affecting the mandatory retirement age for judges, and another proposed constitutional amendment and companion bill providing with respect to elections to fill vacancies in the office of a judge.

APPROPRIATION

Act 65 appropriates funds for Fiscal Year 2014-2015 for the ordinary operating expenses of the judicial branch of government with total funding of \$175,998,230 from the following sources: \$155,338,908 out of the State General Fund (Direct); \$10,436,500 through interagency transfers from the Dept. of Children and Family Services; and \$10,222,822 from statutory dedications out of the Judges' Supplemental Compensation Fund and the Trial Court Case Management Fund.

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

Louisiana Supreme Court	\$	82,787,292
Courts of Appeal		45,965,109
District Courts		35,910,700

Criminal Court, Parish of Orleans	6,204,781
Juvenile and Family Courts	2,498,613
Other Courts (<i>Required by Statute</i>)	2,993,516
Other Courts (<i>Not Required by Statute</i>)	736,034
Non-Judicial State Expenses	<u>2,018,375</u>
TOTAL	<u>\$ 179,114,420</u>

The bill also provides that the appropriations out of the State General Fund (Direct) contained in the bill shall be reduced by a total amount of \$3,116,190 pursuant to a plan adopted by the Judicial Budgetary Control Board or as approved by the Louisiana Supreme Court. The bill became effective July 1, 2014.

JUDGMENTS

Act 144 requires a judgment to contain the typewritten or printed name of the judge rendering the judgment. Current law requires a final judgment in district court to be signed by the judge and any judgment in parish or city court to be signed by the judge. Effective August 1, 2014, the name of the judge rendering the judgment will have to be typewritten or printed on the judgment.

JUDICIARY COMMISSION

Current law provides that with respect to proceedings before the Judiciary Commission, in the course of any investigation or hearing held by the commission, it may administer oaths or affirmations, subpoena witnesses, compel their attendance, examine them under oath or affirmation, and require the production of books, records, documents, or other evidence deemed relevant or material to the investigation or hearing. **Senate Bill 628 (Senate subject to call)** would have provided that the discovery rules of the Code of Civil Procedure and Code of Criminal Procedure shall apply to any investigation or hearing held before the commission.

MANDATORY RETIREMENT

Article V, Section 23 of the Louisiana Constitution provides for 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, **Act 875** removes the mandatory retirement provisions. The proposal will be presented to the voters at the statewide election to be held on November 4, 2014.

VACANCIES

Senate Bill 216 (failed House final passage) would have proposed to amend the Louisiana Constitution relative to courts and vacancies in the office of a judge. **Senate Bill 271 (pending House final passage)** was the companion legislation. Under the provisions of the Louisiana Constitution, all

judges must be elected, except as otherwise provided in the constitution. Election shall be at regular congressional elections.

Current law provides that a newly-created judgeship or a vacancy in the office of a judge shall be filled by special election called by the governor and held within twelve months after the day on which the vacancy occurs or the judgeship is established, except when the vacancy occurs in the last 12 months of an existing term. Until the vacancy is filled, the supreme court shall appoint a person meeting the qualifications for the office, other than domicile, to serve at its pleasure. The appointee shall be ineligible as a candidate at the election to fill the vacancy or the newly-created judicial office. No person serving as an appointed judge, other than a retired judge, shall be eligible for retirement benefits provided for the elected judiciary. The proposed changes substantially retained these provisions regarding newly-created judgeships.

Proposed changes required that the legislature provide by law the procedures for filling a vacancy in the office of judge, which procedures may include a determination of whether the vacant judicial office should be maintained, abolished, or transferred to another court of equivalent jurisdiction. They also would have provided that until a vacancy in the office of a judge is filled, abolished, or transferred, the supreme court may appoint a person meeting the qualifications for the office, other than domicile, to serve at its pleasure, and that the appointee shall be ineligible as a candidate at an election to fill the judicial office.

Proposed changes prohibited any person serving as an appointed judge, other than a retired judge, from being eligible for retirement benefits provided for the elected judiciary.

The constitutional amendment would have been submitted to the voters at the statewide election to be held on Nov. 4, 2014, and, if approved by the voters, would have become effective on January 1, 2016.

2015 REGULAR SESSION

There were only a few legislative instruments having any impact on the Louisiana judiciary in the 2015 Regular Session. Among those instruments was the bill appropriating funds to defray the expenses of the judiciary. Another bill sought to make changes in the election districts for the City Court of Baton Rouge. Several bills that would have imposed some reporting requirements on the judiciary never made it out of the House committee of origin.

ELECTIONS TO BATON ROUGE CITY COURT

Act 374 provides for the election sections for the City Court of Baton Rouge. It was filed to make changes in the current law to adjust for the changing demographic in the city.

LAWYER'S ASSISTANCE PROGRAM, INC.

Current law provides for the Lawyer's Assistance Program designed to encourage the successful treatment of alcoholism and drug addiction among the judiciary, members of the Louisiana State Bar

Association, law students, and prospective law students. **Act 59** provides a restatement of the public purpose and renames the program the Judges and Lawyers Assistance Program, Inc. It extends the purpose, privileges, and immunities of the program to include mental health issues.

REPORTING REQUIREMENTS

House Bill 293 (Pending in House Judiciary) would have required the supreme court, courts of appeal, district courts, family courts, and juvenile courts to report to the judicial administrator of the supreme court the following contract information as it relates to any contracts for goods or services: amount, brief description of the purpose, effective and termination dates, name of contracting agency and contractor, and the city and state of the contractor's principal place of business. It also would have required the judicial administrator of the supreme court to collect and analyze the submitted contract information and publish such information on a website, to be operational no later than Jan. 1, 2016, and to be updated annually, established for access and viewing by the public.

House Bill 294 (Pending in House Judiciary) would have required the filing of financial disclosure statements for all judges and justices of the peace and provides relative to the related procedures, requirements, and penalties.

House Bill 698 (Pending in House Judiciary) would have required the judiciary to prepare and submit an annual financial report of expenditures, revenues, and employee positions for the last fiscal year concluded.

JUDICIAL APPROPRIATION

Act 66 appropriates funds for FY 2015-2016 for the ordinary operating expenses of the judicial branch of government with total funding of \$176,103,192 from the following sources: \$156,338,908 out of the State General Fund (Direct); \$9,392,850 through interagency transfers from the Dept. of Children and Family Services; and, \$10,371,434 from statutory dedications out of the Judges' Supplemental Compensation Fund and the Trial Court Case Management Fund.

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

(1) Louisiana Supreme Court	\$ 83,871,836
(2) Courts of Appeal	46,577,636
(3) District Courts	37,451,140
(4) Criminal Court, Parish of Orleans	6,374,572
(5) Juvenile and Family Courts	2,553,444
(6) Other Courts (Required by Statute)	3,062,052

(7) Other Courts (Not Required by Statute)	743,487
(8) Non-Judicial State Expenses	<u>2,029,839</u>
TOTAL	\$182,664,006

The bill also provides that the appropriations out of the State General Fund (Direct) contained in the bill shall be reduced by a total amount of \$3,060,814 pursuant to a plan adopted by the Judicial Budgetary Control Board or as approved by the Louisiana Supreme Court.

JUVENILE JUSTICE

POINTS OF INTEREST

During all four years of this past term, Louisiana legislators continued to push for "smart on crime" legislation, cost-savings and collaboration between courts, correctional facilities and state agencies who are responsible for juvenile justice in Louisiana. The overall goal was not only to realize economic savings from coordinated efforts between government agencies, but also to use a more tailored, "whole person" approach to helping each child at risk or in trouble with the law. While fighting stiff budgetary constraints, legislators urged state agencies, where possible, to choose community-based family crisis intervention and mental health treatment, rather than the more costly route of sending children to jail. However, when it comes to those juveniles who commit violent "adult" crimes, legislators seemed to favor releasing more information to the public than previously allowed under the law.

Just 43 days before the beginning of the 2014 Regular Session, the Department of Public Safety and Corrections, Youth Services, Office of Juvenile Justice closed the Jetson Center for Youth, a 65-year-old state juvenile prison in Baker, Louisiana. Between midnight and 2:00 a.m. on January 26, 2014, the Office of Juvenile Justice (OJJ) moved 76 juveniles in custody at Jetson to the Swanson Center for Youth in Monroe and the Bridge City Center for Youth in New Orleans. At the time, Jetson employed 154 employees. As a result of this closure, **House Bill 858 (2014) (Pending Senate and Governmental Affairs Committee)** attempted to require, at first, prior legislative approval, and later, by amendment, simply legislative notice, before any action by the executive branch that would lead to the loss of 100 or more state employees' jobs. However, this bill died in its Senate committee hearing in the last week of the 2014 Regular Session.

In May 2014, OJJ announced that it was planning to build three new secure-care juvenile facilities – two to replace the old Jetson facility in Baker and the Swanson facility in Monroe, as well as plans to build a new secure-care facility in Bunkie. Construction on the new Bunkie Center for Youth was expected to begin in June 2014 and take 18-24 months to complete. Including the existing Bridge City Center for Youth and the Swanson Center for Youth in Columbia, the proposed new building plans would give Louisiana a total of five regional centers to house delinquent youth. At the time of the May 2014 building plan announcement, OJJ housed 324 youths in its three secure-care facilities around the state: 48 in Columbia, 132 in Bridge City and 144 in Monroe. Progress on these building plans still continues today.

Further, under **Act 725 (2014)**, OJJ took responsibility for and control over the Cecil J. Picard Educational and Recreational Center in Bunkie, including not only the juvenile institutions, facilities and programs the Center runs, but also the management and operation of the Center.

In the 2012 Regular Legislative Session, Louisiana legislators sought to respond to a number of high-profile crimes-against-children that made national headlines over the past year. Lawmakers voted for better protection against and harsher penalties for human traffickers, sex offenders who victimize

children, coaches who do not report child abuse, and parents or caregivers who do not report missing children. Online predators who open an e-mail or Facebook account with harmful intent to pose as someone they are not will now face fines and jail time.

Also during the 2012 Regular Legislative Session, the legislature learned of the departure of two figures critical to the future of juvenile justice in Louisiana. Louisiana Supreme Court Chief Justice Kitty Kimball announced her retirement effective at the end of 2012. Department of Children and Family Services (DCFS) Secretary Ruth Johnson resigned to take a job in South Carolina state government. Chief Justice Kimball's leadership had shaped the oversight role of the Juvenile Justice Reform Act Implementation Commission (JJIC), as she consistently prompted increasing collaboration between state agencies responsible for caring for Louisiana's children and juvenile offenders. Secretary Johnson's close working relationship with the governor's Office of Juvenile Justice Deputy Secretary Dr. Mary Livers had also been key in continuing Louisiana's long-term quest to keep at-risk juveniles out of the correctional system.

In this latest session, **Senate Concurrent Resolution 70 (2015)** recognized and acknowledged the efforts of the employees of the Louisiana Department of Public and Safety and Corrections, Youth Services, Office of Juvenile Justice (OJJ), recognizing OJJ employees for treating Louisiana's young people daily through a quality system of care that embraces partnerships with families, communities and system partners to assist youth in redirecting their lives toward responsible citizenship.

FINANCING JUVENILE JUSTICE

In the state budget as it finally emerged from the 2015 Regular Session, the Department of Public Safety and Corrections, Youth Services, Office of Juvenile Justice ("OJJ") was allotted total expenditures of \$115,246,865 and a total of 996 authorized positions in **Act 16 (2015)**. As the means of financing for those budgeted expenditures, the same budget allocated \$3,976,780 in non-discretionary state general fund dollars for OJJ to spend, and an additional \$111,270,085 in discretionary dollars for OJJ to spend, of which all of those discretionary dollars were state general fund dollars, except for \$891,796 in federal funds.

In 2014, **Act 15** provided for a total of \$98,001,342 in state general fund money to fund the operation of OJJ throughout the 2014-2015 fiscal year. The budget bill also provided for \$17,933,660 in interagency transfers to OJJ; \$552,015 in OJJ fees and self-generated revenues; \$172,000 in statutory dedications from the Youthful Offender Management Fund and \$891,796 in federal funds. These added up to a total of \$117,550,813 in means of financing to operate OJJ in 2014-2015. The Office of Juvenile Justice also received an allocation of \$20 million dollars in Priority 1 capital outlay dollars in **House Bill 2 (2014), Act 25**.

Additionally in the 2014 Regular Session, **Act 543 (2014)** changed the term for the tax levied by the Orleans Parish Juvenile Services Financing District. This district collects a tax up to 10 mills on the dollar on property within the district, subject to voter approval, in order to fund juvenile facilities, programs and services in Orleans Parish. Previous law had provided that, if approved, the tax would expire on December 31st after the 2014 mayoral election for the city of New Orleans. This act changed the expiration date of the initial tax from that specific date to a term not to exceed eight years.

COORDINATION OF SERVICES

Act 214 (2013) was known as the "Improved Outcomes for At-Risk Youths Act." This administration-backed act called 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 would create an Integrated Case Management System which was to be implemented by July 1, 2015. The act listed the programs and services which shall be evaluated for inclusion in this system, and directed the development of a complete continuum of care for at-risk youths which would 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.

Act 3 (2013) designated 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.

Prior to the passage of **Act 406 (2013)**, 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. **Act 406** instead required the state agency designated as the lead agency of the Child Care Development Fund (i.e. the Department of Education, or DOE) as the agency responsible for determining the eligibility for such tax credits. **Act 406** further required that this state agency (the DOE), 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 now tasked with evaluating 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 (2013) (Deferred in Senate Committee on Judiciary B) 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 (2013) requested 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 the various juvenile detention facilities around the state. The resolution requested a written report to the JJIC prior to January 31, 2014.

House Concurrent Resolution 66 (2013) continued 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 required 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.

Act 306 (2013) authorized and encouraged 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.

FAMILIES IN NEED OF SERVICES (FINS)

In the 2014 Regular Session, **Act 133 (2014)** removed the requirement that petitions filed in child in need of care (CINC) cases, families in need of services (FINS) cases, juvenile delinquency cases, and involuntary termination of parental rights proceedings must be verified. Under previous law, every attorney was required to physically verify every pleading as being truthful to the best of their knowledge, information, and belief. This required attorneys essentially to have an associate or colleague notarize every pleading. This requirement was eliminated some time ago in most other civil and criminal procedures by placing the same burden on the attorney by his or her signature alone. However, the juvenile code had not been so updated, sometimes causing a delay for pleadings until someone in the office provided a countersignature. **Act 133** has now eliminated that requirement for juvenile petitions.

Act 660 (2012) required that when a caretaker or school official files a complaint asking a court to bring a young person into a "Families in Need of Services" (FINS) voluntary informal family services plan, that there now be presented to the court documentation of all the steps addressing the delinquent behavior that were taken prior to filing the complaint, as well as a list of all the state agencies currently involving in supervising or serving that child.

House Concurrent Resolution 129 (2012) asked the Louisiana Supreme Court Families in Need of Services Assistance Program (FINSAP) and the Governor's Children Cabinet to formally develop tracking records and to share information related to status offending youth and their families. Those agencies were urged to work with the Louisiana Behavioral Health Partnership to develop a list of agencies to which the state can refer truants, runaways and other youths with ungovernable behavior for mental health and family problem-solving, crisis response and respite services. HCR 129 requested the Louisiana Supreme Court, the Department of Children and Family Services, the Department of Health and Hospitals, the Department of Education, the Governor's Children's Cabinet, the Department of Public Safety and Corrections and the Office of Juvenile Justice to report to the Louisiana legislature's Juvenile Justice Reform Act Implementation Commission (JJIC) by March 1, 2013 how far these agencies have progressed in this project.

FOSTER CARE

Act 730 (2012) was a Louisiana State Law Institute bill reflecting the growing national trend for states to grant children the right to be *present in court* and their *testimony considered*. This law now requires that, barring certain circumstances, the child must be present in court and the court take into

account the child's testimony (whether in person or by video) when deciding child-in-need-of-care, adjudicatory or disposition hearings. The law further requires that the court must now take into account information regarding the care and treatment of the child from any *foster parent, pre-adoptive parent or relative* caring for the child. When the child is 15 years old or older and the court is developing the child's care plan, the law now requires that the plan must include a written, individualized transition plan for how that child will move from foster care to independent living upon reaching adulthood. The plan must be developed in collaboration with the child and any agency involved in that child's care.

Act 249 (2012) also sought to provide stability for children in Louisiana's foster care system. Previously, the law had required that the governing authority of every public and elementary school establish a policy to allow a child who is in foster care to remain enrolled in the public school in which the child was enrolled at the time he entered foster care, if the Department of Children and Family Services (DCFS) determined that remaining in that school was in the best interest of the child. Now **Act 249** specifies that such a policy must allow that foster child to remain enrolled in that public school *for as long as the child stays in the custody of the state or until he completes the highest grade offered at that school*, if DCFS determines that remaining in that school is in the best interest of the child.

CRIMES INVOLVING YOUNG PEOPLE

Human Trafficking

Three different bills were filed in the 2012 Regular Session adding harsher penalties for the crime of trafficking children for sexual purposes. The governor's legislative package included **Act 446 (2012)**. Passed unanimously, **Act 446** increased penalties for prostitution-related offenses involving persons under the age of 18, enhances penalties for prostitution involving persons under the age of 14, increased to thirty (30) years the time limit for prosecuting prostitution offenses, and now allows certain defenses and expungement procedures when a young person is involved in prostitution against their will.

Act 154 (2012) required that certain massage parlors, spas, and hotels, as well as every strip club, sexually-oriented business, highway truck stop and highway rest stop must now display the National Human Trafficking Resource Center (NHTRC) hotline (1-888-3737-888) and other assistance information in English, Louisiana French, and Spanish on a poster at the business and on the business' website, or face a \$500 fine for each violation.

"Caylee's Law"

Responding to the tragic death of Florida two-year old Caylee Anthony and subsequent acquittal of her mother Casey Anthony in a highly-publicized 2012 trial, legislators followed other state legislatures around the country in filing at least three different bills creating the crimes of *failure to report a missing child* and *failure to report the death of a child*. **Act 477 (2012)** provided that a child over the age of 13 and under the age of 17 who is missing for 24 hours, or a child under the age of 13 missing for more than 12 hours, is presumed missing. The child's caretaker is then presumed to have known, or should have known, that the child is missing, and is required then to report to a state or local law enforcement agency or a 911 Public Safety Answering Point (defined in law). A violation is punishable by two to 10 years in jail without parole and up to \$25,000 in fines. If the child missing is

found dead, then the punishment increases to a possible 2 to 50 years in jail without parole and up to \$50,000 in fines.

Reporting Sexual Abuse of Minors

With former Penn State assistant football coach Jerry Sandusky then facing trial on charges he sexually abused ten young boys over his career, at least two bills were filed in the 2012 Regular Session addressing coaches and failure to report suspicions of child abuse. **Act 380 (2012)** passed unanimously through the legislature. Coaches are now on the list of at least ten different categories of persons – including teachers, health care workers, counselors and police officers – who are legally required to by virtue of their job to report to authorities any suspicion of child abuse. The penalty for not reporting such suspicions of abuse is up to \$500 in fines and 6 months in jail.

Act 268 (2012) required anyone over 18 years of age who witnesses someone sexually abusing a child to report the incident to authorities. For those in violation, this law imposes fines of up to \$10,000 and 5 years in jail.

Act 148 (2012) provided whistleblower protection to any employee of a public or private entity who reports the sexual abuse of a minor child by any fellow employee (whether supervisor or subordinate) to law enforcement. That employee – if discharged, suspended, demoted, threatened, harassed or in any way discriminated against – is now authorized to seek treble damages plus court costs and attorney's fees in a civil action against the employer.

Online Acts Against Children

Act 375 (2012) made it against the law to open an e-mail or Facebook account intentionally impersonating another actual person with the intent to harm, intimidate, threaten or defraud. Violation of the law is punishable by up to \$1,000 in fines and from 10 days to 6 months in jail.

Act 205 (2012) banned convicted sex offenders from using or accessing social networking websites or electronic chat rooms. At the governor's request, this bill proposed a narrower version of Representative Thierry's previously-passed law, which was struck down by U.S. District Judge Brian Jackson as an unconstitutional "near-total ban on Internet access." Now, this new law will allow sex offenders to use common internet sites like Google and Yahoo, where the website's primary purpose is not socializing.

Act 385 (2012) further required that any convicted sex offender not otherwise prohibited from using a networking website (meaning a website with a primary purpose of social interaction) must include in his profile notice that he is a sex offender or child predator, notice of the crime for which he was convicted, the jurisdiction of conviction, a description of his physical characteristics and his residential address.

Sex offender laws

Act 42 (2012) made it unlawful for a convicted sex offender to live within three miles of his victim, or to communicate or knowingly physically be present within 300 feet of his victim.

Previously, sex offenders convicted of committing any "sex offense" defined as an "aggravated offense" against anyone under the age of 13 could not live or physically be present within 1,000 feet of that victim. Under **Act 191 (2012)** legislators expanded that 1,000-foot prohibition to extend to those offenders convicted of *any* "sex offense" (not only "aggravated" offenses) *and* to within 1,000 feet of any *day care facility*.

Act 536 (2012) added to the legal definition of "sexual abuse against a victim who is a minor" any type of sexual abuse against a "*person with physical or mental disabilities*." **Act 840 (2012)** expanded the list of sex offense crimes for which a victim's name, address or identity are not allowed to be publicly disclosed to include victims of *misdemeanor carnal knowledge of a juvenile* and *obscenity*, as well as any other crime defined as a "sex offense" under Louisiana law.

Other Crimes and Related Criminal Law Matters Affecting Juveniles

Act 535 (2012) created the crime of "domestic abuse aggravated assault," punishable by one to five years in jail and up to \$5,000 in fines. "Domestic abuse aggravated assault" is defined now as an assault with a dangerous weapon committed by one household member upon another household member. The definition of "household member" includes any child presently living in the same residence or having lived there within five years immediately prior to the occurrence of the crime, or any child of the offender *regardless of where the child resides*. The provisions of **Act 535** include the "Domestic Abuse Aggravated Assault Child Endangerment Law," which requires that when the state proves to a court that, in addition to the elements of the crime, a minor child 13 years old or younger was present at the home or any other scene at the time the offender committed the domestic abuse aggravated assault, then the mandatory minimum sentence imposed must be two years in jail without benefit of parole, probation or suspension of sentence.

Previously, Louisiana law had provided that anyone 18 years old or older who solicited, procured or counseled a person *under 18 years of age* to distribute or attempt to distribute any controlled dangerous substance, including cocaine, oxycodone or methadone, was in violation of the law, punishable by 10 to 30 years in jail, if convicted. **Act 616 (2012)** added to that list of drugs included in that crime *methamphetamine* and *heroin*.

Act 532 (2012) changes the name of the electronic criminal offender tracking system used by the Department of Public Safety and Corrections from "CAJUN" (the "Corrections and Justice Unified Network") to the "*Corrections Offender Management System*." SB 96 also changes the name of the "JIRMS," or "Juvenile Information Records Management System," operated by the Department of Public Safety and Corrections to "JETS" or the "*Juvenile Electronic Tracking System*."

EARLY INTERVENTION PROGRAMS

Certain early intervention programs in East Baton Rouge, Iberia, St. Mary and St. Martin parishes are designed to address the underlying causes of behavioral problems and school performance problems related to behavior by pooling existing resources targeted at the child and family through appropriate action by service and treatment providers. Those programs are to be implemented in three phases, starting with Pre-K through 6th grade in Phase One, 7th and 8th grades in Phase Two, and 9th through 12th grades in Phase Three.

In the 2014 Regular Session, **Act 479 (2014)** created the early intervention program in East Baton Rouge Parish, designating that it run similarly to the programs already in operation in Iberia, St. Mary and St. Martin parishes. Under this program, as with the other parishes' programs, the district attorney works with local school boards to address behavioral problems or school performance issues related to behavior by providing physical locations in the parish where personnel can work together in a coordinated effort. The program focuses on truancy; is phased in, beginning with grades pre-K through 6th grade; and is funded by a \$25 fine for certain defendants upon criminal convictions. Each year, the district attorney of each parish running such a program reports statistical data on the effectiveness of each affected parish's program to the appropriate standing committees of the legislature.

Act 203 (2015) provided that going forward each program shall be implemented with fidelity to the 16th Judicial District prosecutor's Early Intervention Program.

JUVENILE COURTS AND COURT PROCEEDINGS

In the 2014 Regular Session, **Act 466 (2014)** abolished two judgeships on the Orleans Parish Juvenile Court – one at midnight on December 31, 2014 and the other on the day following the day on which the next judgeship becomes vacant by death, resignation, retirement, disqualification from exercising any judicial function pursuant to the order of the Louisiana Supreme Court, or removal during the term of office. **Act 466** also provided that upon the abolishment of a judgeship as provided for in the bill, the funding from the city of New Orleans for such judgeship shall be allocated for juvenile services within the city of New Orleans

This successful effort in 2014 followed the debate over the unsuccessful **House Bill 607 (2013) (Deferred in Senate Committee on Judiciary C)** in the 2013 Regular Session. **House Bill 607** would also have abolished two juvenile court judgeships in the Orleans Parish Juvenile Court. It passed out of the House, but hit a roadblock in the Senate when it was deferred in a last-week-of-the-session hearing before the Senate Committee on Judiciary C.

Act 647 (2014) allows for additional ways in which courts with original criminal or juvenile jurisdiction may provide for allowing a statement of a protected person be recorded by videotape. Louisiana law defines a "protected person" as a person who is the victim of a crime or a witness in a criminal prosecution, and who is either under the age of seventeen years old, or who has a developmental disability. Previous law allowed for the court on its own motion or on the motion of a district attorney, a parish welfare unit or agency, or the Department of Children and Family Services to require such a statement be recorded on videotape. The law explained that the purpose of this kind of protection for

these crime victims is to minimize the level of additional intrusion into their private lives. **Act 647** added two additional ways in which such a videotaped recorded statement may be required: (1) by adoption of a local court rule that authorizes such a statement without the necessity of the issuance of an order by the court in any individual case, or (2) by execution of a written protocol between the court and law enforcement agencies, a parish welfare unit or agency, the Department of Children and Family Services or a child advocacy center operating in the judicial district, that authorizes such a videotaped statement without the necessity of the issuance of an order by the court in any individual case. This act placed these expanded videotaped statement options in both the evidence section of Louisiana's criminal procedure title in the Revised Statutes (R.S. 15) as well as in the Children's Code governing juvenile cases.

Act 352 (2013) provides in Louisiana Revised Statutes Title 13 (the title 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 and intensive probation program to be administered by the presiding judge or by an employee designated under the direction of the OJJ.

Act 162 (2013) provides in Louisiana Revised Statutes Title 13 (the title 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 included:

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

In the 2012 Regular Session, legislators passed a number of bills related to the question of jurisdiction over juveniles in court, release of information in juvenile proceedings, and juvenile sentencing. They include the following:

Jurisdiction over Juveniles in Court

Act 698 (2012) highlighted the continuing public battle over *where* to try juvenile offenders who commit "*adult crimes*" and in *which court* to determine the juvenile's sanity or capacity to proceed to trial.

Previously, if a child who is 15 years of age or older committed certain violent offenses, he was subject to the exclusive jurisdiction of the juvenile court until an indictment on one of those offenses was returned or the juvenile court found probable cause that he committed one of those offenses. Then the juvenile's case moved exclusively to the court exercising criminal jurisdiction and was transferred to an adult detention facility prior to trial as an adult. If a competency or sanity exam was ordered, the criminal proceedings stopped, except for *filing of a delinquency petition*. Counsel was appointed for the child and the court determined the juvenile's mental capacity to proceed.

Recent questions had arisen over whether it was the juvenile court or the district court exercising criminal jurisdiction that should hold sanity or mental capacity hearings. **Act 698** changed the law to say that now no longer does a child *have* to be transferred to an adult detention facility prior to trial as an adult, but the district court *may* so order. Further, **Act 698** required that, after the court orders a competency or sanity examination, criminal proceedings are stopped. However, even after those criminal proceedings are stopped, not only may a delinquency petition still be filed (as previously allowed), but an *indictment may be returned* or a *bill of information may be filed*.

Act 698 provided that it is the *court exercising criminal jurisdiction* which *must* appoint counsel and determine the child's mental capacity to proceed, and that the determination of the child's capacity to proceed to trial must be governed by the Louisiana Children's Code's mental capacity provisions. This law also allows any juvenile transferred for criminal trial to seek a special sanity hearing or determination of capacity to proceed to trial pursuant to Children's Code provisions.

Release of Information from Juvenile Court Proceedings

Act 792 (2012) allows a district attorney, a law enforcement agency or a court, when the offender is a child at least fourteen years old, to release to the public the *name, age, and type of delinquent act* for which the child is being charged whenever the court finds probable cause that the child committed a crime of violence. Public release of this specific information was allowed under previous law at a *continued custody hearing*, where a child was before the court for a delinquent act or for violating a condition of his probation or release. **Act 792** now allows this information to be released publicly when the court issues an order (upon verified complaint) that a child be *taken into custody* after the court finds that there is probable cause to believe either that the child has committed a delinquent act or the child has violated terms of probation or release.

Act 859 (2012) authorizes the specialized juvenile courts in Caddo, East Baton Rouge, Jefferson and Orleans Parishes to report every two years to the Louisiana Supreme Court, the local district attorney and the local sheriff data on the number of pre-adjudication and post-adjudication court interventions resulting from taking a child into custody for alleged delinquent acts. **Act 859** allowed this data to be reported for each child who is: released to the custody of their parents; placed on probation; committed to secure custody; referred to placement in shelters or detention facilities or referred to an alternative program. Although the bill started out requiring mandatory reporting, it passed the legislature as only *permitting (but not requiring)* this reporting.

Juvenile Sentencing

Senate Bill 444 (2012) (Subject to call – Senate final passage) would have by August 2014 eliminated in Families in Need of Services (FINS) proceedings any commitment of children to secure detention facilities – instead allowing at most limited placement in a shelter care facility for not more than 15 days. However, this bill did not pass, stalling instead on the Senate calendar. **Act 669 (2012)** changes the required fee that the Department of Public Safety and Corrections may charge a child/his family for probation or parole supervision from a minimum of \$10 a month to not more than \$50 per month.

Act 629 (2012) requires that the Department of Public Safety and Corrections (DPSC) will, within thirty (30) days of admitting a child to a secure care detention facility, use a diagnostic test to measure and assess the child's academic grade level. DPSC must then develop a *written academic plan* that maps a path for the child to – by the time he is scheduled to leave DPSC custody – either earn his G.E.D. (if he is already at grade-level reading) or reach the appropriate academic grade-level or as close to that level as possible (if he is below grade-level reading when entering custody). The DPSC must submit that academic plan to the court for approval within 45 days of the child's admission to a secure facility, and must also submit quarterly progress reports to the court.

JUVENILE OFFENDER PAROLE ELIGIBILITY AND LIFE SENTENCES

In 2010, the United States Supreme Court in *Graham v. Florida*, 130 S. Ct. 2011 (2010), ruled that the Eighth Amendment "cruel and unusual punishment" clause does *not permit* a juvenile offender to be sentenced to life in prison without a reasonable opportunity for parole for a non-homicide crime.

In the 2012 Regular Legislative Session, legislators filed four different bills to address parole eligibility for juvenile offenders. In the end, it was **Act 466 (2012)** that went to the governor for his signature. **Act 466** removed the previous requirement that a jailed juvenile offender must have served at least 25 years in jail and be at least 45 years old before he is eligible for parole. **Act 466** required for eligibility for parole thirty (30) years served in jail, and that the offender: (i) had no disciplinary offenses in the 12 consecutive months prior to the parole eligibility date; (ii) had completed at least 100 hours or pre-release programming; (iii) had obtained a GED certification or completed a literacy program; (iv) had obtained a low-risk level designation; and (v) had completed a Department of Public Safety and Corrections-approved re-entry program.

In 2013, **Act 239 (2013)** allows juveniles who are sentenced to life in prison for first- and second-degree murder, and who are under the age of 18 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. **Act 239** 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. **Act 239** states that sentences imposed without parole eligibility should normally be reserved for the worst offenders and the worst cases.

JUVENILE DETENTION FACILITIES

Funding cuts to the OJJ during the 2012 Regular Session forced the elimination of OJJ funding in the following year for day-treatment alternative education programs for juveniles who are expelled from traditional public school. That meant a loss of as much as \$9 million for those day-treatment programs. The bulk of those programs had been provided by AMIKids, a Florida-based private not-for-profit that operates day-treatment programs in eight Louisiana cities. During the 2012 Regular Session, AMIKids did, through **Act 831 (2012)** and other legislation, retain the ability to draw down Minimum Foundation Program (MFP) state education dollars for Department of Education-approved services. Therefore, AMIKids anticipated it would then continue to offer alternative education (mental and behavioral health services) to students expelled from other public or publicly-funded schools. AMIKids, while not operating charter schools in 2012, anticipated that it may at some point consider forming charter schools to offer those services as well.

Act 365 (2012) creates a multi-jurisdictional board of commissioners authorized to operate and run the juvenile detention facility housed in St. James Parish.

In addition to the three OJJ-operated secure-care facilities operating in Louisiana in 2012, there were also some seventeen (17) locally-run or parish-run juvenile detention facilities. Coming into the 2012 Regular Legislative Session, previous law had provided that all of those locally-operated juvenile detention facilities in Louisiana were required *by January 1, 2013* to be licensed according to newly-promulgated Department of Children and Family Services regulations. This was part of the Juvenile Justice Reform Act goal of holding all of Louisiana's juvenile detention facilities to the same regulatory standards. **Act 366** was initially drafted to allow only the St. James juvenile detention facility an additional six months – *or until July 1, 2013* – to meet those newly promulgated juvenile detention standards. As it was sent to the governor, **Act 366** moved the licensure deadline for *all Louisiana juvenile detention facilities to July 1, 2013*.

LOOKING AHEAD IN JUVENILE JUSTICE...

In the 2015 Regular Session, legislators passed several resolutions that may give an indication of where at least some of the focus of juvenile justice will lie in this coming term. **Senate Resolution 167 (2015)** directs the governing authority of each public elementary school to report to the state Department of Education not later than 60 days prior to the beginning of the 2016 Regular Session of the legislature (which begins on March 14, 2016), regarding all alternative behavioral strategies and interventions utilized to address undesirable student behavior prior to suspending or expelling a child in Pre-Kindergarten through 5th grade out of school. This SCR notes that during the 2013-2014 school year, approximately 31,000 Louisiana students in Pre-K through 5th grade were suspended or expelled and it is an inescapable fact that a child cannot learn if he is not in the classroom.

House Concurrent Resolution 73 (2015) urges and requests the Institute of Public Health and Justice to study the current state of the juvenile justice and criminal justice systems in Louisiana to understand the potential impact of raising the age of juvenile jurisdiction to include 17-year-olds. Louisiana is one of only nine states left in the United States that automatically transfers a 17-year-old in the criminal justice system to be tried as an adult. This resolution requests the study include several different state departments and other associations in evaluating whether Louisiana should follow the trend toward making the age of 18 the default age of adult criminal responsibility.

House Concurrent Resolution 117 (2015) authorizes and directs the Children's Code Committee of the Louisiana State Law Institute to study the issue of restitution in delinquency cases and to report its findings to the legislature prior to the convening of the 2016 Regular Session. The HCR notes that the legislature wishes to study the possibility of amending the Children's Code to provide for the possibility of parental restitution in certain delinquency cases.

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LABOR/EMPLOYMENT

At the beginning of Governor Jindal's first term in office in 2008 through 2012, the governor updated the then-designated Louisiana Department of Labor and re-branded the department as the "Louisiana Workforce Commission." The goal of the re-branded department was to change the focus of the department to job creation rather than to simply be the provider of unemployment benefits. To that end, the department began the "Quality Jobs Program" which included updating the department's website to accommodate job seekers by matching the employment applicant's desired job with the education and job training requirements needed to obtain the job.

2012 REGULAR SESSION

Act 860 of the 2012 Regular Session provides for a new standard of judicial review for workers' compensation cases. Act 860 provides that the provisions of the Act are to be based on the mutual renunciation of legal rights and defenses by employers and employees alike. The Act further states that the specific intent of the legislature is that workers' compensation cases will be decided on their merits, whereas, previous case law had held that workers' compensation cases were to be given liberal construction in favor of the injured worker. Act 860 also sets up a new system whereby an injured worker who believes that the amount of his workers' compensation weekly benefit check is inaccurate can obtain an expedited hearing by phone with a workers' compensation judge.

Act 667 of the 2012 Regular Session provides that no parish or municipality may establish employee benefits in the form of a mandatory, minimum number of vacation or sick leave days, whether paid or unpaid, which is different from state law. Present law already provides that a parish or municipality cannot establish its own minimum wage rate that is different from state law.

Act 793 of the 2012 Regular Session relates to the \$75,000 workers' compensation death benefit which a deceased worker's dependents are entitled. Previous court cases had held that, in a case where a deceased worker was a "deadbeat parent," (i.e. a parent who paid no child support) the biological child could receive no part of the deceased worker's death benefit because the child was not an "actual" monetary dependent. The same court cases also held that, while the "deadbeat parent's" biological child could receive no part of the death benefit, the deceased worker's concubine and her children (i.e. the children which the concubine bore in a previous sexual relationship) could receive the entire \$75,000 death benefit. The previous court cases based its decision on actual monetary "dependence" and not legally obligated dependence. Act 793 provides that the deceased worker's biological or adopted children are entitled the death benefit and not the concubine or the concubine's children who have no legal relationship to the deceased worker.

2013 REGULAR SESSION

Act 337 of the 2013 Regular Session 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 worker or his or her dependent, except when the employer alleged 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.

Act 165 of the 2013 Regular Session prohibits employers from terminating the employment of a veteran for attending medical appointments necessary to receive or maintain veterans' benefits.

Act 314 of the 2013 Regular Session 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' compensation insurance.

Senate Concurrent Resolution 129 of the 2013 Regular Session was passed 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. Following the passage of the resolution, the workforce commission updated their regulations to provide a more streamlined approach to the approval process for routine office visits for injured workers.

Act 39 of the 2013 Regular Session 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.

Act 48 of the 2013 Regular Session 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.

Act 317 of the 2013 Regular Session allows for the Office of Workers 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.

2014 REGULAR SESSION

Act 756 of the 2014 Regular Session relates to discrimination in employment which can be investigated by the local human rights commissions. Current law defines "discriminatory practice in connection with employment" which can be investigated by the commissions to include employment practices prohibited by Title 23 of the La. R.S., including age, disability, race, color, religion, sex, or national origin. Act 756 extends the definition of "discriminatory practice in connection with

employment" to include all of the discrimination statutes in the labor law, which would add veterans, pregnancy, childbirth, and related medical conditions, sickle cell traits, and genetic information.

Act 689 of the 2014 Regular Session relates to the incumbent worker training program. The incumbent worker training program is a special fund within the Employment Security Administration Fund (i.e., the fund in which employers deposit their unemployment insurance taxes). Current law provides that monies from the special fund are to be used only for the purpose of upgrading employee job skills through training. Current law also provides that training is to be done by a third party training provider selected by the applicant and approved pursuant to rules and regulations promulgated by the Louisiana Workforce Commission. Act 689 provides that third-party training may be provided by a La. college or university. Act 689 further provides that a La. college or university may subcontract with an out-of-state college or university to provide third-party training so long as the training takes place on the campus of a Louisiana college or university or job site. Act 689 does stipulate that, prior to entering into an agreement with an out-of-state college or university, that the La. college or university shall make an inquiry, in writing, to the commissioner of higher education to determine if such third-party training already exists at another La. college or university.

2015 REGULAR SESSION

Act 254 of the 2015 Regular Session extends the sunset of the Second Injury Fund indefinitely. The Second Injury Fund encourages employers to retain and hire employees with a pre-existing permanent partial disability by providing for reimbursement from the Second Injury Fund to the employer or its insurer, for workers' compensation benefits beyond a scheduled threshold, where both of the following occur: (1) The employer had prior knowledge of the preexisting disability. and (2) Is liable for benefits as the result of a subsequent compensable accident causing a second injury that merges with the pre-existing injury to cause greater liability and harm to the employee than would have existed otherwise.

Senate Resolution 73 of the 2015 Regular Session urges and requests Governor Bobby Jindal to issue an executive order directing state agencies and local governments to continue to support the Louisiana State Use Program, managed by Employment Development Services. The legislature in 1984 enacted legislation whereby a preference is to be given by all governmental bodies in purchasing products and services from a state supported skill development center that employs persons with severe disabilities. The program is referred to as the Louisiana State Use Program and its provisions are applicable to all state and local governments, educational institutions, and other political subdivisions of Louisiana. The Louisiana State Use Program is patterned after similar programs utilized by at least twenty other states as well as the federal government with the primary purpose of employing persons with severe disabilities in transitional jobs which give the disabled employees marketable skills, thereby allowing them to be employed in the private sector.

Act 397 of the 2015 Regular Session lowers the rating of investments securities in which investment for reserves of Workers' Compensation Self-Insured Funds maybe invested to a minimum rating of "A" by Moody's, Standard & Poor's, or Fitch, so long as no more than 5% of the fund's assets maybe invested in anyone issue and no more than 15% percent of the fund's assets in aggregate. Prior law provided that assets must be invested only in AAA rated investments.

Act 404 of the 2015 Regular Session provides that a franchisee's employees are not deemed employees of the franchise or unless the two entities share or co-determine those matters governing the essential terms and conditions of employment and directly and immediately control matters relating to the employment relationship such as hiring, firing, discipline, supervision, and direction. Testimony at the committee on **Act 404** indicated that the purpose of the bill was related to a decision by the NLRB (National Labor Relations Board) which stated that an employee could be both an employee of the franchisee and the franchisor, even where the employee provided no employment duties to the franchisor.

Act 426 of the 2015 Regular Session conforms state law to federal law related to the Workforce Investment Council. The bill changes references in the law from the Workforce Investment Act to the Workforce Investment Innovation and Opportunity Act, which was enacted by congress in 2014. The section of the law provides for workforce development to be coordinated within the La. Workforce Commission (LWC) with entities administering the job training plans in the various workforce investment areas, pursuant to the Workforce Investment Act.

Act 360 of the 2015 Regular Session deletes the requirement that the workers' compensation judgment be made in favor of the claimant when the administrator fails to timely file the case records and provides that the court may make a judgment based on the evidence presented. Prior law required the executive director of the La. Workforce Commission, acting as the administrator, who is a party to every proceeding, to file his answer to the petition for review along with the case records with the court within 60 days of being served. Prior law provided that, if the administrator fails to file the required records, the court, upon hearing sufficient evidence, may issue a judgment awarding payment to the claimant. **Act 360** deletes the requirement that the judgment must be made in favor of the claimant and allows the employer to present evidence at the court proceeding.

LEGISLATIVE AFFAIRS

LEGISLATIVE SESSIONS

Session subject-matter limitation

Act 472 of the 2015 Regular Session proposes a constitutional amendment that would specify that the odd-numbered Regular Session subject matter is limited to the General Appropriation Bill, the capital budget, or making appropriations; to levy, authorize, increase, decrease, or repeal a fee; to legislate with regard to dedication of revenue, taxes, rebates, or the issuance of bonds. If approved by the voters on October 24, 2015, the provisions of this amendment would be effective for the 2017 Regular Session.

LOBBYING

Act 334 of the 2014 Regular Session extended the exception allowing an immediate family member of a legislator to be a registered lobbyist without violating the Code of Governmental Ethics to include any person who was a registered lobbyist for at least one year prior to January 9, 2012.

WEAPONS

Senate Bill 651 of the 2014 Regular Session added members and officers of the legislature to the list of elected and appointed officials who may possess and carry concealed handguns without committing the crime of illegally carrying a weapon, provided they are certified in the use of firearms by the Peace Officers Standards and Training Council (POST-certified).

HOUSE AND SENATE RULES

Minimum Foundation Program formula

House Concurrent Resolution 14 of the 2013 Regular Session provided Joint Rule 9 of the Senate and House of Representatives to govern procedures for legislative approval of the Minimum Foundation Program (MFP) formula. This resolution required that the MFP formula 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 prefilings, introduction, and voting requirements.

Selection of Senate officers

Senate Resolution 215 of the 2015 Regular Session provides for an explicit nomination process preceding the election of Senate officers under current Senate Rules. Specifies that nomination for President and President Pro Tempore shall be by secret ballot in the order named by a majority vote of the Senators. In the event more than two candidates are nominated for an office and no single candidate receives a majority vote for the nomination, the Rule provides a second ballot shall be cast between the two candidates receiving the highest number of votes for selection and nomination for office resulting in a single nominee for each office. After the nomination procedure is complete, election of officers follows.

Recommittal

House Resolution 59 of the 2012 Regular Session removed the House of Representatives' requirement that certain legislative instruments relative to felonies be recommitted to the House Committee on the Administration of Criminal Justice.

Lobbying prohibition

House Resolution 6 of the 2013 Regular Session, among other changes, amended 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

2012 REGULAR SESSION ASSESSORS

Act 299 provides relative to the payment of certain insurance premium costs for certain retired assessors and assessors' employees in Caldwell and Lincoln parishes.

Act 114 increases the amount the Jefferson Parish Assessor is allowed for clerical and other expenses.

COURTS

Act 333 expands jurisdiction of the mayor's court in the town of Westlake concurrent with the city and district court, over suits by the municipality, water district, sewerage district, or any public utility operated by a political subdivision to enforce the collection of an open account regarding property located with the town.

LOCAL EMPLOYEES

Act 305 authorizes each duly elected constable to of a justice of the peace court in Calcasieu Parish to appoint one deputy constable, for whose acts the constable shall be responsible; and to fix the compensation of his deputy and to pay from the fees generated by his office any compensation due the deputy, the premiums and any expenses necessary for the performance of duties required of the deputy. This Act also prohibits a deputy constable from being paid any compensation from any local governing body or political subdivision, other than the constable's office, and provides that a deputy constable shall not be entitled to any compensation from the state.

Act 656 authorizes the governing authority to create, by ordinance, the position of chief of administration of fire department and requires the governing authority to establish the duties and responsibilities of the chief of administration of fire department in the ordinance. Additionally, this Bill provides that the chief of administration of fire department shall have not less than 10 years of full-time fire service experience.

LOCAL OFFICIALS

Act 303 authorizes the chief of police for the city of Youngsville to appoint, promote, discipline, and dismiss police personnel subject to the budgetary limitations of the mayor and city council, pertaining to the number of allotted positions of the police department; and specifies that a police department employee may make a direct appeal to the Youngsville Civil Service Board, which shall have the authority to modify or reverse any actions of the chief of police.

Act 312 provides that the position of assistant police chief, relative to the towns of Broussard, Carencro, Scott and Youngsville, shall be in the unclassified service; and such selection, appointment,

supervision and discharge of the position of assistant police chief is vested with the police chief. Additionally, this legislation provides that any person who is appointed from a position in the classified police service to serve as assistant chief of police will not forfeit his seniority accumulated to the date of his appointment and will continue to accumulate seniority during the time he holds the position of assistant chief of police.

SPECIAL DISTRICTS

Act 654 creates the Carmel Acres Crime Prevention and Improvement District in East Baton Rouge Parish to aid in crime prevention and improvement of areas within the district. Further provides for the levy, subject to voter approval, of a parcel fee on improved and unimproved parcels within the district. The fees shall be as provided by duly adopted resolution of the board and shall not exceed \$100 per parcel per year.

Act 798 creates the Grambling Legends Square Taxing District within Lincoln Parish. Further provides for the cooperative economic development between the city of Grambling, the district, the state, owners of property within the district and other entities as permitted by law. Additionally, the district shall be administered and governed by a board of commissioners comprised of nine members who shall serve without salary or per diem.

Act 671 provides relative to the Evangeline-Ville Platte Recreation District in that for the first 36 months of operation, all revenue generated by the assets of the district be dedicated to operation and maintenance of, equipment for, and improvements to the district. Additionally, the legislation provides for the district, acting through its board of commissioners, to have the authority and duties to hire staff, adopt and implement a policy regarding all revenue generated by the assets of the district and to develop and deliver recreational programming and enrichment activities that encourage the use of the district's assets by the residents.

Act 340 creates the Live Oak trace Subdivision Crime Prevention and Improvement District in the city of Zachary within East Baton Rouge Parish and provides that the district's purpose is for the enhancement of security within the district and for the beautification and improvement of the district. Furthermore, the legislation authorizes the East Baton Rouge Sheriff's Office to collect a parcel fee within the district, which shall be no less than \$180 dollars per parcel per year.

2013 REGULAR SESSION

HOSPITALS

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

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.

Act 126 provides relative to benefits for a classified employee of the New Orleans Police Department on temporary or provisional assignment.

MUNICIPALITIES

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.

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

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.

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.

Act 124 provides relative to the Evangeline-Ville Platte recreation District to consist 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.

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

Act 122 authorizes Grant Parish Economic and Industrial Development District to exempt food and prescription drugs from the levy of a sales tax.

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

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.

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.

2014 REGULAR SESSION

LOCAL AGENCIES

Act 373 provides for the governing authority of the parish of Beauregard to appoint 10 citizens to serve on the board of control of the War Memorial Civic Center in the town of DeRidder.

Act 746 creates the Cooperative Local Government Infrastructure Act to stimulate a partnership between government and the private sector for business growth in depressed areas of the state through state incentives for private sector funding of local public infrastructure.

Act 584 provides for the removal of a board member immediately if removed for cause, at which time the governing authority of the appointing parish is to appoint a temporary replacement to the board immediately or within 14 days.

Act 499 authorizes the governing authority of Ascension Parish to create special taxing districts for funding new residential road infrastructure development only. Further requires the governing authority of a special taxing district to require all developers to notify potential buyers of any property located within a new residential road infrastructure development of all potential taxes and fees.

LOCAL OFFICIALS

Act 605 provides that the Sorrento council, may, upon the recommendation of the mayor, adopt an ordinance calling for an election to abolish the office of chief of police, the police department, or both. Further provides that the election shall be held in accordance with the Louisiana Election Code. Additionally, if the office of chief of police or the police department, is abolished, the mayor and council may contract with any law enforcement entity or officer within Ascension Parish for police services.

MUNICIPALITIES

Senate Bill 560 (Died In Conference Committee) would have created a mayor's court of the village of Creola.

Act 583 provides for the qualifications for the position of deputy chief of police in the city of St. Martinville. Further provides that the candidate must have five years of full-time law enforcement experience.

SPECIAL DISTRICTS

Act 767 provides for a five-member board with two members to be appointed by the Mid-City Neighborhood Organization. Requires a renewal election for a parcel fee to be held at the same time as a regularly scheduled municipal, state, or federal election. Provides that residential parcels subject to the special assessment level provided in the Louisiana Constitution for certain elderly, veteran and disabled populations shall not exceed \$150.

Act 474 increases the membership of the board to seven and adds the president of the association to the board. Provides for the president of the Oak Island Neighborhood Association or his designee to serve as a member of the board of commissioners of the Oak Island Neighborhood Improvement District.

Act 768 authorizes a governing authority within a parish having a certain population to enact an ordinance limiting the number of terms of office any elected official of the municipality may serve to two consecutive terms in the same office.

Act 775 creates the Old LNB Building Redevelopment District in East Baton Rouge Parish as a special taxing district and political subdivision of the state. Provides that the purpose of the district is to provide for cooperative economic development in order to provide for the redevelopment of, and dramatic improvement to, the property within the district located in the city-parish.

WATER/SEWER OPERATORS

Act 861 requires that a private water supply or sewer system provider serving the residents of a political subdivision comply with all applicable standards set forth in law and regulation, including standards relative to chlorination and iron and manganese control and disinfection of waste water discharged in compliance with the sewer system provider's permit, rules, regulations, and laws governing the operation of the sewer system provider.

2015 REGULAR SESSION

HOUSING

Act 236 defines "self-insurance fund" as a pool of public monies established by an interlocal risk management agency from contributions of its members in order to pool any one or more of the following risks: general liability, workers' compensation, public officials liability, including employment practices liability, property, or any other line of coverage approved by the board of trustees of the interlocal risk management agency; or to purchase insurance for general liability, workers' compensation, public officials liability, including employment practices, property coverage or other lines of coverage approved by the board of trustees of the interlocal risk management agency.

MUNICIPALITIES

Act 240 provides relative to the city of Lafayette municipal fire and police civil service. Adds an exception for the Lafayette Police Department which requires that names be placed on the promotion employment list, from highest to lowest, according their total "promotional seniority" in the next lower class. Provides that if two or more employees share equal promotional seniority in a class, then those employees are to be listed in order of their "departmental seniority" from highest to lowest.

Act 243 provides relative to the city of Lafayette municipal fire and police civil service. Adds an exception for the Lake Charles Police Department which requires that names be placed on the promotion employment list, from highest to lowest, according their total "promotional seniority" in the next lower class. Provides that if two or more employees share equal promotional seniority in a class, then those employees are to be listed in order of their "departmental seniority" from highest to lowest.

Act 272 authorizes the additional adjacent land acquired by the city in 2010 to be leased or sold for development for any commercial and profit-oriented purpose and for any residential purpose pursuant to the design guidelines for such development approved by the voters with our without public bid in accordance with current provisions regarding the transfer of property by a political subdivision for industrial inducement purposes.

PARISHES

Act 235 authorizes the president of Natchitoches Parish to designate up to two employees within his office as ex officio notaries public to only administer oaths, receive sworn statements, and execute affidavits and acknowledgments, all limited to matters within the official functions for the president's office.

SPECIAL DISTRICTS

Act 247 provides relative to the Oak Island Neighborhood Improvement District within the parish of Orleans to levy and collect a parcel fee not to exceed \$150 per year. Provides for the parcel fee to expire 10 years after its levy but may be renewed for another 10 years if the renewal is approved by the voters of the district.

Act 262 creates and provides relative to the Law Enforcement Management District of Orleans Parish which boundaries are coterminous with the boundaries of the parish of Orleans. Provides for the district's governing authority to facilitate development and implementation of cooperative endeavor agreements and memorandums of understanding between or among the various agencies having law enforcement jurisdiction in Orleans Parish to provide police protection.

Act 268 clarifies that the purpose of the district includes financing costs and expenses associated with development in the district. Deletes reference to Lake Charles Facilities, Inc. and requires that the site plan for any hotel constructed immediately adjacent to the Lake Charles Civic Center set forth the elevation and design of the hotel and designate the parking area. Also requires that the site plan be approved prior to construction by the governing authority of the city of Lake Charles.

Act 458 creates the Walnut Street Special District in the city of Monroe as a special district and political subdivision of the state to provide for cooperative economic development between the district, the city of Monroe, and the owner or owners of businesses and other property within the district in order to provide for costs related to infrastructure within the district as determined by the board of commissioners of the district.

Senate Bill 278 (House Tabled Conference Committee Report) would have created the North Lafourche Recreation Enhancement District. Would have provided that the objects and purposes of the district shall be to own and operate playgrounds and other recreational facilities within the boundaries of the district whether preexisting or thereafter constructed or acquired by the district; and generally to administer programs and engage in activities which would promote recreation and any related activity designed to encourage recreation and promote the general health and well-being of citizens.

TOURISM

Act 265 provides that a tourism organization, under authority of its articles or bylaws, may levy a hotel assessment of up to 1.75% of the daily room charge of the daily room charge upon its hotel members in Jefferson Parish pursuant to current law for destination marketing, sales, public relations and for other matters deemed by the tourism organization to benefit directly or indirectly economic development, the traveler economy and tourism growth as shall be approved by resolution of the board of directors of the tourism organization and ratified by a vote of the assessed hotels in a referendum conducted in accordance with law.

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MILITARY/VETERANS AFFAIRS

2012 Regular Session

MILITARY/VETERANS AFFAIRS LICENSES

Military Training. **Act 276** provides that individuals with military training and experience shall be granted a license, certification, or registration to lawfully practice an occupation by the appropriate professional or occupational licensing board in this state if the applicant satisfies all of the following conditions:

- (1) Has completed a military program of training, been awarded a military occupational specialty, and performed in that specialty at a level that is substantially equivalent to or exceeds the requirements for licensure, certification, or registration of the professional or occupational licensing board for which the applicant is seeking licensure, certification, or registration in this state.
- (2) Has engaged in the Active practice of the occupation for which the person is seeking a license, certification, or permit from the professional or occupational licensing board.
- (3) Has not been disciplined in any jurisdiction for an Act that would have constituted grounds for refusal, suspension, or revocation of a license to practice that occupation in this state at the time the Act was committed. The law also provides that spouses of individuals with military training and experience shall be granted a license, certification, or registration to lawfully practice and occupation by the appropriate professional or occupational licensing board in this state if the spouse satisfies all the following:
 - (1) Holds a current license, certification, or registration from another jurisdiction, and that jurisdiction's requirements for licensure, certification, or registration are substantially equivalent to or exceed the requirements for licensure, certification, or registration in this state.
 - (2) Can demonstrate competency in the occupation through methods as determined by the board, such as having completed continuing education units or having had recent experience.
 - (3) Has not been disciplined in any jurisdiction for an Act that would have constituted grounds for refusal, suspension, or revocation of a license to practice that occupation in this state at the time the Act was committed.

The law also requires a professional or occupational licensing board to issue a license, certification, or registration to a military-trained applicant to allow the applicant to lawfully practice and occupation in this state if, upon application to a professional or occupational licensing board, the individual holds a current license, certification, or registration from another jurisdiction and that jurisdiction's requirements for licensure, certification, or registration are substantially equivalent to or exceed the requirements for licensure, certification, or registration in this state. The law further provides that a military-trained applicant or spouse shall be issued a temporary license until a permanent license

is issued. The applicant or the spouse shall not be issued a license if the applicant has received a dishonorable discharge from the military.

Louisiana Military Forces. **Act 810** creates the Louisiana Military Advisory Council within the Department of Economic Development. The council would provide a public forum for issues concerning the installations and units of the armed forces located in Louisiana and the military and retired military personnel and their families who reside in Louisiana. The council would meet biannually to formulate goals and objectives to enhance cooperation, coordination, communication, and understanding the military, United States Department of Defense, the Louisiana congressional delegation, the communities in the state interfacing with the military, and state and local government agencies. The council would consist of 25 members comprised as follows:

- (1) The governor or his designee.
- (2) The adjutant general or his designee.
- (3) The president of the Senate or a designated senator.
- (4) The speaker of the House of Representatives or a designated state representative.
- (5) The secretary of the Department of Economic Development or his designee.
- (6) The secretary of the Department of Veterans Affairs or his designee.
- (7) The following members as appointed by the governor:
 - (a) The chair of the Louisiana Employer Support of the guard and reserve.
 - (b) The president of Barksdale Forward or an advocate.
 - (c) The president of Fort Polk Progress or an advocate.
 - (d) The president of Calendar Commitment or an advocate.
 - (e) The chair of the New Orleans Mayor's Military Advisory Council or an advocate.
 - (f) Five from retired flag, general or O-6 officers, or a command sergeant major representing each of the armed services, national, and the reserves.
 - (g) Nine members to be appointed at-large representing certain organizations. The bill requires the council to submit an annual status and progress report on January 1 annually to the governor. The council would also be authorized to receive and expend funds made available from any source, including donations or gifts of money or services from public or private organizations, to be utilized for the purposes of the council.

Need-Based Claims. **Act 156** strengthens prior law by providing that undue hardship to a military family can be indirectly related to the Activation of the military person. All such claims would be decided by the Louisiana Military Family Assistance Board.

VETERANS AFFAIRS

Student Loans/scholarships. **Act 581** provides, beginning in the 2012-2013 academic year, that a student who is enrolled in or is applying for enrollment in a Louisiana public college or university, who resides in the state during such enrollment, who has served in the U.S. Armed Forces as defined by federal law and who meets certain other eligibility requirements, shall be entitled to resident classification for tuition amount purposes without regard to length of time of residency in the state. The bill does not apply to tuition charged a student under the federal Yellow Ribbon Program. Additionally, the student must meet at least one of the following conditions:

- (1) Has served on Active duty for a continuous period of no less than two years and received and Honorable Discharge, as verified by a U.S. Department of Defense Form 214, within one year of enrolling in a Louisiana public college or university.
- (2) Is currently serving in a Reserve Component of the U.S. Armed Forces as defined by federal law and as verified by a memorandum from the student's commanding officer.
- (3) Has been assigned a service-connected disability by the U.S. Department of Veterans Affairs. The law also requires that the Board of Regents and each public postsecondary education management board adopt rules and guidelines to implement its provisions.

2013 Regular Session

MILITARY/VETERANS AFFAIRS EMPLOYMENT

Medical Treatments. **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.

CODE OF CRIMINAL PROCEDURE

Presentence inquiry of veteran status. **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. **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.

LOUISIANA CODE OF MILITARY JUSTICE

Sexual assault. **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.

2014 Regular Session

HEALTH SERVICES

Service Dogs. **Act 492** gives veterans full and equal use of public and commercial facilities by persons with disabilities and their service dogs. Incidents concerning veterans with service dogs being denied entry to or service in restaurants, retail stores and public facilities has grown significantly in recent years. The issue of veterans with disabilities that are not easily visible being provided service dogs to assist them through some conditions caused by post traumatic stress disorder and traumatic brain injury has grown in the wake of two long wars in Southwest Asia. In an effort to treat those veterans with such disabilities, veterans who are found to be eligible for a service dog because of a mental condition cannot be denied access to public places, transportation, resorts, hotels, housing accommodations and all other places to which the general public is invited. Such entities may not ask the nature of the veteran's disability but may ask if the service dog is required because of a disability. The public entity may ask what work or task the service dog has been trained to perform. The veteran may be asked to leave an establishment if the service dog is not housebroken, out of control or the person with the disability accompanying the animal does not take effective action to control it.

Burn Pit Registry. **Act 312** creates a registry for Louisiana veterans and service members who have been exposed to open burn pit smoke or other airborne hazards during service in Operation Iraqi Freedom, Operation Enduring Freedom, Operation New Dawn, the Gulf War 1990-1991, or other conflicts or theaters which may subsequently be identified. The secretary of the Department of Veterans Affairs shall monitor the most current published epidemiological studies and recommendations arising as a requirement of 38 U.S.C. 527, as well as any developments in the study and treatment of conditions associated with exposure to toxic airborne chemicals and fumes caused by open burn pits. The secretary shall also create a database of self-identifying service members and veterans who have been exposed to burn pits, that shall include the name, address, electronic address, phone number, location and period of service, and any other information as deemed necessary by the secretary. Also created is a public information program that will educate and inform service members, veterans, and their families regarding the most recent scientific developments on the health effects of exposure to open burn pit smoke or other

airborne hazards. The secretary will also inform veterans and service members about the availability of possible treatments for their condition and give them information for applying for service-connected disability compensation for any possible illnesses or conditions related to exposure to open burn pit smoke or other airborne hazards, including the current status on related presumptive conditions or diseases as designated by the U.S. Department of Veterans Affairs. The new law also requires the secretary to assist veterans in appealing an existing disability rating decision or requesting an upgrade in disability rating from the U.S. Department of Veterans Affairs.

Veterans Court Program. **Act 716** creates the Veterans Court Program under which the legislature creates specialized court programs in the various districts of the state to assist veterans in overcoming criminal justice issues caused totally or in part because of alcohol abuse or drug abuse. The programs will also assist veterans with mental health issues, including mental health diagnoses and undiagnosed mental illnesses. These programs will attempt to assist veterans with job training, disability compensation counseling and other rehabilitative services in the processing of cases in the criminal justice system. The court must make a determination on the record in the docketed criminal case that the defendant is an eligible veteran for him to be enrolled as a program participant in a Veterans Court program. Each of the various district courts may establish a probation program to be administered by the presiding judge or by an employee designated by the court. The district attorney may propose to the court that an individual defendant be screened for eligibility as a participant. A veteran who is charged with a crime may apply in his own behalf to participate in the program. The court will have the authority to impose any reasonable conditions related to the rehabilitation of the defendant. The veteran may, after fulfilling all requirements of the court, have the conviction set aside and the prosecution dismissed in accordance with the Code of Criminal Procedure Articles on first offenders. All treatment programs and facilities ordered by the court shall be certified and approved by the state of Louisiana or the U.S. Department of Veterans Affairs. Veterans with prior felony convictions for any offenses defined as crimes of violence shall not be eligible for the program. Veterans may not be eligible for the program if the crime before the court is a crime of violence or driving under the influence of alcohol or any other drug or drugs that resulted in the death of another person.

2015 Regular Session

BENEFITS

Death and disability. **Act 77** changes the eligibility for death and disability benefits for Louisiana National Guard personnel. Currently, a "qualifying disability" means one hundred percent permanent total disability rating or permanent and total unemployability disability rating as determined by the U.S. Department of Veterans Affairs and certified by the secretary for the Louisiana Department of Veterans Affairs or proper state entity in a final adjudication of the initial rating decision by the federal VA. **Act 77** adds a prohibition that the initial rating decision cannot apply to a federal rating decision predating service in the Louisiana National Guard.

Tax benefits. **Act 117** authorizes an income tax deduction for each taxpayer who provides continuous employment to a qualified individual with a disability for not less than four, continuous months for not less than twenty hours a week at a rate comparable to and in the same setting as other employees performing the same or similar task. Veterans with a service-connected disability rating of fifty percent or more as designated by the U.S. Department of Veterans Affairs would also be eligible

for the benefit. A qualified individual with a service-connected disability shall include individuals who receive facility-based vocation or prevocational services through the Home and Community Based Waiver programs. The benefits would be limited to 100 eligible employees. The Secretary of the Department of Revenue, in consultation with the Department of Health and Hospitals and the Office of Veterans Affairs would promulgate rules and regulations pursuant to the Administrative Procedure Act for the purpose of implementing the limitation of the availability of the deduction. To the extent practicable, the credits will be apportioned equitably to employers who are geographical representative of all portions of the state. The taxpayer claiming the deduction must maintain all records necessary to verify that the employer and the qualified disabled individual for which the taxpayer is claiming the deduction meets all of the requirements. The bill provides that the amount of the deduction is equal to 50% of the gross wages paid to a qualified disabled individual during the first four continuous months of employment and 30% of the gross wages paid to the individual during each subsequent continuous month of employment. The taxpayer will be entitled to the deduction for each qualified disabled individual he employs each taxable year.

Colleges and universities. **Act 232** requires the Board of Regents to establish a process for a public postsecondary education institution to be designated by the governor as a Governor's Military and Veterans Friendly Campus, if the school provides for eligibility relative to articulation programs, fee waivers, orientation programs, deployment and read mission policies, priority class scheduling, tutoring, and workshops offered by the institutions for military veterans. The school designation as a military friendly institution will last for one year and would require for verification of renewal applications by the Board of Regents that an institution continues to meet the eligibility requirements to receive the designation each year. The act defines "Veteran" as a former or current member of the U.S. Armed Forces or organized militia of the several states and territories, including but not limited to a member of the Army, Navy, Air Force, Marine Corps, Coast Guard, National, Air National Guard, Reserves, State Guard, or a commissioned officer of the Public Health Service, Environmental Science Services Administration, or National Oceanic and Atmospheric Administration, or its predecessor, the U.S. Coast and Geodetic Survey.

NATURAL RESOURCES

2012 REGULAR SESSION

WATER

Act 471 renames the "Ground Water Resources Commission" to the "Water Resources Commission" and changes the membership to include representatives who also have a stake in surface water issues. The Act directs the commission to come up with a comprehensive master plan for the use and conservation of the state's water that will include both ground and surface water.

Act 784 requires the Sabine River Authority to first receive approval from the House and Senate natural resources committees, two-thirds of the governing authorities of the parishes within its jurisdiction, and concurrence by at least two-thirds of the membership of the governing authority of each parish within its jurisdiction before selling its water to any out-of-state entity.

Act 790 requires each conservation district, fresh water district, and ground water district submit a report on April 1st of each year to the House and Senate natural resources committees, the commissioner of conservation, the Ground Water Resources Commission, and the Ground Water Management Advisory Task Force that will include data on water usage, salt water intrusion, and potential sales for each district.

Act 464 directs the Coastal Protection and Restoration Authority to provide engineering assistance, advice, and services to the Teche-Vermillion Fresh Water District.

Senate Concurrent Resolution 40 requests the Coastal Protection and Restoration Authority, in conjunction with the appropriate state agencies, to study the freshwater needs of the Mermentau Basin and the feasibility of diverting Atchafalaya River water into the basin.

Act 261 extends the opportunity for the state to enter into cooperative agreements for the sale of surface water.

Act 92 provides relative to the appointments to the Atchafalaya Basin Research and Promotion Board and the technical advisory group.

Act 133 redraws the line for the coastal zone boundary.

Act 414 establishes the Louisiana First Hiring Act to promote the hiring of residents of Louisiana's coastal parishes for public works projects for coastal restoration and protection.

Act 601 provides for the respective responsibilities of the Department of Transportation and Development and the Coastal Protection and Restoration Authority in the coastal area.

Act 604 renames the state entities responsible for coastal protection and restoration.

Act 809 provides for the imposition of fines and penalties upon persons who tamper with water control structures owned by the state.

House Concurrent Resolution 7 specifies accreditation requirements for exemption from Wildlife and Fisheries Commission rules governing possession of exotic cats.

House Concurrent Resolution 31 approves the Atchafalaya Basin Annual Plan for FY 2012-2013.

House Concurrent Resolution 49 requests the Department of Wildlife and Fisheries to study Bayou Teche for the possible inclusion into the Historic and Scenic River program.

House Concurrent Resolution 123 creates the False River Watershed Council.

HUNTING & FISHING

Current law requires the Department of Wildlife and Fisheries to issue a limited number of special annual permits for harvesting oysters in Calcasieu Lake until June 30, 2014. **Act 541** provides that after July 1, 2014, no special permits will be necessary for harvesting oysters in Calcasieu Lake.

Act 364 changes exceptions for hunter education course requirements. Current law exempts anyone who holds a valid hunters license from the hunter education course requirement. This bill restricts anyone born after September 1, 1969 from hunting until after they have attended a hunter education course. The bill also requires that in order for a hunter to qualify for an exception to the education course requirement, they must be under the direct supervision of someone born before September 1, 1969 or must be accompanied by and in the presence of someone aged 18 or older who has completed a hunter education course.

Act 153 requires the treasurer to deposit \$20 for every resident trapping license sold and \$145 for every non-resident license into the Louisiana Fur Public Education and Marketing Fund.

Act 327 requires hunters to retain the head of any deer or turkey killed while at a hunting camp or in transport to cold storage. **Act 327** further requires that the sex organs of the animals must also be retained for the purposes of positive sex identification.

Act 469 attempts to clarify the current exceptions for bait fish species. Current law requires that certain body parts of finfish must be retained for positive species identification, but makes an exception for any species used for bait. This Act changes the exception to mean only species with no possession or size limits. The bill makes further exceptions for certain other fish species.

Act 844 requires charter boat fishing guides and charter vessels to carry liability insurance.

Senate Concurrent Resolution 114 requires the Department of Wildlife and Fisheries to study entering into recreational fishing and hunting license reciprocity agreements with Arkansas, Mississippi, and Texas, and to submit its findings to the House and Senate natural resources committees.

Act 61 authorizes the Department of Wildlife and Fisheries to issue certain commercial fish licenses via the internet.

Act 68 allows for the use of certain primitive firearms during primitive firearm hunting season.

Act 83 provides relative to the Wildlife and Fisheries Commission's powers to manage the control and taking of shrimp.

Act 804 authorizes the Wildlife and Fisheries Commission to establish recreational reefs where oyster harvest is prohibited.

Act 85 extends the application period for an oyster seed ground vessel permit.

Act 128 provides relative to expenditure of the funds received from the sale of Wild Louisiana Stamps.

Act 90 authorizes the taking of certain nuisance animals.

Act 267 requires certain information relative to shipments of alligator parts or skins and exempts from the Public Records Act certain records held by the Department of Wildlife and Fisheries relative to specific shipments of alligator parts or skins.

Act 131 Provides relative to the Alligator Resource Fund.

Act 133 provides for the uniformity from fishing gear authorized to be used on certain freshwater lakes.

Act 293 provides relative to alternative oyster culture.

LANDS

Act 785 provides for the leasing and ratification of certain leases of school lands and sixteenth section lands.

Numerous land transfer bills were filed during the session. The land transfer bills authorized certain state agencies to transfer state-owned state property to local political subdivisions or to private individuals. The following are some of the land transfer Acts: **Act 542**, (McNeese State University), **Act 325** (Ascension Parish), **Act 236** (Lincoln Parish), **Act 569** (Lake Charles), **Act 48** (Eunice), **Act 51** (Lafourche Parish), **Act 74** (Orleans Parish), **Act 190** (Ouchita Parish), **Act 102** (East Feliciana Parish), **Act 295** (Terrebonne Parish),

MISCELLANEOUS

Act 362 recreates the Department of Wildlife and Fisheries.

Act 550 creates a permit for the entertainment industry for the possession or transportation of certain wildlife. Senate Bill 733 by Senator Chabert (Act 852) provides for the membership and powers and duties of the Louisiana Seafood Promotion and Marketing Board.

Act 371 authorizes the state fire marshal to issue and enforce burn bans.

Act 588 recreates the Department of Natural Resources.

2013 REGULAR SESSION

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. **Act 367** increases penalty fines associated with violations of salt dome regulations. **Act 368** allows for the adoption and promulgation of rules by the commissioner of conservation relative to the creation and use of salt caverns. **Act 369** requires notification of the proximity of property to a salt dome containing solution mining and storage caverns.

MINERALS

Senate Resolution 118 requests the Louisiana Law Institute, in consultation with the director of the Louisiana Mineral Law Institute, to 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.

WILDLIFE AND FISHERIES

Act 366 creates a checkoff for a donation to Hunters for the Hungry when a fishing or hunting license is purchased.

Senate Bill 157(Pending Senate Calender) 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.

Senate Concurrent Resolution 82 requests the Department of Wildlife and Fisheries to perform a study determining how local governing authorities can regulate air boat noise pollution.

Act 16 provides for an exemption from the requirements that crab traps have escape rings.

Act 35 increases penalties for certain oyster harvesting violations.

Act 20 extends the oyster seed vessel permit.

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.

Act 40 increases certain fees related to the charter boat industry.

Act 437 is a constitutional amendment that adds members from north Louisiana to the Wildlife and Fisheries Commission. A companion bill, **Act 198** adds the new member to statute.

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.

Act 324 allows nonresident students in Louisiana high schools to purchase a nonresident basic hunting license for the cost of a resident hunting license.

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 memorializes congress to prevent the importation of seafood from Asian producers.

2014 REGULAR SESSION

COASTAL AND WATER

Senate Concurrent Resolution 39 requests a comprehensive study and evaluation of Louisiana's levee districts and other water resource boards.

Senate Concurrent Resolution 60 requests federal, state, and local governing authorities when contracting for coastal restoration and protection projects to give priority to Louisiana businesses.

Senate Concurrent Resolution 91 and **Senate Resolution 114** both memorialize Congress to review and amend or revise the Biggert-Waters Flood Insurance Reform Act of 2012.

House Concurrent Resolution 22 approves the Atchafalaya Basin Annual Plan for fiscal year 2013-2014.

House Concurrent Resolution 42 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 acts: **Act 91** (Calcasieu); **Act 227** (Orleans);

Act 121 (St. Tammany); **Act 127** (Ouachita and Iberville); **Act 69** (Rapides); **Act 19** (Lafourche); **Act 309** (Ruston); **Act 202** (Avoyelles); and **Act 335** (Orleans and St. Martin).

COASTAL AND WATER

Act 285 extends the time when the state may enter into a cooperative endeavor agreement for the sale of surface water from December 31, 2014, to December 31, 2016.

Act 387 creates the Coastal Louisiana Levee Consortium to be an advisory commission of the Coastal Protection and Restoration Authority Board.

Act 544 specifies which governmental agencies or subdivisions may bring suit for the use of permits within the Coastal Management Zone and requires that any money recovered from such suits must be used for integrated coastal protection.

Act 168 prohibits dredging of sand pits or excavating near a state highway in certain areas of the coastal zone..

Act 556 deposits the proceeds from the sale of surface water into the Aquatic Plant Control Fund for aquatic weed control and eradication.

Act 527 authorizes the Coastal Protection and Restoration Authority Board to authorize CPRA to contract for the study, investigation, and cleanup of hazardous materials in the coastal zone.

Act 207 changes the boundaries of Black River Lake Recreation and Water District and changes the number of appointees on the board.

House Concurrent Resolution 49 urges and requests CPRA to create a body of coastal parishes to aid in compliance with the RESTORE act.

MINERALS

The committee dealt with legislation again this year to further the reforms with legacy lawsuits that began in 2006 and continued in 2012. **Act 400** provides for procedures relative to the remediation of oilfield sites and exploration and production sites.

Act 510 removes lands located in the Atchafalaya Basin from certain state lease requirements.

Act 236 provides relative to lease payments for leasing of property by public benefit corporations.

SALT DOMES

Act 691 requires permits for solution-mined caverns to require certain provisions for reimbursement to government and private property owners whose property falls within a mandatory evacuation area.

Act 766 requires public notice for certain solution-mined caverns in Vermillion and Iberia parishes.

STATE LANDS

Act 510 removes lands located in the Atchafalaya Basin from certain state lease requirements.

Act 236 provides relative to elase payments for leasing of property by public benefit corporations.

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 private persons. The following are some of the land transfer bills: **Act 576** (St. Martin); **Act 393** (Union); **Act 128** (East Baton Rouge); **Act 54** (St. Mary Parish); **Act 73** (St. Martin); **Act 665** (Lafayette); **Act 666** (Iberville).

2015 REGULAR SESSION

WATER AND MINERALS

Act 34 provides additional powers to the Bayou Lafourche Freshwater District. The bill allows the district to buy, sell, and lease property as well as create a beautification program and enforce no wake zones.

Senate Concurrent Resolution 105 requests the Louisiana State Law Institute to study and make recommendations regarding whether the Constitution of Louisiana should be amended to provide that mineral interests of the state, school boards, or levee districts should be subject to loss by prescription or other means.

COASTAL RESTORATION AND PROTECTION

Act 72 expands the powers of local and state governing authorities to acquire land for the purpose of integrated coastal protection projects.

STATE LANDS

Act 57 provides for the transfer of certain state property from the Atchafalaya Basic Levee District to the Terrebonne Levee and Conservation District in Terrebonne Parish.

Act 402 establishes new property boundaries around False River.

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 private persons. The following are some of the land transfer acts: **Act 459** (Rapides and East Baton Rouge); **Act 171** (Vernon); **Act 48** (Richland); **Act 54** (Calcasieu); **Act 190** (Calcasieu); and **Act 61** (Union).

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PROPERTY

2012 Regular Session

CRIME

ACT 561 provides that a person convicted of criminal trespass who has killed or otherwise misappropriated any "wildlife," as defined under Louisiana Law, in the course of commission of the offense must forfeit the misappropriated wildlife to the law enforcement authority, and is to be ordered to pay the value of the misappropriated wildlife into the Conservation Fund of the Dept. of Wildlife and Fisheries.

HOUSING

ACT 686 changes prior law by removing HUD's income limit as a qualifier in identifying "persons or families of low or moderate income". Allows the board of directors of the Louisiana Housing Corporation (LHC) to determine who qualifies as a "person or families of low or moderate income" in a manner consistent with federal housing programs. authorizes and directs LHC to finance mixed-income residential rental developments or home ownership using federal housing tax benefits or any other available federal funds or benefits.

MUNICIPALITIES

ACT 692 provides that if a mortgagee or loan servicer receives a notice from a governing authority in accordance with prior law, identifying certain maintenance required on the mortgaged property, the mortgagee and loan servicer shall have the right to directly or through third parties enter onto the property to perform maintenance. Provides that if any abandoned one-to-four family residential property affected by a mortgage is unoccupied or abandoned, the mortgagee and loan servicer shall each have the legal right to, directly or through third parties, enter onto the property and to perform maintenance to protect and preserve the property until it can be sold at private sale or sheriff's sale. Provides that the mortgagee, loan servicer, and any third parties hired by them to perform maintenance on the property shall not be liable to the mortgagor or the owner of the seized property or any other person for any financial or pecuniary loss or damage claimed to have been suffered by the mortgagor or owner of the property or any other person by reason of the maintenance of the property. Provides that any costs and expenses incurred by the mortgagee or loan servicer for maintaining the property may be added to any loan balance secured by the mortgage and recoverable from proceeds received from a sale of the property. Provides that the governing authority of a parish between 400,000 and 440,000 and the governing authority of any municipality that lies within such a parish may enact ordinances requiring that abandoned residential property be maintained in safe and sanitary condition to maintain the stability of the neighborhood.

PUBLIC PROPERTY

ACT 236 authorizes the commissioner of administration to transfer certain state property in Lincoln Parish to Grambling State University and to Louisiana Tech University.

ACT 542 authorizes McNeese State University to transfer certain state property to the Chennault International Airport Authority.

ACT 867 authorizes the LSU Board of Supervisors and LSU HSC to transfer certain state property in Orleans Parish to the division of administration. Provides that if the property is not administered, managed, and operated as provided in the conditions provided for in new law, the lease shall terminate and control of such property shall immediately revert to and vest in the state. Requires the lease to Children's Hospital to be executed by February 1, 2013, or after Children's Hospital refuses to enter a lease, whichever is sooner, the division of administration may offer to lease the property to the highest bidder. Provides that if the property is not leased after being offered to the highest bidder by August 1, 2013, or six months of Children's Hospital refuses to enter a lease, whichever is sooner, the property shall revert to the LSU Board of Supervisors and LSU HSC.

2013 Regular Session**PROPERTY**

ACT 348 provides that any auction of property forfeited under the Uniform Controlled Dangerous Substances Law is to be a public auction.

PUBLIC LANDS

ACT 91 retains prior law which required that if property acquired by the state or a political subdivision of the state is transferred to a third party, that property must first be offered to the person from whom it was originally transferred. In prior law there was an exception for property acquired by a reservoir district created by the state, for property acquired or transferred by the governing authority of Shreveport or Caddo Parish; and for as to the sale of property adjudicated to the state for nonpayment of taxes in tax years 1880 through 1973. This Act retained those provisions and provides an additional exception for lands acquired by the former Department of Public Works in connection with the construction or maintenance of the Sabine River Diversion Canal System and related facilities which property was transferred to DOTD and thereafter to the Sabine River Authority.

ACT 121 authorizes the transfer for certain state properties in St. Tammany Parish from the Department of Health and Hospitals to the governing authority of St. Tammany Parish.

ACT 227 authorizes the state to enter into a cooperative endeavor agreement with Bio District New Orleans providing for use of the La. State Supreme Court site and state office building site located at 325 Loyola Avenue, New Orleans, Louisiana. Requires that new law supersedes and controls to the extent of any conflict with any other provision of law. Provides that the LSU board of supervisors and the commissioner of administration, on behalf of the state, notwithstanding any other provision of law

to the contrary, are authorized, empowered, and directed to convey, transfer, assign, and deliver any interest, excluding mineral rights, the state may have to the former site of Earl K. Long Medical Center to the East Baton Rouge Parish Housing Authority in exchange of consideration proportionate to the appraised value of the property.

SEIZURES/SALES

ACT 339 provides that the sheriff's notice of seizure shall provide information concerning the availability of housing counseling services. Further provides that the initial sheriff's sale date shall not be scheduled any earlier than 60 days after the date the order commanding the issuance of the writ is signed. provides that the sheriff's service of the notice of seizure shall be accomplished by personal or domiciliary service. Provides that the form shall include information concerning the availability of housing counseling services, as well as time, date, and place of sheriff's sale. provides that the sheriff shall serve such written notice upon the defendant by personal or domiciliary service. New law further provides that the notice of seizure shall include information concerning the availability of housing counseling services, as well as time, date, and place of the sheriff's sale.

2014 Regular Session

APPRAISERS

ACT 764 repealed the requirement of an affirmative approval of the proposed rules by the House of Representatives Committee on Commerce and the Senate Committee on Commerce, Consumer Protection and International Affairs. Further repealed the requirement that if the legislature is not in session, the proposed rules shall be deemed affirmatively approved if 45 days have elapsed from the date the proposed rules are received by the oversight committees and no hearing is held by either committee.

CIVIL PROCEDURE

ACT 279 provides that if immovable property is susceptible to partition by licitation or private sale, and a petition to partition the property is filed by a co-owner or co-owners owning either an aggregate interest of 15% or less of the immovable property or an aggregate interest of 20% or less of the immovable property if there was past ownership of the whole by a common ascendant, the court shall allow the remaining co-owners to purchase at private sale the petitioners' shares at a price determined by a court-appointed appraiser.

FUNDING

ACT 709 requires that the office of community development disaster recovery unit (office) terminate procedures in effect on the effective date of new law under which disaster recovery monies paid as a result of hurricanes Katrina and Rita, including monies paid under the Road Home program, are to be recovered by the office if such monies are alleged to have been improperly paid to or misspent by the recipients. Prohibits the office from initiating recovery of disaster monies paid as a result of hurricanes Katrina and Rita, including recovery of monies paid under the Road Home program, until procedures for recovery of these monies are adopted by the office in accordance with new law.

LOCAL AGENCIES

ACT 742 provides that an additional notice requirement may be sent via United States mail, 10 days prior to a public hearing, to property owners whose property will be affected by an parish's or municipality's public work project. Also provides that a state or any political subdivision of the state may adopt policies to provide additional notice to the owner of record of property about their property that will be directly affected by any public works projects. Further provides that the notice shall be made sent by U.S. mail at least 10 days prior to the time and place of the public hearing regarding the public works project.

MINERALS

ACT 473 provides that when land is acquired from any person by an acquiring authority or other person as part of an economic development project pursuant to a cooperative endeavor agreement between the acquiring authority and the state through the Dept. of Economic Development and a mineral right subject to the prescription of nonuse is reserved, the prescription of nonuse shall thereafter not run against the right for a period of 20 years from the date of acquisition whether the title to the land remains in the acquiring authority or is subsequently transferred to a third person, public or private.

PUBLIC PROPERTY

ACT 128 authorizes the transfer of certain state lands from DHH to the Central Community School System in East Baton Rouge Parish

ACT 393 authorizes the transfer of certain state lands in Union Parish to the Union/Lincoln Regional Water Supply Initiative.

2015 Regular Session

CRIME/PUNISHMENT

ACT 137 provides that a person who executes a false statement of ownership of property shall be subject to prosecution for the crime of illegal possession of stolen things.

HOUSING

ACT 236 provides for interlocal risk management agencies to pool their general liability risks, their workers' compensation risks and their property coverage risks in whole or part with those of other local housing authorities. Requires that an annual gross premium, calculated in accordance with the applicable manual premium rate or rates, plus or minus applicable experience credits or debits, of not less than \$200,00 for each line or risk for general liability, workers' compensation and property coverage risk.

WARRANTIES

ACT 170 provides that a manufacturer may authorize a fleet owner to perform warranty repairs if the manufacturer determines that the fleet owner has the same basic level of requirements for special tools, technician certification, and training that are required of a franchise dealer, but only those as determined by the manufacturer, in its sole discretion, that are necessary to perform the specified limited type of warranty repairs on the makes and models of motor vehicles for which the fleet owner is authorized to performed warranty repairs.

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PUBLIC SAFETY/LAW ENFORCEMENT

CONTROLLED DANGEROUS SUBSTANCES

Act 253 of the 2014 Regular Session authorizes a first responder to receive a prescription for naloxone or another opioid antagonist, maintain the naloxone or other opioid antagonist in the first responder's possession, and administer the naloxone or another opioid antagonist to any individual who is undergoing or who is believed to be undergoing an opioid-related drug overdose. Requires first responders to complete the training necessary to safely and properly administer naloxone or another opioid antagonist and requires first responders to keep a record of each instance in which the first responder administers naloxone or another opioid antagonist. Provides immunity from civil liability, criminal prosecution, or disciplinary or other adverse action under any professional licensing statute to a first responder who, reasonably believing another person to be undergoing an opioid-related drug overdose, administers naloxone or another opioid antagonist to that person for any outcomes resulting from the administration of the naloxone or another opioid antagonist to that person, unless personal injury results from the gross negligence or willful or wanton misconduct of the first responder administering the drug.

Act 347 of the 2012 Regular Session defines "dangerous substance" as a substance which is not otherwise listed as a controlled dangerous substance and has been determined to be an imminent hazard to the public health, safety, and welfare by the secretary of the department using specified criteria and standards. Defines "dangerous substance stop order" as a rule adopted by the department declaring that a substance is a dangerous substance which shall not be sold, distributed, manufactured, or dispensed. Provides a mechanism for the secretary of DHH to declare a substance a dangerous substance under certain circumstances and requires the secretary to consider specific criteria when determining whether to declare that a substance is a dangerous substance. Provides for the seizure of such substances by any law enforcement officer that are in plain view, and provides for the application and execution of a warrant when an officer has probable cause to believe that any dangerous substance is located within the territorial jurisdiction of such officer. Provides that if any dangerous substance is seized by a law enforcement officer, the officer shall appraise the value of the property seized and deliver to the person found in possession a receipt showing the fact of seizure, the date of the seizure, the name of the person from whom the property was seized, the location of the seizure, the description of the property seized, and the appraised value of such property.

Provides that the seized property be immediately returned to the owner upon expiration of the dangerous substance stop order unless the legislature has enacted a provision to designate the dangerous substance as a controlled dangerous substance.

Criminalizes the act of any person who sells, distributes, manufactures, or dispenses a dangerous substance following the adoption of the dangerous substance stop order, and provides that if such stop order is violated, the person shall be fined not more than \$500, or may be imprisoned for not more than two years in the parish jail, or both. Further provides that each day of continued violation shall constitute a separate offense.

Provides that the legislation not be construed to apply to any substance regulated by the Louisiana Pesticide Law.

CORRECTIONS

Act 37 of the 2014 Regular Session allows habitual offenders to be eligible to participate in a work release program during the last 12 months of their terms if the offender has obtained a low-risk level designation determined by a validated risk assessment instrument approved by the secretary of the DPS&C.

CRIME

Act 231 of the 2015 Regular Session creates the crime of nonconsensual disclosure of a private image and provides specific criteria to indicate when such crime does, and does not, occur.

Act 191 of the 2014 Regular Session authorizes the secretary of the DPS&C to release to intensive parole supervision any person sentenced as a habitual offender and denied eligibility for diminution of sentence if certain conditions are met.

Act 556 of the 2012 Regular Session adds the offenses of assault by drive-by shooting, rioting or inciting to riot, aggravated criminal damage to property, simple burglary, and looting to the offenses to the definition of "pattern of criminal gang activity" and changes the definition of "pattern of criminal gang activity" to remove the reference to offenses which occurred after 9/7/90.

CRIMINAL PROCEDURE

Act 49 of the 2015 Regular Session authorizes the attorney general and certain investigators to use electronic surveillance equipment pursuant to a court order.

CRIMINAL RECORDS

Act 326 of the 2014 Regular Session adds arrests for any aggravated offense or any sexual offense against a victim who is a minor to the types of criminal history records that are to be provided to institutions of postsecondary education.

Act 532 of the 2012 Regular Session changes the name of the component system from the Corrections and Justice Unified Network (CAJUN) to the Corrections Offender Management System operated by the Department of Public Safety and Corrections and changes the name of the component system from the Juvenile Information Records Management System (JIRMS) to the Juvenile Electronic Tracking System (JETS).

DISTRICT ATTORNEYS

Act 579 of the 2012 Regular Session authorizes a district attorney in a parish with a population of not less than 27,000 and not more than 30,000 and a parish with a population of not less than 150,000 and not more than 160,000 to convene a multidisciplinary team to assist in making a determination of the appropriate disposition of a case where a pregnant woman under arrest tests positive for controlled dangerous substances for which she does not have a valid, legal prescription, as provided for in the Uniform Control Dangerous Substance Law. Authorizes certain qualifications of members of the multidisciplinary team and requires those team members to serve two-year terms. Authorizes "appropriate disposition" to include the filing of a petition for involuntary commitment and requires the authority of the multidisciplinary team to exist from the time of arrest to the time of dismissal, acquittal, or conviction.

DOMESTIC VIOLENCE

Act 85 of the 2015 Regular Session with respect to domestic abuse assistance, the legislation clarifies the individuals protected and offenses included, authorizes the court to consider any and all past history of abuse or threats in determining the existence of an immediate and present danger of abuse, and provides that there is no requirement that the abuse itself be recent, immediate, or present.

Act 151 of the 2015 Regular Session prohibits the expungement of records of all misdemeanor and felony convictions of domestic abuse battery.

FAMILY VIOLENCE

Act 327 of the 2015 Regular Session establishes family justice centers to assist victims of domestic abuse, sexual assault, stalking, cyberstalking, cyberbullying, and human trafficking and persons protected by the Adult Protective Services Act.

HEALTH/MEDICAL TREATMENT

Act 229 of the 2015 Regular Session creates standards and procedures for the examination and treatment of victims of a sexually-oriented criminal offense and the subsequent billing for the services rendered as a result of the offense.

HUMAN TRAFFICKING

Act 154 of the 2012 Regular Session provides that certain massage parlors, spas, and hotels, as well as every strip club, sexually-oriented business, highway truck stop, and highway rest stop shall display a posting alerting citizens to the assistance of the National Human Trafficking Resource Center (NHTRC) hotline. Requires such posting to be in English, Louisiana French, and Spanish, as well as any other language mandated by the Dept. of Public Safety and Corrections. Requires the Dept. of Revenue and the Dept. of Transportation and Development to notify the described establishments over which that department exercises any regulatory authority, to post on their respective websites a sample of the

posting, and to enforce these provisions. Provides for a civil penalty of \$500 for each violation to be assessed by the appropriate state department or agency.

Act 446 of the 2012 Regular Session makes comprehensive revisions to current law regarding human trafficking, trafficking of children for sexual purposes, and the commercial sexual exploitation of children.

LAW ENFORCEMENT

Act 54 of the 2014 Regular Session authorizes the carrying of concealed firearms by qualified law enforcement officers and retired law enforcement officers in any place open to the public, subject to the rules and regulations or policies of the agency or office employing the officer or from which the officer retired. Provides that the officer must be carrying the identification required by his office, and requires that a qualified retired law enforcement officer must have been commissioned by the agency or office from which he retired.

MOTOR VEHICLES

Act 410 of the 2014 Regular Session prohibits the operation of wireless telecommunications devices while traveling through a school zone during posted hours. Defines "operation of a wireless telecommunication device" and specifies that the wireless telecommunications prohibition does not apply to hands-free wireless telephones or any electronic communication device that is used hands-free.

Specifies that the wireless telecommunications prohibition only applies within school zones on public roads or highways during posted hours when signs are located in a visible manner in each direction indicating the use of hand-held wireless communication devices are prohibited while operating a motor vehicle.

Provides that persons convicted of unlawfully using a wireless telecommunications device while traveling through a school zone during posted hours are subject to a moving violation and penalties for first and second violations, and for anyone involved in a collision at the time of the violation.

Further provides that evidence proving that the wireless telecommunications device was used for emergency purposes is an affirmative defense against the alleged violation.

Act 512 of the 2012 Regular Session repeals the provision of law prohibiting the impoundment of a private vehicle or motorcycle by a law enforcement officer when the vehicle is being operated by a La. resident and no imminent danger to the public is present.

Act 674 of the 2012 Regular Session requires persons operating an official inspection station to offer certificates of inspection that are valid for both one-year and two-year periods. Requires that the owner of the vehicle have the option of purchasing a one-year or a two-year certificate, and requires a charge or fee of \$10 to be charged for each year of validity of the certificate of inspection and approval issued.

Provides that the option for a 2-year inspection certificate does not apply to inspection programs for vehicles in non-attainment parishes and municipalities pursuant to the federal Clean Air Act or regulations promulgated by the United States Environmental Protection agency, to commercial vehicles, and to student transportation vehicles.

POSTSECONDARY EDUCATION

Act 244 of the 2015 Regular Session requires each criminal justice agency, including college and university campus police departments, to report information regarding sexually-oriented criminal offenses, as well as reported and unreported sexual assault collection kits for the preceding calendar year, no later than February 15th of each year to the Commission on Law Enforcement and the Administration of Criminal Justice.

PUBLIC SAFETY/DEPARTMENT

Act 277 of the 2014 Regular Session provides that the fire marshal, or his designee, shall have the authority to require the owner or lessee of a structure that was in existence as of August 1, 2014, and is utilized as a hotel to install a carbon monoxide alarm system when he determines, as a result of a plan review, investigation, or inspection, that a carbon monoxide source within or attached to the building or structure poses a threat of carbon monoxide poisoning. The source of carbon monoxide may include, but not be limited to, an attached enclosed garage or fossil-fuel burning appliance or appliances.

Requires that an owner or lessee of a hotel or his agent shall declare the presence of a carbon monoxide source or the attachment of a parking garage to the hotel at the time building plans and specifications for the hotel are submitted to the fire marshal for review.

PUBLIC SAFETY/CORRECTIONS DEPT.

Act 727 of the 2012 Regular Session prohibits the introduction of contraband into correctional facilities and provides for imprisonment with or without hard labor for no more than five years per violation and authorizes the imposition of a fine of not less than \$250 or more than \$2000 for each violation. Requires any funds collected to be placed in a fund located within the division of probation and parole to be used solely for the purchase of reentry services.

SEX OFFENDERS

Act 552 of the 2012 Regular Session requires a sex offender to appear in person at the sheriff's office where the offender is currently registered to update information when a change is made to any information previously provided by the offender.

SEX OFFENSE REGISTRY

Act 190 of the 2014 Regular Session expands the crime of failure to register and notify as a sex offender or child predator to include that it shall also be considered failure to register and notify as a sex offender or child predator if the offender fails to timely register, provide any information required by law,

renew and update registration information as required by law, or provide proof of residence or notification of change of address or other registration information.

Act 339 of the 2014 Regular Session provides that if any person who is required to register as a sex offender or child predator is homeless, or is without a fixed residence, he is required to appear in person to renew and update his registration with the sheriff of the parish in which he is homeless, or is living without a fixed residence, every 14 days from the date on which he initially appeared to register with the sheriff of that parish.

Further provides that if the offender regularly resides homeless, or without a fixed place of residence, in more than one parish, he is required to register with the sheriff of each parish in which he regularly resides and to renew and update his registration every 14 days with each sheriff of those parishes. However, if an offender no longer plans to reside without a fixed residence in a particular parish, he is required to give notice, in person, to the sheriff of the parish in which he intends to no longer reside.

Act 522 of the 2014 Regular Session adds persons with a felony conviction for the crime of stalking, punishable by imprisonment at hard labor, against a person under the age of 18 to the definition of "criminal offense against a victim who is a minor". Provides an exception from the definition for a defendant who is a parent of the victim and for a defendant who is not more than four years older than the victim and is convicted of stalking as defined under current law without certain specific aggravating circumstances. Provides an exclusion to the addition of the crime of stalking to the definition of "criminal offense against a victim who is a minor" for certain defendants.

Act 798 of the 2014 Regular Session requires certain persons convicted of certain sex offenses or criminal offenses against a victim who is a minor to register as a sex offender in the Sex Offender and Child Predator Registry and to provide notification to certain persons. The duration of such registration and notification requirements depends upon the offense for which the offender was convicted.

Act 385 of the 2012 Regular Session retains the requirements of current law which require sex offenders and child predators to provide certain notifications to local law enforcement and the community, and which provide penalties for the failure to comply with sex offender registration and notification requirements. The legislation requires notification on a networking website by any sex offender or child predator, who is otherwise not prohibited from accessing the networking website pursuant to current law, who creates a profile or who uses the functionality of the networking website to contact other networking website users to the list of current notification requirements. Additionally, it provides for the contents of the notification and defines "networking website".

Act 402 of the 2012 Regular Session authorizes certain persons convicted of crime against nature to be relieved of the sex offender registration and notification provisions and provides for a procedure by which such relief is granted. Provides that any person convicted of crime against nature (R.S. 14:89) prior to Aug. 15, 2010, to file a motion in the court of conviction to be relieved of the sex offender registration and notification requirements if the offense for which the offender was convicted would be defined as crime against nature by solicitation (R.S. 14:89.2) had the offender been convicted on or after Aug. 15, 2010. Further provides that the legislation shall not apply to persons whose offense

involved the solicitation of persons under the age of 17, or for any person who was convicted of one or more offenses which otherwise require registration in the sex offender registry.

Act 536 of the 2012 Regular Session makes changes to certain definitions in current law relative to the registration of sex offenders in order to conform to certain provisions of current law relative to sex offenses. Adds a provision to make definitions applicable to the crime of molestation of a juvenile when the victim is under the age of 13 years.

SEX OFFENSES

Act 276 of the 2015 Regular Session requires each criminal justice agency, including college and university campus police departments, to report certain information regarding sexually-oriented criminal offenses and sexual assault collection kits to the Commission on Law Enforcement and the Administration of Criminal Justice for the preceding calendar year no later than February 15th of each year. Also requires each crime laboratory to report the number of sexual assault collection kits in their backlog for the prior calendar year no later than February 15th to the Louisiana Commission on Law Enforcement and the Administration of Criminal Justice.

TRAFFIC

Act 62 of the 2013 Regular Session 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

Act 147 of the 2014 Regular Session creates an exception to the crime of possession of a firearm in alcoholic beverage outlets for certain law enforcement officers, judges, district attorneys, and assistant district attorneys, and for concealed handgun permit holders when the possession occurs on the premises of an alcohol beverage outlet which has been issued a Class A-Restaurant permit.

Act 221 of the 2014 Regular Session provides for a federal criminal history check prior to the issuance of a concealed handgun permit. Requires state police to execute a thorough background investigation, including a criminal history check, of every applicant for the purpose of verifying the qualifications of the applicant prior to issuing a concealed handgun permit. Also requires state police to make an inquiry on every applicant to the FBI's National Instant Criminal Background Check System, and provides that if the applicant is not a U.S. citizen, the applicant is required to provide any alien or admission number issued by the U.S. Bureau of Immigration and Customs Enforcement and any basis, if applicable, for an exception to the prohibitions from possession of a firearm under federal law.

Provides that a person whose permit has been suspended or revoked and who uses that permit to purchase a firearm from a licensed dealer knowing that the permit has been suspended or revoked shall be fined not more than \$500, imprisoned for not more than six months, or both.

Act 776 of the 2014 Regular Session authorizes a member or officer of either house of the legislature to possess and conceal a handgun on his person provided that the legislator or officer is POST certified in the use of firearms. Prohibits the carrying of a weapon in the state capitol building.

RETIREMENT

Generally, the legislature has a constitutional duty to provide for the retirement of employees of the public education system, and of the state and its political subdivisions through establishment of one or more retirement systems. The constitution requires these retirement systems to be maintained on an actuarially sound basis, with the legislature establishing the employer and employee contributions and dedicated taxes to be utilized for that funding.

The Louisiana Public Retirement Law establishes four retirement systems for state and public education employees. Collectively these are known as the "systems," a reference to the state's constitutional guarantee of benefits payable to members, retirees, and beneficiaries. These are the Louisiana State Employees' Retirement System (LASERS), State Police Pension and Retirement System (State Police), Teachers' Retirement System of Louisiana (TRSL or Teachers'), and Louisiana School Employees' Retirement System (LSERS).

Nine retirement systems for employees of political subdivisions of the state are also established in law. Collectively these are known as the "statewide systems." The state does not guarantee the benefits payable from these systems. These systems are generally Assessors, District Attorneys, Clerks of Court Employees, Firefighters, Municipal Employees, Municipal Police, Parochial Employees, Registrar of Voter Employees, and Sheriffs.

Additionally, Louisiana has numerous local retirement systems that are not part of the constitutional requirements for sound actuarially financing but which have provisions in state statute, necessitating legislation to make certain changes. Some examples of these are the New Orleans Fire Fighters Pension and Relief Fund and the City of Alexandria Employees' Retirement System.

COST-OF-LIVING ADJUSTMENTS (COLAs)

House Bill 42 of the 2015 Regular Session (vetoed) would have provided a 1.5% COLA to all eligible retirees and beneficiaries of the Louisiana State Employees' Retirement System (LASERS) and Teachers' Retirement System of Louisiana (Teachers), and a 2% COLA to all eligible retirees and beneficiaries of the Louisiana School Employees' Retirement System (LSERS) and the Louisiana State Police Retirement System (Troopers). The COLA was to be funded with money from each system's experience account, a special account where money to pay for COLAs is accumulate, and was scheduled to begin July 1, 2015. House Bill 42 was vetoed by the governor.

Acts 101, 102, 103, and 104 of the 2014 Regular Session provided a 1.5% COLA to all eligible retirees and beneficiaries of the Louisiana State Employees' Retirement System (LASERS), Teachers' Retirement System of Louisiana (Teachers), Louisiana School Employees' Retirement System (LSERS), and the Louisiana State Police Retirement System (Troopers). The COLA was funded with money from each system's experience account and began July 1, 2014.

Act 170 of the 2013 Regular Session provided for a change to the target-ratio system of granting COLAs applicable to the statewide retirement systems. This bill allows 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 act 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.

SYSTEM LIABILITIES

House Bill 42 of the 2015 Regular Session (vetoed) would have provided for changes to the amortization period of the liabilities of the four state systems: LASERS, Teachers, LSERS, and Troopers. The bill reduced the amortization period from 30 years to 20 years in two year increments over five years. The bill also allowed for the reamortization of certain special debt to occur every five years, leveling the employer rate at each system. The bill moved the systems more quickly towards compliance with the constitutional requirement that all benefits must be funded over a 10-year period by amortizing the debt associated with deposits made to each experience account over 10 years instead of 30 years.

Act 399 of the 2014 Regular Session provides for the restructuring of the current COLA mechanism for LASERS, Teachers, LSERS, and Troopers. This act linked the amount of a potential COLA to the funded level of the system. All additional funds which would have otherwise been used to fund COLAs will be allocated to payment of the UAL. This bill allows for the debt of the systems to be paid off earlier and employer rates to be reduced more quickly. The actuarial note indicates that this bill will save the state and local school boards nearly five billion dollars over the next 30 years.

Act 23 of the 2014 Regular Session was passed, in conjunction with **Act 478 of the Regular Session**, these two acts provided for the reamortization of increasing payment schedules funding LSERS's debt. The reamortization of the schedules and the application of the remaining funds from the experience account allowed the employers' contributions to be leveled and eliminated the increasing rates under which the system previously operated, and which were scheduled to continue through 2043.

RETIREES RETURNING TO WORK

Act 149 of the 2015 Regular Session allows any retiree who retired from Teachers' prior to June 30, 2010 (the effective date of Act 921 of 2010 which greatly restricted a retiree's ability to avoid benefit suspension when the retiree was rehired in a position covered by the system) to return to a Teachers'-covered position without any suspension of benefits. The bill also allows for educational diagnosticians and school social workers to return to work without any suspension of benefits when a critical shortage has been certified. Additionally, the bill restructures the statute to make it easier to administer and understand.

Act 297 of 2012 Regular Session provides that a retired teacher may return as a substitute Pre K - 12 teacher and earn up to 25% of his retirement benefit in any fiscal year. If he or she remains employed after reaching the earnings limitation, the benefit is reduced according to the percentage earned over 25%.

Act 228 of the 2012 Regular Session provides that a retired professor may return to work as an adjunct professor and earn up to 25% of his retirement benefit in any fiscal year. If he or she remains employed after reaching the earnings limitation, the benefit is reduced according to the percentage earned over 25%.

RETIREMENT ELIGIBILITY

Act 226 of the 2014 Regular Session provided for non-hazardous duty members of the LASERS and all members of Teachers and LSERS whose membership begins on or after July 1, 2015, a retirement age of 62. Prior to this act, the retirement age was 60 for these system members.

OPTIONAL RETIREMENT PLAN (ORP)

Act 607 of the 2014 Regular Session allows the board of each higher education system participating in the ORP at Teachers to set the rate of employer contribution to each employee-participant's account between 6.2% and the normal cost of the system (5.1839% for 2013-2014, 3.6658% for 2014-2015).

FORFEITURE

Act 868 and Act 479 of the 2012 Regular Session provide for the forfeiture of public retirement benefits when a public employee or elected official is convicted of certain public corruption crimes. These acts are prospective only and allow the sentencing judge in his discretion to order the forfeiture of the retirement benefits. The sentencing judge may also award the forfeited benefits to the public servant's spouse, former spouse, or dependant as an alternate payee.

BENEFIT STRUCTURE REFORM

Act 483 of the 2012 Regular Session provided for a "cash-balance plan" for new members in LASERS, TRSL, and LSERS employed on or after July 1, 2013. Participation was mandatory for non-hazardous members of LASERS and higher ed members of TRSL'. All other members employed on or after July 1, 2013, except members of LASERS' hazardous duty plan, may choose to participate in this plan. The "cash balance plan" was a state-guaranteed pension wealth accumulation instrument. It was considered a "hybrid" retirement plan because it provides for a blend of a 401(k) style benefit and a traditional defined benefit structure. The employee contributes 8% of pay and credited 12% each year. These amounts were credited to an account. The employee also shares in the gains of the system. The employees account can never be reduced. The employees participating in the cash balance plan may, after five years of service, receive the full balance of their accounts if they choose to separate from service. Participating employees may instead choose to receive an annuity at the retirement age of 60. The active members are additionally provided with a survivor and disability benefits under the current structure in the defined benefit plan. The bill was ruled to have been passed unconstitutionally by the Louisiana Supreme Court. The plan never went into effect.

SOCIAL SECURITY OFFSETS

In the 2014 Regular Session, **Senate Concurrent Resolution 5** and **House Concurrent Resolution 33** and in the 2012 Regular Session, **House Concurrent Resolution 57** memorialize the Congress of the United States to review and consider eliminating provisions of federal law which reduce Social Security benefits for those receiving public pension benefits for federal, state, or local government service during which they did not contribute to Social Security. These resolutions specifically applies to two different calculation rules which reduce Louisiana public employees' Social Security benefits, called the Government Pension Offset (GPO) and the Windfall Elimination Provision (WEP). These offsets were enacted by the federal government in the late 1970s and early 1980s in efforts to stabilize Social Security.

REVENUE & TAXATION

The 2012-2015 Term was plagued by the weakness of state revenue growth (even for a period of lagging recovery from the national recession). The large cost of tax benefits became an important background topic in the Senate during the 2012 Session, resulting in **Senate Concurrent Resolution 103 of 2012** which required a study by the tax committees with a goal of recommending the temporary or permanent reduction or elimination of low-performing or antiquated tax exemptions, suspensions, exclusions, deductions, credits, refunds, rebates, and preferential tax calculation methods.

This concern, however, did not prevent the enactment of laws which reduced taxes. For instance, the Administration proposed five bills in the 2012 Regular Session which would allow the Department of Economic Development [DED] to grant contracts for "rebates" of various costs, for a favorable tax apportionment formula, or for exemptions from local property taxes in order to target specific business activities identified in the legislation. **Act 811 of 2012** created the Competitive Projects Payroll Incentive Program authorized DED to grant a rebate of up to 15% of "new payroll" determined to be eligible by DED if the number of new jobs and amount of "new payroll" required to be created and maintained, along with any other performance obligations under the contract, were met. In addition, the eligible business could claim the same rebate of state and local sales tax authorized for Enterprise Zone-eligible businesses, or a "project facility expense rebate" equal to one and one-half percent of the amount of "qualified capital expenditures" on the facility. No new contracts were to be granted after July 1, 2017. **Act 503 of 2012** created the Corporate Headquarters Relocation Program authorized DED to grant contracts for rebates of 25% of the "relocation costs" incurred to relocate or expand a business' "headquarters" to a location within Louisiana. No new contracts were to be granted after July 1, 2017.

Act 415 of 2012 created the Corporate Tax Apportionment Program. It authorized DED to grant contracts for an initial term of up to 20 years (renewable for another 20) for a business to utilize a favorable "single sales factor" to determine how much income or "taxable base" to apportion to Louisiana for income and franchise tax purposes, if the business is certified by DED and approved by the Joint Legislative Committee on the Budget. No new contracts were to be granted after July 1, 2017. The Administration also promoted a non-business rebate bill. **Act 25 of 2012** authorized a rebate for unlimited donations a taxpayer makes to a school tuition organization which provides scholarships to attend nonpublic elementary or secondary schools to children who are members of families with a total household income that does not exceed 250% of the federal poverty level. The maximum amount of a scholarship for a student is the lesser of the actual amount of tuition and fees charged by the school or 80% of the previous year's state average MFP funding per pupil for grades K through 8, and 90% for grades 9-12.

There were also tax benefit laws enacted in the 2013 Regular Session. The largest new credit granted was **Act 625 of 2013** which established 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 which are, in turn, making investments in qualified low-income businesses. Several existing credits scheduled to terminate were instead extended: **Acts 272, 263, 385, 304 and Act 197**.

Nevertheless, by the 2013 Regular Session the need for more revenue was dire. Raising revenue was difficult for the legislature given the Administration's strict "no new taxes" policies. For instance,

during the 2013 Session an effort was made to capture for local governments both the 2.5% state and the 0.5% local tax levied on automobile rentals which expired on July 1, 2012. Despite the fact that all the bills required approval by the local electorate, they did not survive the Administration's "no new taxes" policy: **SB 350 (vetoed)**, **SB 351 (vetoed)**, **House Bill 934 (vetoed)**, and **House Bill 971 (vetoed)**.

A major piece of solving the budget puzzle for the 2013-2014 Fiscal Year was the Louisiana Tax Delinquency Amnesty Act of 2013, contained in **Act 421 of 2013**. The bill authorized the secretary of the Department of Revenue [DOR] 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. The Legislature considered the 2013 amnesty so successful that it repeated virtually the same amnesty for Fiscal Year 2014-2015 with **Act 822 of 2014**.

Another hopeful money-raising effort was to be found in **Act 399 of 2013**. That Bill provided the bill collection resources of the Department of Revenue and the Attorney General's [AG's] office to the rest of the executive branch of state government. It created the office of debt collection within DOR and required 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.

The 2013 Session also saw the beginning of the modification of tax benefits. The Enterprise Zone Program was slightly trimmed by **Act 423 of 2013**. The EZ tax credit was to be based only upon full time employees; 50% (rather than 35%) of employees would need to meet resident-based criteria; and retail businesses with more than 100 employees would only be eligible if they are a grocery store or a pharmacy actually located in an area designated as an enterprise zone. **Act 425 of 2013** limited the compensation paid to vendors who collect sales tax from one and one-half 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 **Act 431 of 2013**, and also both were capped at \$2.5 million dollars per project and a total budget impact of \$6.25 million per year.

In addition, **Act 427 of 2013** limited the tax credit for alternative fuel vehicles to what was commonly understood to be its original intention, that is, vehicles fueled by natural gas, liquified petroleum gas, and nonethanol based advanced biofuels. The bill also allowed the credit for vehicles fueled by electricity only 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 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 was substantially revised by **Act 427 of 2013**. In addition to repealing the credit for wind energy systems, the bill made 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. **Act 219 of 2013** clarified which vehicles are eligible for the credit, eliminating "flex-fuel" vehicles.

The 2015 Regular Session, the last year of the term of the current Administration saw many revenue-raising bills enacted. Most of the discussion on tax matters were focused on the following bills.

Act 125 of 2015 cut 28% of the following income and corporation franchise tax credits on returns filed on or after July 1, 2015, but before June 30, 2018, notwithstanding the tax year for which the return is filed [*See note below*]:

- (1) R.S. 25:1226.4 Atchafalaya Trace Heritage Area Development Zone tax credit.
- (2) R.S. 47:34 Corporation tax credit for new full-time and part-time jobs.
- (3) R.S. 47:35 Neighborhood assistance tax credit.
- (4) R.S. 47:37 Credit for contributions to educational institutions.
- (5) R.S. 47:227 Offset against tax; insurance premium.
- (6) R.S. 47:265 Credits arising from refunds by utilities.
- (7) R.S. 47:287.664 Credits arising from refunds by utilities.
- (8) R.S. 47:287.748 Corporation tax credit; re-entrant jobs credit.
- (9) R.S. 47:287.749 Jobs credit.
- (10) R.S. 47:287.752 Credit for employment of first-time nonviolent offenders.
- (11) R.S. 47:287.753 Neighborhood assistance tax credit.
- (12) R.S. 47:287.755 Credit for contributions to educational institutions.
- (13) R.S. 47:287.758 Credit for bone marrow donor expense.
- (14) R.S. 47:287.759 Credit for employee and dependent health insurance coverage.
- (15) R.S. 47:297 Reductions to tax due for the following Subsections of R.S. 47:297:
 - (A) For deaf, blind, mentally incompetent, or loss of limbs.
 - (B) For the elderly, contributions to candidates for public office, investment credits, credits for foreign tax, work incentive credits, jobs credits, and residential credits on federal return.
 - (C) For individuals in an amount equal to the state gasoline and motor fuels tax and special fuels taxes paid to operate or propel a commercial fishing boat.

- (D) \$25 income tax credit per child for individual taxpayers for educational expenses.
 - (F) Amount contributed to a family responsibility program.
 - (G) Certain environmental equipment designed to recover or recycle chloroflourocarbons used as refrigerants.
 - (H) Medical doctors and dentists who practice in designated rural areas.
 - (I) Bone marrow donor expenses.
 - (J) Certain educational expenses associated with attending college.
 - (L) Purchase of a bulletproof vest.
 - (M) Premiums for eligible long-term care insurance.
 - (N) Expenses because of a living organ donation by the taxpayer or taxpayer's spouse.
 - (P) Inclusion of certain accessible and barrier-free design elements in the construction of a new one- or two- family dwelling.
- (16) R.S. 47:297.6 Credit for rehabilitation of residential structures.
 - (17) R.S. 47:297.9 Certain military service members and dependents hunting and fishing licenses.
 - (18) R.S. 47:6004 Employer Credit each person and participant of Family Independence Work Program in a newly created full-time job.
 - (19) R.S. 47:6005 Qualified new recycling manufacturing equipment and service contracts.
 - (20) R.S. 47:6008 Credit for donations to assist playgrounds in economically depressed areas.
 - (21) R.S. 47:6009 Louisiana Basic Skills Training Tax Credit.
 - (22) R.S. 47:6012 Employer tax credits for donations of materials, equipment, advisors, or instructors to public training providers registered with the La. Workforce Commission, or community colleges to assist in the development of training programs designed to meet industry needs.
 - (23) R.S. 47:6013 Credit for donations to public schools.

- (24) R.S. 47:6017 Credit for expenses paid by economic development corporations for the filing fee paid to the La. State Bond Commission.
- (25) R.S. 47:6018 Credit for purchasers from "PIE contractors".
- (26) R.S. 47:6020 Angel Investor tax credit program.
- (27) R.S. 47:6022 Digital interactive media and software tax credit.
- (28) R.S. 47:6023 Sound recording investor tax credit.
- (29) R.S. 47:6025 Credit for La. Citizens Property Insurance Corp. assessment.
- (30) R.S. 47:6026 Cane River heritage tax credit.
- (31) R.S. 47:6032 Credit for certain milk producers.
- (32) R.S. 47:6034 Musical and theatrical production income tax credit.
- (33) R.S. 47:6035 Credit for conversion of vehicles to alternative fuel usage. (50% reduction in maximum for purchase of such vehicles - \$3,000 to \$1,500.)
- (34) R.S. 47:6036 Ports of Louisiana Tax Credits.
- (35) R.S. 47:6037 Credit for "green job industries".
- (36) R.S. 51:1807 Incentives (Urban Revitalization) per net new employee.
- (37) R.S. 51:2354 Technology commercialization credit.
- (38) R.S. 51:2399.3 Modernization tax credit.

Act 123 of 2015 cut 28% of the following tax exclusions and deductions on returns filed on or after July 1, 2015, but before June 30, 2018, notwithstanding the tax year for which the return is filed [*See note below*]:

- (1) R.S. 47:51 & R.S. 47:287.71 - Exclusion for any funds received by a corporation from a governmental entity to subsidize the operation and maintenance of a public transportation system.
- (2) R.S. 47:158 & R.S. 47:287.745 - Oil and gas depletion allowance.
- (3) R.S. 47:287.73 - Deduction from corporate income tax for any expenses disallowed under I.R.C. Section 280C.

- (4) R.S. 47:287.738 - Deduction equal to interest and dividend income included on the federal income tax return.
- (5) R.S. 51:3092 - Exemption for certain La. Community Development Financial Institutions for 5 [to 4] consecutive taxable periods.
- (6) R.S. 47:246 & R.S. 47:287.86 - Deduction for net operating loss of a corporation.

In addition to the 28% cut in **Acts 125 and 103 of 2015**, repealed the three-year "carryback provision" of the net operating loss deduction, but increased the carryover or "carry forward" period from 15 years to 20 years beginning with any claim filed on or after July 1, 2015, but before June 30, 2018, notwithstanding the tax year for which the return is filed.

Act 126 of 2015 revises rebates laws with respect to the following:

- (1) Makes businesses assigned a NAIC Code of 44 or 45 (retailers of merchandise) and 722 (food services and drinking places) ineligible to receive Enterprise Zone rebates or credits if an "advance notification" was not filed before July 1, 2015.
- (2) Reduces the Louisiana Mega-project Assistance Rebate granted from July 1, 2015 through June 30, 2018 to 80% [rather than all] of the severance tax on natural gas consumed in operation of the facility or in the manufacture of the energy sold to the facility.
- (3) Reduces to 80% the amount of benefits under the Quality Jobs Program for projects for which an advance notification was filed on or after July 1, 2015 but before July 1, 2018.
- (4) Reduces from 25% to 20% the rebate of relocation costs under the Corporate Headquarters Relocation Program for projects for which an "invitation to apply" was extended by LED on or after July 1, 2015 but before July 1, 2018.
- (5) With respect to the Competitive Projects Payroll Incentive Program reduces the rebates for certain qualified capital expenditures from 1.5% to 1.2% and the credit for new payroll from a maximum of 15% to a maximum of 12% of the new payroll for projects for which an "invitation to apply" was extended by LED on or after July 1, 2015 but before July 1, 2018.

Act 133 of 2015:

- (1) Changes the tax credit allowed for property taxes paid on certain inventory and natural gas from a fully refundable credit to the following:
 - (A) 100% refundable if tax liability is less than \$10,000.

- (B) If the tax liability is \$10,000 or above, 75% is refundable and 25% may be carried forward for up to five years.
- (2) Changes the Research and Development Tax Credit from a fully refundable credit to one in which credit amounts which exceed taxpayer liability may be carried forward for up to five years.

Applicable to all claims for the credits on any return filed on or after July 1, 2015, regardless of the taxable year to which the return relates [*See note below*].

Act 109 of 2015 limits the income tax credit on taxes paid to another state to the tax which would have been imposed by Louisiana (i.e. the taxpayer gets a credit for the income taxed by the other state which is equal to the Louisiana tax rate, not the higher tax rate of the other state). In addition, the law requires reciprocity and prohibits the credit if the other state allows a credit for Louisiana taxes.

Effective for returns filed on or after July 1, 2015, but before June 30, 2018, notwithstanding the tax year for which the return is filed [*See note below*].

Act 103 of 2015 eliminated the provision which allowed a "net operating loss" of a corporation to be "carried back" to offset income from any of three tax years prior to the "loss" tax year. In a sort of exchange, the bill allows the loss to be "carried forward" for an additional five years (from the 15 years authorized in current law).

Applicable to all claims for the net operating loss on any return filed on or after July 1, 2015, regardless of the taxable year to which the return relates [*See note below*].

Act 134 of 2015 made many changes to the movie investor tax credit program. Most of those were focused on directing the credit to productions which have more of an impact on Louisiana employment and businesses and smaller productions which are more likely to occur in the state, such as:

- (1) Increasing the tax credit for payroll of La. residents from 5% to 10%.
- (2) Capping the maximum amount of credits available for any single production at \$30 million.
- (3) Lowering the threshold expenditures for earning credits from \$300,000 to \$50,000 if 90% of the production's expenditures for "above the line services" (i.e. actor, director, producer, etc.) are expended on La. residents and 90% or more of the total number of jobs in the production are filled by La. residents.
- (4) Granting 15% extra tax credit for a production using Louisiana based screenplays or 15% extra tax credit on the amount expended on Louisiana based sound recording copyrighted or musical copyrighted music.

The main savings of HB829, though, is a \$180 million "cap" on claims against state income tax allowed on returns and purchases by LED of tax credits for Fiscal Years 2015-2016, 2016-2017, and 2017-2018.

Act 131 of 2015 reduced the amount of the solar energy systems tax credit and limited the amount of the tax credits allowed until the credits terminate on January 1, 2018, as follows:

(1) For systems purchased by taxpayers, the credit is equal to the least of:

- (a) Two dollars multiplied by the total size of the system as measured in DC watts.
- (b) 50% of the cost of purchase and installation.
- (c) \$10,000.

The "caps" on the tax credits for such "purchased" systems are:

FY2015-2016, \$10 million.

FY2016-2017, \$10 million.

On or after July 1, 2017 to December 31, 2018, \$5 million.

(2) For systems leased to taxpayer by solar installers, the credit is limited to the first \$20,000 of the system's cost (rather than the first \$25,000).

The caps on the tax credits for such "leased" systems are:

\$19 million for credits not granted prior to June 1, 2015, but granted during FY2014-2015.

FY2015-2016, \$10 million.

FY2016-2017, \$10 million.

On or after July 1, 2017 to December 31, 2018, \$5 million.

HCR 8 "suspends" the state sales tax exemption for business utilities (non-residential sales and purchases of steam, water, electric power or energy, and natural gas) against 0.97% of the tax beginning July 1, 2015, through the 60th day after final adjournment of the 2016 Regular Session.

Act 94 of 2015 increases the tax per pack of 20 cigarettes from 36¢ to 86¢. In addition, levied an excise tax equal to \$.05 per milliliter of nicotine liquid solution on vapor products and electronic cigarettes.

Act 120 of 2015 should be mentioned because it is a limitation on the exemption from severance tax for oil and gas produced by horizontally drilled wells for 24 months or until the pay out of well costs.

However, the bill had no fiscal effect because the official budgeted oil and gas price projections do not approach the bill's minimum price threshold for reducing the exemption, \$70/bbl and \$4.50/mmbtu.

Act 140 of 2015 disallows a maximum credit of \$25 for educational expenses incurred for each child attending kindergarten, elementary, or secondary school if the deduction for the payment of tuition and fees for nonpublic elementary and secondary school tuition is taken for the child as provided for in R.S. 47:297.10.

In addition, the Act provided for the Student Assessment for a Valuable Education (SAVE) Credit Program which grants a SAVE credit against various state taxes equal to the amount of a SAVE assessment for each student enrolling at a public institution of higher education. The amount of each credit cannot exceed the average household tax liability and the total credits cannot exceed the amount appropriated by the legislature. The amount of the credit is transferred by the Department of Revenue to treasurer who must place the money in the Higher Education Initiatives Fund in R.S. 17:3129.6, and it is distributed by the Board of Regents pursuant to its formula for the equitable distribution of funds to public institutions of higher education.

NOTE ON JULY 1ST LANGUAGE IN THE 2015 ACTS:

As indicated above, the cuts affecting the deductions and credits often is effective for "any return filed on or after July 1, 2015, regardless of the taxable year to which the return relates." This clause has caused some comment. The best way to explain that language is to start with the "why?" first. Why was the July 1st provision necessary?

It is common knowledge that at the beginning of the 2015 Legislative Session there was a large budget deficit for the up-coming FY2015-2016. The thought was that the legislature could simply cut a credit, exemption or deduction and put in the usual provision: "This Act shall apply to tax years beginning on and after January 1, 2015." The annual Tax Exemption Budget issued by the Department of Revenue showed many large credits with a cost of over a hundred million per fiscal year. It was the general consensus that if a cut was made applicable to "tax years beginning on and after January 1, 2015," FY2015-2016 revenue would be increased substantially.

When the Department of Revenue and the Legislative Fiscal Office analyzed the tax year of the tax returns filed each fiscal year however, they found out that large companies and wealthier individuals, for a variety of reasons (i.e. a fiscal year which is not on a calendar year basis), did not immediately claim credits in the following fiscal year. If a credit was granted for tax returns filed for tax years beginning during 2015, the main fiscal effect of that credit was not felt in the FY2015-2016, but in the following FY2016-2017.

This meant that, if tax credits were reduced in the "usual way" - that is, "applying to tax years beginning on and after January 1, 2015", the state would not receive the full fiscal benefit of reducing the credit in FY2015-2016 (i.e. more revenue). The state might only receive as little as 10% of the fiscal effect.

To get the full effect of cutting credits in FY2015-2016, the following provision was put in many of the tax credit, deduction and exemption reduction bills. The one from Rep. Katrina Jackson's 28% across-the-board cut in HB629 (HB624 has the same language) reads as follows:

Section 7.(A) Except as provided for in Subsection (B) of this Section, the provisions of . . . this Act shall apply to a claim for a credit on any return filed on or after July 1, 2015, . . . regardless of the taxable year to which the return relates.

What this means is that, even if a company or individual had a credit under the tax law prior to its change, they would lose a part of it.

There were two exceptions generally put into the law, one for amended returns and one for tax returns filed pursuant to an extension.

The "amended return exception" in HB629 reads:

The provisions of . . . this Act shall NOT apply to an amended return filed on or after July 1, 2015, . . . relating to a credit properly claimed on an original return filed prior to July 1, 2015.

If an original return properly claimed a full tax credit prior to July 1, 2015, the taxpayer would get that full credit even though his amended return is filed after July 1, 2015.

The "extension return exception" is more limited. In HB629, it reads:

If a return is filed after July 1, 2015 . . . for which a valid filing extension has been allowed prior to July 1, 2015, then any portion of the credit reduced by the provisions . . . of this Act shall be allowed as a credit in the amount of one-third of the reduced portion of the credit on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019.

If an extension to file a tax return was allowed prior to July 1, 2015 (extensions are allowed automatically, which many large taxpayers do because their returns are complicated), you ultimately will get the reduced portion of the credit, but not until your tax year beginning in 2017, and then only one-third in 2017, 2018, and 2019. In effect, the state will delay three years before it begins to honor the tax credit.

SOCIAL SERVICES

2012 REGULAR SESSION

Children

Act 840 extends the "right of privacy" to juvenile victims of misdemeanor sex offenses.

Acts 614 and 268 criminalizes the failure to report the sexual abuse of a child. Also requires the reporting of child abuse or neglect through the designated state child protection reporting hotline for Department of Children and Family Services (DCFS).

Act 599 increases the penalties imposed on child care facilities and child-placing agencies from \$250 to \$1,000 per day for operating without or in violation of a license. Also authorizes, in lieu of revocation, the issuance of a written warning which includes a corrective action plan for certain violations or occurrences which does not pose an imminent threat to the health, safety, rights, or welfare of a child.

Act 223 provides that no person who has been convicted of, or who has pled guilty or nolo contendere to, any sex offense whose victim was under the age of 13 years, shall own, operate, or in any way participate in the governance of child care facilities, or own, operate, or in any way participate in the governance of, or reside in, family child day care homes.

Act 793 provides that death benefits, under the LA Worker's Compensation Law, shall be paid to surviving biological and adopted children of the employee, to be divided equally among them, constituting the sole and exclusive compensation. Further provides that if there are no surviving children, then the \$75,000 shall be paid to each surviving parent. Also provides that regardless of dependency, no payment shall be made to the concubine of the deceased employee nor the concubine's children, unless the children are related to the deceased employee by blood or adoption.

Act 99 provides relative to death benefits, under the LA Worker's Compensation Law, that if there are no surviving dependents of the deceased employee, the non-dependent children shall divide \$75,000 among themselves equally. Also provides that children with a valid child support order from a court of competent jurisdiction against the deceased parent, are also considered to be dependents of the deceased employee.

Family Assistance Programs

Act 686 removed the United States Department of Housing and Urban Development (HUD)'s income limit as the exclusive qualifier in identifying "persons or families of low or moderate income". Allows the board of directors of the Louisiana Housing Corporation (LHC) to determine who qualifies as a "person or families of low or moderate income" in a manner consistent with any federal housing programs.

In an effort to reduce waste within the *Supplemental Nutrition Assistance Program (SNAP)* are the following:

Act 635 creates the SNAP Fraud and Abuse Detection and Prevention Fund in the state treasury as a special fund. Provides for funding through the donation of individual income tax refunds. Further provides for the monies in the fund to be used only to enhance fraud and abuse detection and prevention activities.

Act 677 provides that whoever commits the crime of unauthorized use of SNAP benefits or a SNAP benefit access device is to be fined not less than \$5,000 nor more than \$1,000,000 or imprisoned, with or without hard labor, for not less than six months nor more than 10 years, or both. Changes present law references of "food stamp coupons," " food stamp authorization cards" and "food stamp access devices" to "SNAP benefits" or "SNAP benefit access devices". Also creates the crime of failure to report unauthorized use of SNAP benefits.

Health Care

Act 506 establishes the Mental and Behavioral Health Services Preservation Act for the preservation of state funded mental and behavioral health services.

Act 489 authorizes a family psychiatric mental health nurse practitioner or psychologist to execute an emergency certificate for admission to a treatment facility of a minor suffering from mental illness or substance abuse.

Act 763 which provides that under extraordinary circumstances, any other relative, by blood or affinity, or a former stepparent or stepgrandparent, not granted custody of the child may be granted reasonable visitation rights if the court finds that it is in the best interest of the child. In determining the child's best interest the court shall consider the following factors:

1. The length and quality of the prior relationship between the child and relative.
2. Whether the child is in need of guidance, enlightenment, or tutelage which can best be provided by the relative.
3. The preference of the child if he is determined to be of sufficient maturity to express a preference.
4. The willingness of the relative to encourage a close relationship between the child and his parent or parents.
5. The mental and physical health of the child and the relative.

2013 REGULAR SESSION

Children

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 5 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.

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.

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.

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.

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.

2014 REGULAR SESSION

Children

Act 406 prohibits a child from being placed in a foster home for temporary care, except for emergency placement, or for adoption until it is determined that the prospective foster or adoptive parent has not been convicted of or pled nolo contendere to a felony offense involving the possession of a Schedule I, II, III, IV, or V controlled dangerous substance unless five or more years have elapsed

between the date of placement and the date of successful completion of any sentence, deferred adjudication, or period of probation or parole. Further provides that when the prospective foster or adoptive parent has been convicted of or pled nolo contendere to a felony offense involving the possession of a Schedule I, II, III, IV, or V controlled dangerous substance, the child is prohibited from being placed in the home, until the individual has submitted to and passed an initial drug test and has provided written consent to any plan of random drug testing required by DCFS for the duration of the placement. Requires that the drug test be at the expense of the individual.

Act 721 provides that courts, as a part of their final decree involving adoption of a child, shall provide notice to all parties concerning the crime of re-homing of a child. Also, creates the crime of re-homing which occurs when a parent or any individual or entity with custody of a child intends to avoid or divest himself of permanent parental responsibility by placing the child in the physical custody of a nonrelative without court approval.

Act 787 improves access to child care for homeless families in Louisiana through DCFS.

Act 486 includes the implementation of a safety plan as an option available to a peace officer, district attorney, or employee of the local child protection unit of the department to include in a verified complaint alleging facts showing that there are reasonable grounds to believe that the child is in need of care to secure the child's protection. The safety plan shall set forth conditions as determined by or agreed upon by the state as necessary for the protection of the child's health and safety while remaining in the home. Also, authorizes the court, with the consent of the state, to continued implementation of the safety plan.

Disability

Act 492 prohibits any person with a disability (physical or mental) from being denied use or admittance to any public facility because of the disability. Prohibits persons with disability from being denied the use of a white cane, service dogs, wheelchair, crutches or other devices of assistance.

Domestic Abuse

Act 194 adds "domestic abuse aggravated assault" to the list of "crimes of violence". Further provides that an offender shall be required to participate in a "court-monitored domestic abuse intervention program" and provides that such program is comprised of a minimum of twenty-six in-persons sessions, that follows a model designed specifically for perpetrators of domestic abuse. The offender's progress in the program shall be monitored by the court.

Temporary Assistance for Needy Families Program (TANF)

Present law provides for DCFS to administer the following cash assistance programs of the TANF block grant:

1. Family Independence Temporary Assistance Program (FITAP), which provides cash assistance to needy families for the purpose of assisting those families in meeting basic needs.

2. Kinship Care Subsidy Program (KCSP), which provides cash assistance for financially needy kinship caregivers, including grandparents, step-grandparents, and other adult relatives within the fifth degree of consanguinity who have legal custody or guardianship of minor relatives.

Act 842 provides for restrictions on use of TANF benefits provided through electronic benefits transfer (EBT) cards to recipients of the FITAP and KCSP programs. Also, prohibits certain retailers and business establishments from conducting any electronic benefits transfer transactions. Prohibits such EBT transfer transactions at any of these type of places:

Liquor stores; gaming establishments; retail establishments that provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment purposes; adult bookstores; adult paraphernalia stores; sexually oriented businesses; commercial body art facilities; nail salons; jewelry stores; amusement rides; amusement attractions; bail bonds companies; bars; cruise ships; psychic businesses or any establishments where persons under 18 are not permitted to enter.

2015 REGULAR SESSION

Health Care

Senate Concurrent Resolution 21 requests the Capital Area Human Services District to develop and operate a crisis stabilization unit to serve the Capital Region and urges community leaders, local governments of the Capital Region, the state, and healthcare providers to collaborate to identify and develop a blended approach to finance services provided by the crisis stabilization unit to individuals without a payor source or a means to pay for their mental health care.

Internet Access to Social Services

The major concern for this legislature session has been the large deficit in the state budget. The lack of available funding has prompted the legislature to encourage more use of the internet to access social services. For example:

Act 239 requires each public school governing authority to actively promote and provide information to students and parents on how to access the after-school online homework assistance services offered through the State Library of Louisiana (library) and their local public library. Further provides that the appropriate link provided by the library shall be included in each school's student handbook and be posted on the home page of the website of each public school's governing authority and each public school that has a website. Requires each public school to post the information in a prominent location visible to all students on a daily basis. Also requires the state Dept. of Education to collaborate with the library to align and promote its after school homework assistance services and programs related to elementary and secondary education.

Act 55 requires the Department of Health and Hospitals (DHH) to publish information on its website concerning services of the Smoking Cessation Trust, and requires the department to

coordinate certain health programs with those offered by the trust. Further requires DHH to establish and maintain on its website a link to the website of the Smoking Cessation Trust.

Act 338 provides for the creation and maintenance of a useful and comprehensive health services information database that can be publicly accessed which provides for transparency in prices and care quality measures. Requires Dept. of Health and Hospitals to publish this data in a format that facilitates comparison of the data from hospitals and other licensed health facilities of this state to similar data for medical care rendered in other states, to the extent that such data is available.

STATE GOVERNMENT

PUBLIC CONTRACTS

Under the current Administration, our state has seen a significant growth in funds being used for professional, personal, and consulting service contracts. After a couple of failed attempts at moving legislation through the legislature and a veto, Representative Richard was back in the 2015 Regular Session with a bill to provide additional review and approval of certain professional, personal, and consulting service contracts. **Act 87 of the 2015 Regular Session** provides for reporting by the Division of Administration to the Joint Legislative Committee on the Budget (JLCB) and review and approval by JLCB of all state contracts that: (1) are for professional, personal, and consulting services; (2) are valued at \$40,000 or more per year; (3) are funded solely with state general fund direct dollars or the Overcollections Fund dollars; and, (4) are for discretionary purposes. Provides that if within thirty days of receipt of the contract, the JLCB does not place the contract on its agenda, the contract will be deemed approved. If the contract is placed on the agenda for review, JLCB will have the option: (1) to approve the contract; or (2) to reject the contract. If JLCB rejects the contract, it shall: (1) notify the commissioner that the funding for the proposed contract is to be deposited into the newly created Higher Education Financing Fund; or (2) recommend revisions to the contract. If JLCB recommends revisions and the agency does not resubmit the contract to JLCB within thirty days of JLCB's recommendation, the contract will be deemed to be rejected. In addition, the commissioner of administration is to report to JLCB on a quarterly basis the amount of funding appropriated for professional, personal and consulting service contracts that remains unexpended and unencumbered. Certain contracts are excepted (i.e. contracts with state or local providers of indigent defender services, contracts of a district attorney who is providing services under the child support enforcement program, and certain secretary of state and DHH contracts) from these provisions. According to information provided by the division of administration, had this law been in place for FY 2014, it would have required that 125 contracts, valued at \$21.2 million, be subject to JLCB review and approval. If, for example, JLCB's review and approval resulted in a 15% reduction in those contracts, approximately \$3.2 million would have been available to transfer into the fund for higher education expenditures.

In addition, because the current Administration has often argued for contracting out (or "privatizing") public functions as a means to reduce state employment and effectuate savings, **House Bill 137 of the 2015 Regular Session (vetoed)** was introduced to provide a review and evaluation process to determine whether the privatization of a particular service promotes best practices, ensures citizens receive high-quality public service at a lower cost and is overall in the best interest of Louisiana and its citizens. The proposed legislation would have set up a review process that a state agency would have to comply with before entering a privatization contract. The proposed legislation provided that no state agency shall enter into a privatization contract unless the agency, in consultation with the Division of Administration (DOA), complies with certain requirements. Those requirements for service contracts included: (1) the agency preparing a written statement of services proposed to be privatized, including the quantity and standard of quality of such service; (2) the agency preparing a comprehensive written estimate of the costs of state employees providing services, including all direct and indirect costs; (3) after receiving bids, the agency preparing written analysis of the contract costs based upon the designated bids, specifically including transition costs and costs associated with monitoring and otherwise administering contract performance; and, (4) the head of state agency certifying in writing to the legislative auditor and appropriate standing committees various items relative to the contract. The

requirements for lease agreements included: (1) the agency prepares a statement of the fair market rental of lease value of the state building or facility based upon documented comparables; (2) the agency publicly announces the availability of the building or facility for lease or rent; and (3) the agency certifies in writing to the legislative auditor and appropriate standing committees various items relative to the contract. This process was limited to privatization service contracts valued at \$5 million or more per year and private lease agreements valued at \$500,000 or more annually. This legislation provided for the legislative auditor to review each contract and certify to the appropriate legislative standing committees no later than thirty days after receipt his opinion as to whether the agency compiled with proposed law and his independent review of relevant facts; appropriate legislative standing committees then had forty-five days to disapprove the contract. It provided for a post-privatization review process that included an analysis of the nongovernmental entity's compliance with the terms of contract, all complaints received and the response thereto and, in the event of a lease, a current analysis of the fair market rental or lease value of the state building or facility based upon documented comparables. This legislation was vetoed by the Governor and in his veto message, the Governor stated that his interpretation of the bill's effect would be to "curb efforts to reduce the size of government and government spending."

PUBLIC RECORDS

After several years of debate, **Act 145 of the 2015 Regular Session** will provide additional access to records of the governor's office. Specifically, the Act provides that, effective concurrent with the swearing in of the next governor in January 2016, all records of the office of the governor shall be public records. Provides that records relating to the schedule of the governor or his spouse or child that contain security details may be considered confidential until seven days following the event. Provides that records related to interoffice communications of the governor and his internal staff (not to include employees of any other agency or department) may be privileged from disclosure; however, such records are to be preserved and at the conclusion of his term are to be transferred to the custody of the secretary of state. After eight years, all the records shall be public records.

Further assisting in the public's access to records was **House Concurrent Resolution 129 of the 2013 Regular Session**. This resolution directed 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.

OFFICIAL STATE SYMBOLS AND CELEBRATIONS

Louisiana will have a few new official state symbols and holidays from this term. **Act 134 of the 2012 Regular Session** designates the pirogue as the official state boat. **Act 377 of the 2014 Regular Session** designated the mayhaw fruit tree as the official state fruit tree. **Act 71 of the 2014 Regular Session** designated the second weekend in July as Louisiana Collector Car Appreciation weekend. **Act 22 of the 2014 Regular Session** designated the seventh day of August as Purple Heart Recognition Day, dedicated to the remembrance and recognition of those members of the armed forces of the United States who have earned the Purple Heart Medal for wounds received in combat. Finally, **Act 552 of the 2014 Regular Session** declared fox pen hunting as part of the folklife heritage of Louisiana.

STATE BUILDINGS AND GROUNDS

Consistent with our tradition of honoring public servants and activists by naming state buildings and grounds after them, there were two bills this term honoring two great Louisianans. Specifically, **Act 148 of the 2015 Regular Session** names the office of motor vehicles located in Harvey after former Senator Chris Ullo and **Act 154 of the 2015 Regular Session** authorizes the placement of a statute honoring Reverend Dr. T.J. Jemison in a the A.Z. Young Park in Baton Rouge. In addition, **Act 79 of the 2013 Regular Session** 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.

This term also included lively debate regarding the regulation of smoking around state buildings, particularly at athletic events. **House Bill 111 of the 2013 Regular Session** 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. The proposal provided exceptions 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. The bill died in conference committee.

STATE GOVERNMENT ORGANIZATION

Louisiana may have a new department as a result of this term. **Act 384 of the 2013 Regular Session** 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.

STATE EMPLOYEES

Reflective of events happening at the federal level, **Act 362 of the 2014 Regular Session** seeks to protect a government contractor who reports alleged impropriety by the governmental entity when such reporting leads to reprisal or threats from the governmental entity. Specifically, the bill provides that a person who is a public employee by virtue of a contractual arrangement with a government entity and whose contract is wrongfully suspended, reduced, or terminated shall be entitled to reinstatement of his contract and entitled to receive any lost compensation under the terms of the contract.

Also, following up on 1992 legislation and a Civil Service Rule from 2001, **House Concurrent Resolution 44 of the 2015 Regular Session** urges and requests all agencies in the executive branch to develop and implement a crisis leave pool that would enable employees to donate leave which could be used by a colleague who cannot work due to a crisis situation and who have insufficient leave to cover the absence required by the crisis situation. To date, only thirteen of the state departments and the office of the lieutenant governor have adopted and implemented such a policy. This resolution also requires the Department of State Civil Service to report in January 2016 to the legislature on the status of the adoption of such a policy by state agencies.

PUBLIC MEETINGS

In recognition of how technology is changing our world, **Act 747 of the 2012 Regular Session** provides that in addition to current law's notice requirements for public meetings, a public body which has a website shall provide notice of the meeting on the public body's website for no less than 24 hours immediately preceding the meeting. Also provides that failure to timely post an agenda by electronic means or the inability of the public to access the public body's internet website caused by technological failure shall not be considered a violation of the Open Meetings Law.

In further guaranteeing the public's notice of actions by public bodies, **Act 461 of the 2012 Regular Session** expressly provides that a meeting agenda cannot be changed less than 24 hours prior to the meeting. The legislation also requires that each item on the agenda be listed separately and described with reasonable specificity and that before a public body takes any action on an item, the presiding officer shall read aloud the description of the item.

Finally, **Act 363 of the 2013 Regular Session** will require 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

The Department of Transportation and Development and its statutory entities were recreated until July 1, 2017, by **Act 9 of the 2014 Regular Session**. Statutory entities within DOTD are as follows: Flood Control Project Evaluation Committee; Louisiana Professional Engineering and Land Surveying Board; Mississippi River Parkway Commission of Louisiana; Louisiana Transportation Authority; Offshore Terminal Authority; Sabine River Authority; Poverty Point Reservoir District; Washington Parish Reservoir District; and, the Coastal Port Advisory Authority.

Statutory entities abolished this term: Mississippi River Bridge Authority by **Act 866 of the 2012 Regular Session**; Allen Parish Reservoir District and West Ouachita Reservoir District, including their boards of commissioners, by **Act 401 of the 2015 Regular Session**.

Statutory entities created this term: Coastal Port Advisory Authority (R.S. 34:3551 et seq.) by **Act 180 of the 2013 Regular Session** to perform its duties, functions, and responsibilities in an advisory capacity for the state to determine how to best position itself to take advantage of pending private sector investments in deepwater oil and gas resources in the Gulf of Mexico.

REORGANIZATION

The Department of Transportation and Development was reorganized by **Act 719 of the 2014 Regular Session** to add the office of multimodal commerce effective July 1, 2016. The Act created the Multimodal Commerce Advisory Commission within the office and tasked the commission to develop an operational plan for the office for presentation to the 2015 Regular Session. **Act 31 of the 2015 Regular Session** consolidated the original six divisions within the office into four divisions, as follows: (1) commercial trucking, (2) ports and waterways, (3) aviation, and (4) freight and passenger rail development. **Act 31** also continues the Multimodal Commerce Advisory Commission, extends the time for development of an operational plan, provides for appointment of the new commissioner on January 12, 2016, and adds the commissioner to the Louisiana Board of International Commerce.

INFRASTRUCTURE FUNDING

Facing increasing state budget deficits this term, efforts to increase funding for infrastructure improvements met with limited success. Recommendations on how to provide increased funding for transportation infrastructure were reported prior to the 2015 Regular Session by the Transportation Funding Task Force created by **House Concurrent Resolution 166 of the 2014 Regular Session**. Several instruments in the 2015 Regular Session proposed both short and long term solutions, primarily aimed at restoring "public trust" in the Transportation Trust Fund. Instruments to stop the diversion of transportation trust fund dollars to state police operations and to accelerate motor vehicle sales tax dollars flowing to the transportation trust fund were proposed.

During this term, the Department of Transportation and Development has continuously reported a \$12.5 billion dollar backlog of funding needs for highway projects. Created by constitutional amendment in 1990 the Transportation Trust Fund continues to be raided to fund other governmental

functions, notably state police. TTF-Regular provided only about \$27million dollars in FY 14-15 to match federal funds for construction and repair projects in the approved Highway Priority Construction Program. Similarly, Congress continues to delay enacting a multi-year transportation bill. The Federal Highway Trust Fund is operating on yet another continuing resolution which expires October 29, 2015. Reportedly, yet another continuing resolution is expected in October.

The department reports a need for \$70 million dollars annually in TTF-Regular recurring funds to match federal-aid dollars while at the same time trust fund dollars are diverted to state police operations in amounts approaching \$70 million dollars.

Act 380 of the 2015 Regular Session limits diversion of TTF dollars to state police operations. This bill limits use of TTF dollars for state police in FY 16 to \$45 million dollars, decreasing to no more than \$10 million dollars in FY 18 and thereafter.

To offset the loss of TTF funds, state police proposed amendments in the Senate to various house bills to increase fees for certain public safety services provided by the office of motor vehicles, as follows:

Act 110 of the 2015 Regular Session effective date: July 1, 2015 increases vehicle title fees by \$50 which the fiscal office estimates to generate \$59.8 million dollars annually.

Act 111 of the 2015 Regular Session effective date: July 1, 2015 increases driving record fees by \$10 which the fiscal office estimates to generate \$21.8 million dollars annually.

Act 414 of the 2015 Regular Session proposes changes to procedures to allow collection of some \$653 million dollars in uncollected outstanding fines and penalties imposed by the office of motor vehicles by the new Office of Debt Recovery. However, the Senate Transportation Committee Amendment to House Bill 208 aimed at offsetting TTF dollars with these fees was removed by the Senate Finance Committee.

To secure \$70 million dollars long term in matching funds for the Highway Priority Construction Program, **Act 257 of the 2015 Regular Session, effective date: June 29, 2015** raises the base of mineral revenue dollars retained by the state general fund from \$850 to \$950 million dollars and **Act 275 of the 2015 Regular Session, effective date: June 29, 2015** limits the dedication of motor vehicle sales tax dollars for transportation to \$100 million with the first \$70 million dollars, beginning in FY 17-18, dedicated to highway preservation projects and repeals the trigger in R.S. 48:77(C) that prevents the flow of revenues from the state sales tax on motor vehicles to transportation due to budgetary restraints. However, the fiscal office reports that mineral revenues are diminishing with the down turn in oil and gas prices.

Act 473 of the 2015 Regular Session, Constitutional Amendment proposes to amend Article VII, Section 10(D)(2)(d), the introductory paragraph of 10.3(A)(3) and the introductory paragraph of 10.3(A)(2)(a) and (b), and 10.5(B) and to add Article VII, Section 10.3(A)(2)(c) to rename the current Budget Stabilization (Rainy Day) Fund as the Budget and Transportation Trust and to create two sub-funds for budget stabilization and transportation stabilization. The proposed constitutional

amendment is to be submitted to voters at the statewide election on October 24, 2015. If approved, mineral revenues available for the Trust will flow first into the budget stabilization sub-fund until it reaches and maintains \$500 million dollars and then into the transportation stabilization sub-fund until the balance reaches and maintains \$500 million dollars. Once each sub-fund reaches \$500 million dollars, excess dollars flow into the state general fund. Additionally, the proposal would authorize the legislature to increase the base amount of mineral revenues that flow into the state general fund before deposit into the Trust and its sub-funds every five years instead of every ten years. If approved by the voters, the budget subfund will likely fill up this fiscal year. In July, 2015, the Budget Stabilization Fund had on deposit approximately \$470 million.

Act 465 of the 2015 Regular Session is the statutory implementation of **Act 473** if approved by the voters.

Infrastructure Bank

Act 471 of the 2015 Regular Session Constitutional Amendment proposes to amend Article VII, Section 14(B) of the Constitution of Louisiana to create an exception to the prohibition of the loan, pledge, or donation of public funds to allow the treasurer to invest public funds in a state infrastructure bank solely for transportation projects, subject to voter approval at the statewide election to be held on October 24, 2015. A similar bill **Act 873 of the 2014 Regular Session Constitutional Amendment** proposed a constitutional amendment to authorize investment of public funds for a state infrastructure bank. The proposed amendment was rejected by voters at the November 4, 2014, statewide general election.

Act 431 of the 2015 Regular Session provides for creation of the Louisiana Transportation Infrastructure Bank as a state agency within the Department of Treasury and creates the Louisiana Infrastructure Fund for deposit of funds to provide low interest loans to local governmental entities for transportation projects which benefit the state highway system, subject to approval by the Department of Transportation and Development, the board created to administer the bank, and the State Bond Commission.

Gas and Special Fuels Tax

Act 147 of the 2015 Regular Session effective date: July 1, 2015 establishes for the special fuels tax an equivalency with the gasoline tax applicable to motor vehicles that operate on the highways using liquefied natural gas, liquefied petroleum gas, or compressed natural gas and eliminates the current decal system. This is **not** a new tax. The bill simply provides a different collection method of the current special fuels tax when these fuels are used in motor vehicles on the highways of the state. The bill also reduces vendor compensation for timely remittance of motor fuel taxes from 1% to .33%. The fiscal office estimates this change to increase revenues to the TTF by about \$6 million dollars annually.

House Bill 777 of the 2015 Regular Session (House calendar) proposed to increase the state gas tax from 20 to 30 cents per gallon for ten years. A 10 cent gas tax increase would have raised an

additional \$300 million a year which revenues would have been deposited into the Transportation Trust Fund. The bill failed to pass in the House.

Sales Tax

House Bill 778 of the 2015 Regular Session (Failed to Pass House) proposed to implement a one cent sales tax for ten years and to dedicate revenues generated to 16 specific new infrastructure projects in economic development corridors across the state. Projects would have included adding new lanes to existing highways to address capacity needs, building new bridges, and upgrading existing highways. A portion of the proposed tax collected each year would have been appropriated to the Louisiana State Infrastructure Bank, created by House 767 of the 2015 Regular Session. This proposed tax would have generated approximately \$792 million a year.

Toll Credits

Act 348 of the 2015 Regular Session requires the department to use toll credits earned from construction of the Crescent City Connection Bridge in New Orleans for the Crescent City Connection Bridge itself, the Westbank Expressway or its approaches, the Louisiana Highway 23 bridge and tunnel replacement project, the Fourth Street extension, or any combination thereof, and for no other purpose.

Priority Construction Programs

Each year prior to convening of the Regular Session, a joint meeting of the House and Senate committees on transportation, highways, and public works is held to review and approve priority construction programs.

Highway Priority Construction Program(R.S. 48:228 thru 233)

FY 13 (Act 23 of 2012)	\$ 858,900,000
FY 14 (Act 24 of 2013)	\$ 726,781,118
FY 15 (Act 25 of 2014)	\$ 719,047,041
FY 16 (Act 26 of 2015)	\$ 611,530,624

Act 355 of the 2015 Regular Session revises the requirements of the Highway Priority Program to require consistency with the Statewide Transportation Plan and to require the department to evaluate outcomes of the program and to submit its evaluation on a biennial basis. The department is to initially identify prospective outcomes of each program and report these prospective outcomes to the legislature and make them available to the public on or before March 14, 2016. The department is then to evaluate the actual outcomes of each program and establish revised prospective outcomes for each program on a biennial basis. Beginning in 2018, the department is to report the results of these biennial evaluations to the legislature and make them available to the public on the department's website when the department presents a proposed program of construction to the Joint Highway Priority Construction Committee as required by law beginning with the program presented for Fiscal Year 2017-2018.

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, the State Highway Improvement Fund (SHIF) was created and dedicates motor vehicle license taxes on trucks and trailers to fund improvements onstate highways ineligible for federal funds. **Act 135 of the 2012 Regular Session** 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 a three year program, concerns relative to the state debt limit ceiling resulted in the sale of \$100 million dollars in 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 committed that each parish, except Orleans, will receive at least one project.

Non-Federal Aid Eligible Highways(State Highway Improvement Fund- R.S. 48:196)

FY 13 (Act 23 of 2012)	\$ 52,800,000
FY 14 (Act 24 of 2013)	\$ 49,000,000
FY 15 (Act 25 of 2014)	\$ 18,900,291
FY 16 (Act 26 of 2015)	\$ 32,900,000

Statewide Flood Control Program(R.S. 38:90.1 thru 92)

FY 13 (Act 23 of 2012)	\$ 9,900,000
FY 14 (Act 24 of 2013)	\$ 8,910,000
FY 15 (Act 25 of 2014)	\$ 8,910,000
FY 16 (Act 26 of 2015)	\$ 8,910,000

Act 28 of the 2015 Regular Session requires the inclusion of both positive and negative impacts of a proposed flood control project on surrounding parishes to be included in the application for a flood control project.

Port Construction and Development Priority Program(R.S. 34:3451 thru 3463)

FY 13 (Act 23 of 2012)	\$ 19,700,000
FY 14 (Act 24 of 2013)	\$ 19,700,000
FY 15 (Act 25 of 2014)	\$ 23,300,000
FY 16 (Act 26 of 2015)	\$ 19,700,000

Airport Construction and Development Priority Program(R.S. 2:801 thru 814)

FY 13 (Act 23 of 2012)	\$ 28,805,906
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FY 14 (Act 24 of 2013)	\$ 28,462,190
FY 15 (Act 25 of 2014)	\$ 28,462,190
FY 16 (Act 26 of 2015)	\$ 28,375,587

Appropriations for projects in the approved programs are found each year in **Act 23 of the 2012 Regular Session, 24 of the 2013 Regular Session, 25 of the 2014 Regular Session, and 26 of the 2015 Regular Session**). Additional funding for individual highway and public works projects is appropriated in each year's Capital Outlay Bill from various revenue sources, including general obligation bonds. Notably, funding for completion of I-49 is included in individual project appropriations from the Unclaimed Property Leverage Fund (R.S. 9:165 and 165.1) as well as general obligation bonds.

Parish Transportation Fund

Schedule 20-903 in **Acts 13 of the 2012 Regular Session, 14 of the 2013 Regular Session, 15 of the 2014 Regular Session, and 16 of the 2015 Regular Session**) appropriates funds annually from the Transportation Trust Fund to the Parish Transportation Fund (PTF). The treasurer distributes funds pursuant to formula directly to parish and municipal governments for parish roads and mass transit. \$3 million dollars is appropriated annually to DOTD as match for the federal off system roads and bridges program. While the Transportation Funding Task Force recommended reduction of appropriations from TTF to the PTF, this recommendation was not proposed in 2015. In fact, funding levels to the PTF have remained level over this term. The Constitution requires that the PTF receive no less than one cent of gasoline and special fuels tax collections which is about \$30.2 million dollars annually. However, historically, the PTF is appropriated an amount equal to approximately one and one-half cents.

FY 13 (Act 13 of 2012)	\$ 46,400,000
FY 14 (Act 14 of 2013)	\$ 43,400,000*
FY 15 (Act 15 of 2014)	\$ 46,400,000
FY 16 (Act 16 of 2015)	\$ 46,400,000

**In FY 14, \$3 million dollars for matching funds for the off system bridge program was not appropriated to DOTD*

Tolls

The use of tolls as an infrastructure funding mechanism continues to be unpopular in Louisiana. Only the Leeville Bridge on LA 1 constructed by the Louisiana Transportation Authority and the Causeway Bridge continue to collect tolls and have bonded indebtedness.

Crescent City Connection Bridge and Ferries - New Orleans

Tolls on the Crescent City Connection Bridge expired December 31, 2012, as provided in R.S. 47:820.5. The final debt service payment on outstanding bonds was paid November 1, 2012. 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".

A Task Force on the Crescent City Connection was created by **Senate Concurrent Resolution 47 of the 2011 Regular Session** and submitted its final report to the Joint Transportation and Joint Legislative Committees on the Budget on February 1, 2012, and recommended to the Legislature that tolls be renewed and not allowed to expire on December 31, 2012, to ensure continued maintenance and services, including a dedicated police force, bridge lighting, and ferry service. Upon convening of the 2012 Regular Session, no bills were filed to renew the tolls

Act 865 of the 2012 Regular Session provided for an election to be held on November 6, 2012, in the parishes of Jefferson, Orleans, and Plaquemines on the proposition to determine whether tolls shall be collected beginning on January 1, 2013, and ending on December 31, 2033, on the Crescent City Connection Bridge, at the rate provided by law. If approved by the voters, the Act required DOTD to continue to collect tolls for the next 20 years. Toll collections would have provided funds to operate and maintain the bridge and to provide funds for certain capital projects. Each fiscal year, ten million dollars of tolls collected would have funded construction of named capital projects. However, any tolls collected would **not** provide funding to continue operation of the three (3) Crescent City Connection ferries that were in operation; however, 50% of current Highway Fund No. 2 collections in Orleans Parish which were currently dedicated to the Crescent City Connection Bridge would have been deposited by the treasurer into a special fund, subject to appropriation to DOTD, to continue operating the Algiers-Canal Street Ferry. Section 1 of **Act 865** that provided for the election was effective June 15, 2012.

IF the election resulted in renewal and collection of tolls on the Crescent City Connection Bridge, Sections 2 and 3 of **Act 865** which provided for collection of new 'tolls' and DOTD operations would have been effective January 1, 2013. Section 4 of **Act 865** required the Legislative Auditor to perform an audit of DOTD operations of the Crescent City Connection Bridge and to provide a written report to the House and Senate Transportation Committees by March 1, 2014, to determine DOTD's compliance with state laws and rules relative to procurement of supplies and materials and professional services such as engineering, inspections, and examination services. Section 5 of **Act 865** required the Legislative Fiscal Office to issue an opinion by March 1, 2014, on whether DOTD procurement policies and systems relative to the Crescent City Connection Bridge have resulted in the most cost effective operations and to determine the sources of revenue used by DOTD for Crescent City Bridge operations.

Act 866 of the 2012 Regular Session provided for termination of the Crescent City Connection Division of the DOTD upon expiration of the tolls. It repealed the Crescent City Connection Oversight Authority, the Mississippi River Bridge Authority, and created as a special fund the Crescent City Connection Transition Fund (CCCTF). The first \$4 million in the fund is subject to appropriation by the legislature upon recommendation of the secretary of the DOTD for use by DOTD to capitalize the ferry service formerly operated by the CCCD in the Marine Trust Program. Whether or not tolls are extended on the Crescent City Connection Division, the balance of the money in the fund as of December 31, 2012, was to be appropriated to the New Orleans Regional Planning Commission for lighting of the east bank and west bank approaches to the Crescent City Connection Bridge including General De Gaulle and the Westbank Expressway approach through ground level, improvements to ingress and egress points, lighting, maintenance, grass cutting, and landscaping of the Westbank expressway and connecting arteries. Section 4 of the Act which repealed the Crescent City Connection Oversight Authority was effective June 15, 2012. All other sections of the Act were effective January 1, 2013.

Act 273 of the 2013 Regular Session 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 the 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 the political subdivision to use best practices to operate and manage ferry service and collect ferry fares; and, requires that all ferry fares collected are used to operate and maintain ferry service.

Act 273 also created 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 (the Causeway), 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, and adds that these funds are in addition to but not less than the \$4,000,000 DOTD contributes from its operating budget.

Act 273 also removed the word "ferries" from prior law which had provided that the Regional Transit Authority had 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.

Act 274 of the 2013 Regular Session prohibited 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.

Act 274 required 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.

Act 274 allowed persons who had entered into payment plans in connection with an alleged failure to pay a toll to cross the Crescent City Connection Bridge to avail themselves of the toll amnesty violation program, and prohibited DOTD from taking any action to collect a charge or administrative fee from anyone who was alleged to have failed to pay a toll to cross the Crescent City Connection Bridge prior to January 1, 2013.

Act 274 authorized DOTD to retain twenty percent (20%) of the funds collected during the toll amnesty violation program to pay costs incurred by the department to implement the program.

Act 274 required DOTD, upon conclusion of the toll amnesty program, to notify the Department of Public Safety and Corrections, office of motor vehicles, of all person who disposed of toll violations

pursuant to the program and prohibited the office of motor vehicles from refusing to renew the driver's licenses of such person for the alleged failure to respond to a notice of failure to pay a toll to cross the Crescent City Connection Bridge.

Act 274 required 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.

Act 247 of the 2013 Regular Session provided 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. **Act 247** created the Geaux Pass Transition Fund and provided that any monies remaining in the fund as of June 30, 2014, were to 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.

Act 194 of the 2013 Regular Session provides for an income tax refund checkoff 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.

Other Ferries operated by DOTD

DOTD announced plans to stop operating the White Castle and Edgard/Reserve ferries on June 30, 2013, in response to recommendation No. 139 of the Streamline Government Commission, 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 also permanently closed as of July 31, 2013., even though **Senate Concurrent Resolution 105** urged 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.

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. **Act 41 of the 2013 Regular Session** added 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.

CONTRACTS

DOTD Contract Process

Act 195 of the 2012 Regular Session reduces the time period from 96 hours to 72 hours for DOTD to issue any addendum which materially modifies plans and specifications prior to the advertised time for the opening of bids on construction contracts.

Act 29 of the 2015 Regular Session, effective date: May 29, 2015 revises and clarifies requirements for payments to contractors, filing sworn statements of claims, and cancellation of department contracts.

Design Build

Act 755 of the 2012 Regular Session authorizes a pilot program for any port to utilize the design-build method on any production related construction project. Such design-build authorization is limited to 10 projects. Proposed design-build port projects are required to be submitted to the Joint Committee on Transportation, Highways, and Public Works 10 days prior to the advertisement of a notice of intent. The program sunsets December 31, 2015, if a port authority has not issued an advertisement of a notice of intent. DOTD is required to promulgate rules and regulations pursuant to the Administrative Procedure Act, subject to the oversight of the House and Senate committees on transportation, highways, and public works, as may be necessary for the program's implementation which rules are to be effective not later than 120 days from the effective date of the Act.

Act 156 of the 2015 Regular Session extends authorization for use of design-build contracts for certain port projects for five years from December 31, 2015, to December 31, 2020.

Act 30 of the 2015 Regular Session, effective date: May 29, 2015 authorizes use of design-build contracts for new ferries across the Mississippi River and for bridge projects that replace tunnels.

Construction Management at Risk

Act 782 of the 2014 Regular Session authorizes use of construction management at risk as an alternative to use of the design-bid-build public bid process and design build method when authorized for public works on projects estimated to cost \$25 million dollars or more.

Act 163 of the 2015 Regular Session authorizes a pilot program to use construction management at risk limited to ten projects costing \$3 million dollars or more subject to approval of the House and Senate committees on transportation, highways, and public works.

Public Bids

Act 759 of the 2014 Regular Session rewrites prior law to simplify the public bid law applicable to contracts for public work. **Act 759** maintains the present "contract limit" of \$150,000, but requires the office of facility planning and control to adjust the "contract limit" beginning February 1, 2015, and annually thereafter by an amount not to exceed the annual percentage increase in the Consumer Price Index (CPI) in the preceding year and to publish the new "contract limit" for public work contracts in the Louisiana Register in January of each year.

Use of in-house forces

Act 63 of the 2013 Regular Session provides a \$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.

DRIVER'S LICENSES

Six year driver's license

Two bills advanced in the 2014 Regular Session to increase the duration of a driver's license from four to six years in an attempt to impact long lines experienced by Louisiana's citizens due to closure of motor vehicle offices as result of budget cuts. The office continues to privatize its services with public tag agents who charge additional fees in addition to state fees to deliver driver license and motor vehicle services. Both bills increase the basic fee charged for all classes of driver's licenses. The Class E driver's license fee increases from \$13.50 to \$21.25. Both bills also create special funds to reserve a portion of the monies collected from the fee increases to fund the office in future years. The acts are **Act 807, effective July 1, 2015 and Act 765.**

REAL ID

House Bill 907 (vetoed) proposed to authorize the office of motor vehicles to provide an option to Louisiana drivers for a REAL ID compliant driver's license. Under the REAL ID Act, the state must comply by January 2016 to ensure access for its residents to board a domestic commercial airline. Noting this year and a half time line and to prevent unnecessary federal oversight of Louisiana driver's licenses, the governor vetoed **HB 907** at the request of the Eagle Forum, the Louisiana Family Forum, and the Tea Party of Louisiana due to concerns over its compromise of Louisiana's sovereignty and to allow the Louisiana State Police additional time to vet this change.

Recently, the office of motor vehicles announced that it is filing for an extension of time to meet requirements of REAL ID, as an October 2015 deadline for access to federal facilities and an expected January 2016 deadline looms for access for Louisiana residents to board domestic commercial airlines.

Unclassified State Employees

Act 264 of the 2013 Regular Session 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. The 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. The public employer is required to verify that employees to which proposed law applies meet the requirements of proposed law for the duration of all such persons' employment and 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.

HIGHWAY AND BRIDGE DESIGNATIONS

LA R.S. 48:192 (D) requires an Act of the Legislature to name any state highway. Bills are filed each session to designate state highways and bridges. The Department of Transportation and Development must fabricate, install, and maintain signs on the highways to reflect these designations.

Act 121 of the 2012 Regular Session designates a portion of Highway 12 from its intersection with Old River Road, west to the intersection of Highway 12 and Debert Clark Road as the "Purple Heart Recipient Highway" and designates the interchange of I-20 and U.S. 371 in Webster Parish as the "Sergeant Joshua Barrett Madden Interchange."

Act 24 of the 2012 Regular Session designates a portion of Highway 463 from its intersection with Highway 10 north to the entrance of Pitkin High School as the "B.R. Harvey Memorial Highway."

Act 513 of the 2012 Regular Session adds routes to the Myths and Legends Byways and to the Wetlands Cultural Trail, and creates the Southern Swamp Byway.

House Concurrent Resolution 41 by Representative Kleckley of the 2013 Regular Session (Filed with 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.

Act 17 of the 2013 Regular Session 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"; and, designates LA 94 in Lafayette Parish as the "Donald C. Cleveland Memorial Highway".

Act 82 of the 2013 Regular Session designates the bridge on LA 33 in Union Parish that crosses Bayou D'Arbonne Lake as the "James Peyton Smith Bridge".

Act 45 of the 2013 Regular Session designates a portion of Interstate 20 in Webster Parish as the "Sergeant Joshua Tomlinson Interchange".

Act 46 of the 2013 Regular Session names a bridge located on US 190 in Pointe Coupee Parish as the "Nickie Gene Voinche Memorial Bridge"

Act 25 of the 2013 Regular Session 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".

Act 150 of the 2014 Regular Session designates the Flyway Byway in Jefferson Davis Parish as a Louisiana byway and names the "Creole Nature Trail All-American Road Route" byway in Calcasieu and Cameron parishes.

Act 404 of the 2014 Regular Session names a portion of LA 798-2 in Bienville Parish as "Martin Luther King, Jr. Drive" and names a portion of I-220 in Bossier Parish the "Johnny Wyatt Memorial Highway".

Act 239 of the 2014 Regular Session designates an overpass on US 90 in Iberia Parish as the "George Rodrigue Memorial Overpass".

Act 16 of the 2014 Regular Session designates a portion of LA 21 in St. Tammany Parish as "South Tyler Street".

Act 841 of the 2014 Regular Session renames a portion of LA 3179 in St. John Parish as "Martin Luther King, Jr. Boulevard".

Act 290 of the 2014 Regular Session revises route designations of the Creole Nature Trail and Creole Nature Trail Scenic Byway District in Cameron and Calcasieu parishes and adds a route designation for the Flyway Byway in Jefferson Davis Parish.

Act 578 of the 2014 Regular Session names the I-10 Bridge over Lake Pontchartain as the Frank Davis "Naturally N'Awlins" Memorial Bridge.

Act 281 of the 2015 Regular Session renames Grantham College Road in Slidell as "Veteran's Memorial Lane".

Act 174 of the 2015 Regular Session designates portions of four state highways, as follows:

A portion of LA 91 in Acadia Parish is designated as 'Corporeal Matthew Thomas Richard Memorial Highway', a portion of LA 347 in St. Martin Parish is designated as "Albert 'Pyook' Berard Highway", a portion of LA 35 in Acadia Parish is designated as "Veteran's Parkway" and a portion of US 190 in St. Landry Parish is designated as "Davina Chapman Memorial Highway".

Act 175 of the 2015 Regular Session designates the LA 2 bridge across Corney Bayou in Union Parish as the "Alvin Green Memorial Bridge".

Act 183 of the 2015 Regular Session designates three highways and bridges, as follows:

The bridge on LA 2 between West Carroll and Morehouse Parishes is designated as the "World War I and World War II Veteran's Memorial Bridge";

The bridge on LA 2 between West Carroll and East Carroll Parishes is designated as the "Korean, Vietnam, and Desert Storm Veterans Memorial Bridge";

Designates a portion of LA 183 as the "James 'Terry' Watson Memorial Highway".

Act 185 of the 2015 Regular Session designates the I-20 and LA149 interchange as the "State Representative Pinkie Wilkerson Memorial Interchange".

Act 4 of the 2015 Regular Session designates a portion of I-49 in Caddo Parish in memory of Greg Wall, P.E.

Act 218 of the 2015 Regular Session designates three highways or bridges, as follows:

Designates a portion of LA 72 as "Private First Class Joshua C. Barrows Drive";

Designates a portion of US 80 as "Sergeant Craig Nelson Memorial Highway";

Designates approaches to the Richard S. Thompson Bridge in Boyce which crosses the Red River in Grant and Rapides Parishes on LA 8 as the "Nancy McLellan Claitor Approach".

Act 8 of the 2015 Regular Session names the LA 24 bridge over Bayou Terrebonne the "Northpark Bridge".

Senate Bill 4 by Senator Alario (Act 9 of the 2015 Regular Session) names the new bridge across Caminada Pass in Jefferson Parish the "Andy P. Valence Memorial Bridge".

Act 10 of the 2015 Regular Session names a portion of US 167 as "Deputy Allen Bares, Jr. Memorial Parkway".

Act 11 of the 2015 Regular Session provides three designations, as follows:

Designates the intersection of LA 182 and LA 358 in Opelousas as the "St. Landry Parish Memorial Intersection";

Designates the US 190 bridge in Krotz Springs as the "Frank and Sal Diesi Bridge";

Designates a portion of LA 182 as the "St. Landry Parish Veteran's Memorial Highway".

Act 33 of the 2015 Regular Session names the dam and spillway at Bayou D'Arbonne as the "T.T. Fields Dam and Spillway".

HIGHWAY SAFETY

Complete Streets

Act 470 of the 2014 Regular Session provides for a Complete Streets Policy and creates the Complete Streets Advisory Council. The Complete Streets Policy requires the department to develop a comprehensive, integrated, connected transportation network for Louisiana which balances the access, mobility, health, and safety needs of motorists, transit users, bicyclists, and pedestrians of all ages and abilities, including the users of wheelchairs and mobility aids, to enhance the public health, welfare, and quality of life of Louisiana's citizens and visitors in order to achieve and sustain mobility and safely accommodate pedestrians, bicyclists, and transit users.

Interstate Highways

Act 115 of the 2015 Regular Session restricts the use of improved openings and crossovers or turnarounds on interstate highways to authorized emergency vehicles and towing and recovery vehicles directed by law enforcement.

Off-Road Vehicles

Act 308 of the 2015 Regular Session prohibits the operation of golf carts on public roads, except as follow: (1) the operation of golf carts on parish and municipal roads if designated by a parish or municipal government and (2) golf carts used to cross public roads where there is a golf course constructed on both sides of the public road if the Department of Transportation and Development issued a permit for the crossing.

Act 122 of the 2015 Regular Session prohibits the operation of utility terrain vehicles (UTVs) on public roads, except as follows: (1) the operation of UTVs on parish and municipal roads if designated by a parish or municipal government for use by a UTV and (2) UTVs used to cross any divided highway, highway, roadway, or street where the posted speed exceeds 35 miles per hour at an intersection.

MOTOR VEHICLES

Prestige License Plates

In 2002, the Louisiana Legislature attempted to deter the creation of prestige license plates by requiring a minimum of 1,000 applicants for such plates. Currently, Louisiana has in excess of 225 authorized prestige license plates. Instruments proposing prestige plates continue to be filed and enacted.

RAILROADS

Reducing the number of at-grade railroad crossings in Louisiana and nationwide to minimize fatalities and injuries resulting from rail-crossing accidents in the name of public safety competes with access issues, particularly where railroad crossings have been in place for many years and provide access in rural areas for farming communities.

Act 406 of the 2012 Regular Session requires DOTD to notify any and all affected persons owning land which is within a two-mile radius of a public grade crossing proposed to be improved, changed, or closed and post a notice at the grade crossing proposed to be improved, changed, or closed.

Senate Concurrent Resolution 20 of the 2012 Regular Session requests DOTD to hold a public meeting relative to proposed closure of a public railroad grade crossing on non state maintained parish and municipal roadways.

SIGNS AND SIGNALS

Photo enforcement of traffic signals and speed

Municipalities collect significant revenues annually from violations imposed utilizing photo enforcement. Constituents complain about high fines imposed, the flow of such dollars to out-of-state vendors, the lack of due process to contest such fines, and whether or not the use of enforcement by cameras reduces accidents and enhances public safety or just raises revenue for municipalities. Though several bills were filed in the 2014 Regular Session to address the continuing controversial issue of the use of cameras to enforce traffic signals and speed, the only bill that passed was **Act 95 of the 2014 Regular Session, effective May 16, 2014** that prohibits the use of photo speed enforcement devices on interstates.

Speed limits

Act 496 of the 2012 Regular Session, effective June 5, 2012 provides that orders issued by DOTD's chief engineer to regulate speed and weight limit restrictions on state highways shall be published on the website of the department and provides that such orders become effective upon the erection of signs on the affected highways and bridges.

Speed traps

Efforts to label or prohibit speed traps by certain municipalities in Louisiana have failed to advance.

Steady yellow signals

Act 43 of the 2013 Regular Session revises traffic movements when facing a steady yellow signal alone to restrict traffic from entering an intersection. **Act 43** 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. **Act 43** 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.

TRAFFIC

Access Connections

House Concurrent Resolution 9 amends DOTD rules relative to the 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, **HCR 9** 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, and directs the office of the state register to print such amendments.

Cell Phones

Act 62 of the 2013 Regular Session 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.

Act 410 of the 2014 Regular Session prohibits the use of hand-held cell phones in a school zone during posted hours where signs are posted.

Left-turn lanes

Act 520 of the 2012 Regular Session enacts rules of the road applicable to driving on highways with two-way left-turn lanes and dedicated left-turn lanes.

Traffic Congestion

Act 781 of the 2014 Regular Session authorizes a police officer or another acting at his direction or request, to remove, without consent of the owner, vehicles, cargo, or other movable property that has been damaged or spilled upon the roadway or shoulder which constitute as hazard or obstructs traffic resulting from a vehicle crash or traffic incident. The bill hopes to lessen the impact of multi-hour backups of traffic on the state's highways, particularly during peak traffic hours between 7:00 and 9:00 a.m. and 4:00 and 6:00 p.m on weekdays.

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. LA Swift did not resume. Instead, efforts by various groups to provide High Speed Rail between Baton Rouge and New Orleans are continuing.

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WILDLIFE & FISHERIES

2015

The seafood industry was highly debated this year. The United States Court of International Trade ruled in early April 2015 that the trade practices of international shrimp exporters do not constitute unfairness because they have "filled a need" since the 2010 Deepwater Horizon oil spill disaster. However, the Coalition of Gulf Shrimp Industries, an industry advocacy group consisting of seafood producers throughout the Gulf Coast, indicates this ruling was only based on the period of the spill and immediately thereafter. Detrimental effects continue to date, despite a rebound in Gulf Coast shrimping and the overall sales for local shrimp. Shrimpers and shrimp processors have often been at odds regarding low prices, but they share a mutual disdain for what they call unfair import practices that have galvanized the groups. The Louisiana Shrimp Associations indicate there has been friction between local shrimpers and processors with a problem that is not caused by local forces. State legislators and numerous municipalities empathize with the industry

Act 416 was unanimously supported by both houses of the legislature. It repeals the prohibition on enforcement of the federal turtle excluder devices (TEDs) in shrimp net requirements. This allows the Louisiana Department of Wildlife and Fisheries agents from enforcing federal TED regulations. The act strips tax credits, rebates or other incentives by the state to retailers who boycott or otherwise refuse to purchase shrimp caught in Louisiana waters. It was agreed that this change was required due to major retailers like Walmart and Costco having abided by a boycott of Louisiana shrimp, in part because the Monterey Bay's Seafood Watch program recommended seafood consumers avoid Louisiana shrimp because of sea turtle by catch.

House Concurrent Resolution 225 memorializes Congress and the Louisiana delegation to work on adopting policies that will assist with the stability and visibility of the domestic shrimp industry, including support of the Imported Seafood Safety Standards Act.

Act 343 creates the Oyster Lease Moratorium Lifting Committee. The proposed eleven member committee is tasked to submit a report to the Legislature by February 2016 that includes proposed legislation and any procedures that may be needed to lift a current moratorium on new private oyster leases. This approval comes after the Legislative Auditor's performance audit suggested a lift of the moratorium. The audit also suggests opening new acreage for private leases, likely take into account four proposed sediment diversion projects, that could increase the amount of fresh water in certain oyster harvesting areas.

Act 343 increases the oyster lease rate by 50%, raising the annual rate of one dollar per acre, and bringing in more than \$400,000 annually. The new law also places the lease money, including approximately \$800,000 already generated from the two dollar per acre annual leases, into the state's Public Oyster Seed Ground Development Fund. This will aid in redeveloping oyster grounds that have suffered since the 2010 BP Deepwater Horizon oil spill. The established committee's duty is to develop specific recommendations addressing thirteen questions and concerns precipitated by a

potential lifting of the moratorium or any other matters that two-thirds of the voting members of the committee choose to address that is germane to oyster leasing.

Senate Concurrent Resolution 66 memorializes Congress to take action against illegal, unreported, and unregulated fishing in Louisiana's sovereign waters by the passing H.R. 774, the Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2015.

Act 303 increases the fees for participation in the commercial crab fishery.

Senate Resolution 173 requests the DWF and the Louisiana State Police to determine the benefits that are provided for enforcement agents and troopers who are injured or killed during the commission of their respective duties, and report findings to Senate Committee on Judiciary C.

Act 313 places advertisements and sponsorship signs on immovable property, allows for improvements on said property, vehicles, vessels, and assets of the DWF and the Wildlife and Fisheries Commission.

Black Bear Removed from Endangered Species Listing

The DWF announced the good news for Louisiana's black bear. The state mammal was on the brink of extinction for more than half a century ago, is now expected to be removed from the Endangered Species Act listing. The department issued invitations to the legislature, where the United State Secretary of the Interior made the official announcement. Because Louisiana's black bear is still a teddy bear, the department was more than pleased to have Theodore Roosevelt IV, Teddy Roosevelt's great grandson, in attendance for the de-listing announcement. De-listing the black bear is considered a successful priority, having been worked for the last seven years. The Louisiana black bear is a symbol of what remains rightfully wild in the state.

2014

Act 294 changes the demarcation of the inside and outside waters for shrimping to adjust for coastal land loss.

Act 804 imposes an additional \$7.50 fee on the sale of saltwater fishing licenses and dedicates the revenues to saltwater fisheries management and conservation.

Act 540 requires the Wildlife and Fisheries Commission to establish a program to enhance and elevate professionalism in the commercial crab industry.

Act 755 removes certain fees charged to political subdivisions under the Fisherman's Gear Compensation Fund and provides a termination date of June 30, 2018 for the fund.

Senate Concurrent Resolution 123 requests DWF to study and make recommendations to alleviate problems accessing the Pearl and Bogue Chitto Rivers.

Act 56 provides that any surviving spouse of a U.S. service member who was killed in action in a combat zone, may receive a La. hunting and fishing license for \$2.50 each.

Act 429 reduces the amount of time required to qualify as a resident for hunting and fishing licenses from 12 months to six months.

Act 222 provides for a \$5 hunting and fishing license fee for certain retired members of the U.S. Armed Forces.

Act 678 creates a special deer season on private property for Louisiana residents who have been honorably discharged from the U.S. Armed Forces.

2013

Senate Resolution 25 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.

Senate Bill 211 (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.

Senate Concurrent Resolution 126 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.

Legislation producing as many opponents as supporters, the intent of **Senate Bill 184 (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.

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

Major interest rose around **House Bill 32(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.

Act 35 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** 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.

2012

Act 469 improves the definition of bait fish to eliminate confusion as to which species apply and whether head and caudal fin need be intact. It amends R.S. 56:325.2(c) to exclude saltwater recreational species not regulated by size or possession limits from the requirement that head and caudal fin remains intact. It also excludes the following popular bait fish that are regulated: mullet, Spanish mackerel, and king mackerel, which have been legally harvested by recreational fishermen, provided that the skin remains attached for purposes of identification.

Act 83 gives the Wildlife and Fisheries Commission (Commission) authority to set net mesh size for shrimp harvest during special and extended seasons, and no longer requires mandatory opening of Zone 2 by the third weekend in May. It also allows the Commission to establish rules and regulations for the direct vessel to vessel sale of bait shrimp, year-round application, and use of Vessel Monitoring System.

At the request of the alligator industry, **Act 267** amends the Freedom of Information Act to provide an exception for alligator shipping records. It rewords RS 56:253.C.1 to clarify information requirements on alligator shipping tags as to shipper and receiver of alligator skins. This legislation was necessary to insure the LDWF receives accurate data for its records as some dealers are now reluctant to reveal proprietary information relative to their business which will become public records and available to competitors.

Act 131 amends R.S. 56:279 to replace “fur and refuge division” with “Office of Wildlife” to allow for broader use of funds designed to defray the cost of alligator programs. It clarifies that revenues received from alligator activities and public waters go into the Alligator Resource Fund (These are not new revenues, but have previously been allocated elsewhere).

Act 541 provides that between 1 July 2012 and 30 June 2014, oyster harvesting in Calcasieu Lake requires a special permit issued annually by the LDWF. It also limits the number of permits to 126 permits annually. Sixty-three of the permits will be issued to a person who can prove through trip ticket landings that he commercially harvested oysters from Calcasieu Lake any time since January 1, 2001. The remaining 63 permits may be issued to any person.

Act 293 gives authority to the LDWF to issue an alternative oyster culture permit authorizing alternative oyster culture activities within the confines of an existing oyster lease on a state water bottom. The permit may only be issued to a leaseholder and, upon written authorization from the leaseholder, to a person who holds a commercial fishing license and oyster harvester license. It also allows for a \$100 application fee and an annual fee of \$2 per acre per year for the area permitted, not to exceed \$1,000 per year.

Act 561 adds to present law penalties in which a person convicted of criminal trespassing who has killed or otherwise misappropriated any "wildlife," as defined by present law , in the course of Commission of the offense must forfeit the misappropriated wildlife to the law enforcement authority, and is to be ordered to pay the value of the misappropriated wildlife into the Conservation Fund of the LDWF. The new law also places the value of the wildlife that was misappropriated will be determined by the guidelines adopted by the current law of Wildlife and Fisheries Commission.

Had **House Bill 142 (Considered in the House Natural Resources Committee)** passed, it would have provided for a bounty on litter collected from designated areas along highways, roadways, waterways and beaches. The proposed law would have also allowed payment to be made to any nonprofit organization or student group conduct an organized collection of litter.

House Study Request 4 requests the House Committee on Natural Resources and Environment to study litter abatement and to report their findings to the House of Representatives prior to the convening of the 2013 Regular Session.

Act 61 and eleven other legislators authorizes the LDWF to promulgate rules authorizing the purchase of commercial fish licenses via the internet. A license may be issued to the person who held that same license in the immediately preceding license year. It also authorizes the imposition of a fee not to exceed \$2 per license for use of the internet application system, with such fees dedicated to the costs necessary to develop and operate the internet system and that such fees will be in addition to any transaction fee imposed by a contractor that has been hired by the department to operate the system.

Act 68 provides for a breech loading rifles of .35 or larger caliber to be used during the primitive firearm deer season. The Louisiana Wildlife and Fisheries Commission approved a list of primitive firearm calibers, smaller than .38 that would be legal for deer hunting in the state beginning with the 2012-13 hunting season. The list specifies primitive firearm calibers are no longer needed since the .35 caliber or larger designation includes the calibers the Commission approved. The new definition of a legal firearm for the primitive firearm season will now include: single shot, breech loading rifles, .35 caliber or larger, having an exposed hammer that uses metallic cartridges loaded either with back powder or modern, smokeless powder.

House Concurrent Resolution 49 and twelve other legislators request the LDWF to study Bayou Teche for possible inclusion into the Historic and Scenic Rivers Program.

House Concurrent Resolution 64 requests the LDWF to study for possible implementation, and a system for the issuance of hunting and recreational fishing licences that would involve a term of effectiveness for each license for a year from the date of issuance. A license term that is a year from the date of purchase means that every person who purchases a hunting or fishing license will receive the same value and same term of effectiveness.